
**BREACH OF PLANNING CONTROL AT LAND ADJACENT
TO FINCHES LODGE, 209 HOCKLEY ROAD, RAYLEIGH,
(REAR OF THE GATTENS)**

1 SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding breaches of planning control, namely the change of use of land, formerly used as a nursery adjacent to the above dwelling to residential use in connection with the above dwelling and the associated structures, swimming pool, swimming pool housing, decking and caravan.
- 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 construction of a heated, above-ground, permanent, swimming pool with a high decking area within a plastic covered structure, the siting of a caravan for storage and domestic purposes, the creation of a duck pond and the use of land for domestic purposes such as go-carting on this land within the Metropolitan Green Belt. In addition, it is alleged that some storage of materials, spoil and equipment connected with a builder's use takes place on this land.

3 PLANNING HISTORY OF THE SITE

- 3.1 There is no recent relevant planning history.

4 PLANNING AND HUMAN RIGHTS ISSUES

- 4.1 The Rochford District Local Plan First Review shows the site to be within the Metropolitan Green Belt and the proposal is considered as being contrary to Policies GB1 and GB9 of the Local Plan and to Policy C2 of the Essex and Southend-on-Sea Replacement Structure Plan. Within the Green Belt, as defined in these policies, planning permission will not be given, except in very special circumstances, for the construction of new structures or for the change of use or extension of existing structures (other than reasonable extensions to existing structures, as defined in Policies GB2 and GB7 of the Local Plan), for purposes other than agriculture, mineral extraction or forestry, small scale facilities for outdoor participatory sports and recreation, cemeteries or similar uses that are open in character. Any development that is permitted shall be of a scale, design and siting, such that the appearance of the countryside is not

impaired. Policy GB9 controls the extending of private Gardens into Green Belt land.

- 4.2 This is a significant site some 43m x 80m (approx) maximum bordering the residential edge of Rayleigh, but within the Metropolitan Green Belt. It is considered that the unauthorised use is contrary to the Green Belt policies, being inappropriate residential use and associated fixtures. These are leading to a domestication of this large site, affecting the openness and character of the land, causing harm to the Green Belt policies and, if permitted, would cause a precedent in such a vulnerable Green Belt fringe location.
- 4.3 The Human Rights issues were considered but these did not appear to outweigh the serious environmental concerns.

5 RISK IMPLICATIONS

5.1 Strategic Risk

The Council is required to produce a Local Plan detailing the Authority's policies in the District and the Authority should demonstrate its commitment to delivering the aims and objectives in line with this document.

5.2 Resources Risk

The Council may be liable for costs incurred during the defence of any appeal including the appellants' claims for costs if the Authority's action is judged to be unreasonable. Costs may also be claimed during legal action to obtain compliance with a notice.

5.3 Reputation Risk

If action is not taken in this case this Council will be seen to not implement its policy objectives to the full. A precedent may also be set making it difficult for the Authority to resist similar unauthorised development. Consequently unless it is serious in its commitment to ensure development is in accord with Local Plan policies, these very policies will be undermined.

6 RECOMMENDATION

6.1 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.

Shaun Scrutton
Head of Planning Services

Background Papers:

None

For further information please contact Tom Deans on:-

Tel:- 01702 318096
E-Mail:- tom.deans@rochford.gov.uk