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## **ARTICLE FOUR DIRECTIONS REMOVING PERMITTED DEVELOPMENT RIGHTS (TO ERECT MEANS OF ENCLOSURE AND TO SITE CARAVANS) ON LAND SOUTH OF POYNTERS LANE, GREAT WAKERING, ESSEX**

### **1 SUMMARY**

- 1.1 To consider the report of the Head of Planning Services regarding the apprehended breach of planning control on land to the south of Poynters Lane, Great Wakering, Essex. This land was purchased recently by an organisation who claim to be a long-term investment company. There are signs on the site and information on the Internet offering individual plots within this site for sale as a “prime freehold investment opportunity...within the Thames Gateway development region...” The website is marketing the plots as a potential location for housing and provides comments about local amenities and the price of existing housing in Southend.
- 1.2 Members will need to consider whether it is expedient to seek Article Four Directions and this function is discretionary. However, the mechanisms of such actions are statutorily controlled.

### **2 THE ENFORCEMENT CASE**

- 2.1 This matter was brought to Officers’ attention when a concerned local resident contacted this Authority with correspondence from this company. It is clear from the website and this correspondence that the new owners have subdivided the site into plots for individual sale. The plots are staked on the ground and an access road is clearly marked. The website also supplies a plot map (See appendix 1) with the plots clearly marked out and “sold” signs over 3 of them. As such there is a threat to the character of the land, which is within the Metropolitan Green Belt and within an area designated as a Landscape Improvement Area.
- 2.2 If this land is subdivided then it is possible that each new landowner may wish to erect a fence around their property. Permitted development rights allow for the enclosure of land with walls, fences or other means of enclosure up to a height of 2 metres, unless adjacent to a highway where the permitted maximum is 1 metre. It is highly unlikely, given its location within the Green Belt, that the land will be granted permission for residential use and new owners may attempt to create leisure plots, which would be a threat to the open character of the site.

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- 2.3 Given the threat of any development on the character and openness of the area it is considered appropriate to serve Article Four Directions on the land. Such Directions can be put in place by Local Planning Authorities and the Secretary of State to remove certain permitted development rights.
- 2.4 It is likely that demonstrable harm would arise from the erection of multiple means of enclosure around plots. Given this it would seem reasonable to seek the removal of permitted development rights for the erection of any means of enclosure. The Local Planning Authority has powers to serve such a Direction where it deems it necessary.
- 2.5 It is also prudent to seek a removal of permitted development rights with regard to caravans. This would require approval by the Secretary of State. Again, as the reasoning behind this would be similar to the above, such a Direction would appear reasonable.
- 2.6 The approach adopted is consistent with the guidance provided within Annex D of Circular 9/95 (General Development Order Consolidation).

### **3 RESOURCE IMPLICATIONS**

- 3.1 Should Article 4(1) and / or 4(2) Directions be confirmed on this land then planning applications submitted for works, which would otherwise be permitted development, would attract no fee. Also, a compensation liability for Local Planning Authorities can arise from any reduction in the value of the land.

### **4 LEGAL IMPLICATIONS**

- 4.1 Any Legal action required to ensure effective service and submissions to the Secretary of State.

### **5 RECOMMENDATION**

It is proposed that the Committee **RESOLVES**

That the Head of Planning Services be authorised to make arrangements for the service of Article 4(1) and 4(2) Directions under the General Permitted Development Order (1995) (as amended) on the land in question to secure the remedying of the apprehended breach of planning control now reported.

Shaun Scrutton

Head of Planning Service

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**Background Papers:**

Information from Future Property Investments Ltd website.

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