

## **BREACH OF PLANNING CONTROL AT DEVENISH LIMITED, HAMBRO HILL, RAYLEIGH, ESSEX**

### **1        SUMMARY**

- 1.1    To consider the report of the Head of Planning Services regarding a breach of planning control, namely the use of the site for general storage purposes, including the storage of skips and waste on land at Devenish Limited, Hambro Hill, Rayleigh, Essex.
- 1.2    Members will need to consider whether it is expedient to serve enforcement notices, etc. and this function is discretionary. However, the mechanisms of such actions are statutorily controlled.

### **2        INTRODUCTION**

- 2.1    This breach is occurring within the Metropolitan Green Belt and involves the use of the site as an open yard for the general storage of skips and waste. The nature of the waste ranges from household / domestic waste to waste vegetation and scrap vehicles / vehicle parts etc.

### **3        THE PLANNING HISTORY OF THE SITE**

- 3.1    The use of this site for such purposes was first brought to our attention in August 2002. A subsequent inspection revealed a number of skips, and waste, were stored on the land. A Planning Contravention Notice (PCN) was served on the owners and they advised that approximately 20 skips had been stored on the land and that the use had commenced in February 2002. Following this the owners were advised to remove the skips and waste from the site but their compliance was not forthcoming.

### **4        PLANNING ISSUES**

- 4.1    This site lies within the Metropolitan Green Belt, (MGB) where there is a general presumption against development.
- 4.2    The siting / storage of the “ skips and waste in the open as in this case leads to gradual erosion of the openness of the MGB. Such a use appears incongruous and detracts from the open views across the green belt. These uses are also contrary to both Policy GB1 and GB4 of the Rochford District Local Plan (RDLP). GB1 limits new uses within the Green Belt to those linked to agriculture, forestry or recreation, while GB4 states that open storage uses within the Green Belt will not normally be permitted.

- 4.3 The site is also located adjacent to a residential area and the use of the site for such storage purposes is likely to have a significant impact on the residential amenities of nearby properties. This use is therefore contrary to Policies H24 and EB6 of the RDLP which deal with safeguarding amenities in residential areas and the issue of non-conforming uses respectively.
- 4.4 In view of the detrimental effect that the storage of these skips and waste have on both the open nature of the site, and also on views in and out of it and on the surrounding residential areas, this Enforcement action seeks to secure the cessation of this land for the siting and storage of these items.
- 4.5 Some Members may be aware of the long and complicated planning and enforcement history on land immediately to the east of this site in the ownership of the same company. The claim has been made that this history allows for the use referred to above although Officers dispute this. This has been the subject of argument for several years although it has not been tested by the formal submission of an application of a Lawful Development Certificate despite requests from officers.

## **5        RECOMMENDATION**

- 5.1 It is proposed that the Committee **RESOLVES**

That the Head of Planning Services be authorised to take all necessary action to secure the remedying of the breach now reported. (HPS)

Shaun Scrutton  
Head of Planning Service

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**Background Papers:** None

For further information please contact Nick Barnes on: -Tel:- 01702 318088  
E-Mail: - nick.barnes@rochford.gov.uk