
BREACH OF PLANNING CONTROL ON LAND REAR OF 99 GREEN LANE, LEIGH-ON-SEA, ESSEX

1 SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding a breach of planning control namely the extension of the domestic garden with related screen fencing etc. The site concerned involves land within the Metropolitan Green Belt and situated north (rear) of 99 Green Lane, Leigh-on-Sea.
- 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 land is situated rear of 99 Green Lane, a property that is within Southend-on-Sea Borough Council's jurisdiction. However, the boundary between the two districts crosses the site near its southern boundary with the rear of No. 99's authorised rear garden. The balance of the site therefore is within Rochford District Council's area.

3 PLANNING HISTORY

- 3.1 This case was first raised as an Enforcement matter in December 2001, and a visit was undertaken by an Officer shortly afterwards.
- 3.2 This visit revealed that the land here was being used as an extension to the domestic garden, and also for the siting of domestic items such as a wheelbarrow and a children's slide. Furthermore, the boundary of the site along Flemings Farm Road had been enclosed by a fence in excess of 1 metre in height, adjacent to a highway.
- 3.3 Consultation was undertaken with Southend-on-Sea Borough Council and the precise boundaries between the two districts was ascertained. Following this the owner of the land was formally contacted and advised, since the site lay within the Metropolitan Green Belt, that they would be unlikely to gain consent for the change of use and the erection of the fence. Nonetheless they took the opportunity to apply retrospectively for this development and exercised their right to do so.
- 3.4 In response to this application, objections were received from the Rochford Parish Council and the Rochford Amenities Society as well as one neighbour. The application this was refused in June 2002. Whilst it is now understood that an appeal into this decision is being contemplated, there is no legal reason why enforcement action could

not be taken at this stage. The planning merits of the case can be considered by an Inspector at any appeal into an enforcement notice.

4 PLANNING ISSUES

- 4.1 Extensions to domestic gardens are often injurious to the visual appearance of the Green Belt, especially given the propensity for the erection of additional buildings, fences and other structures.
- 4.2 Permission for the extension of domestic gardens into the Green Belt will only be permitted where it can be clearly demonstrated that a proposal will not affect the visual appearance of the Green Belt, or cause fragmentation of a farm holding.
- 4.3 It is felt that by allowing this land to be used as a domestic garden will reduce the open nature of the Green Belt as a direct result of the change in the physical appearance of the land in an "edge of settlement" area. From being open in character, it will gradually become more akin to a domestic garden as a result of the change of use of the land, its domestication together with likely sculpting and the structures erected upon it. Such a change must be resisted if the openness of the Green Belt is to be preserved.
- 4.4 Furthermore, the change of use of this land and the erection of a fence along Flemings Farm Road, which is a lane used by many people for passive rural enjoyment, has introduced a visually intrusive use into the area, reducing the rural and increasing the urban appearance of the immediate area. By allowing it to remain is likely to set a precedent for similar extensions nearby and make it difficult for the authority to resist these.
- 4.5 The proposed development is detrimental to the central aims of adopted Metropolitan Green Belt policy and against adopted local plan policies GB1 and GB9, whilst also detracting from the Special Landscape Area protected by policy RC7.
- 4.6 Policy GB9 of the Rochford District Local Plan reads as follows. "*The extension of domestic gardens into the Green Belt will not normally be permitted.*" In this instance it is felt that the use of this land as a domestic garden will be injurious to the visual appearance of the Green Belt and this enforcement action therefore seeks to see the use of this land as a domestic garden cease, and any structures and items placed upon it removed. Furthermore, it also seeks the removal of the fence along the boundary with Flemings Farm Road.

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)

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