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## **BREACH OF PLANNING CONTROL AT LAND REAR OF 53 BRANKSOME AVENUE, HOCKLEY, 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 land for the storage of building materials, machinery and equipment, the burning of waste at land rear of 53 Branksome Avenue, Hockley, 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 on a site immediately adjacent to the gardens of residential properties and on the edge of Beckney Woods. The breach involves the storage and burning of waste and building materials in conjunction with a property maintenance business, and also the laying of a hardcore path on the site.

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

- 3.1 The site is located on the northern edge of Hockley and east of a new residential development at Etheldore Avenue. The site historically was part of Beckney Woods with trees dispersed throughout the site.
- 3.2 This case was first raised as an enforcement matter in May 2003 following a complaint and the recent refusal of a Lawful Development Certificate. The owner of the property submitted an LDC Application "For A Certificate Of Lawful Use In Respect Of An Existing Use Namely The Use Of Land As Part Of The Garden Of 53 Branksome Avenue", application reference: 02/00926/LDC. However, this was refused in 13<sup>th</sup> March 2003 due to insufficient evidence and the fact that this piece of land is physically cut off from the rear garden of 53 Branksome Avenue. The owner informed officers that this LDC would be resubmitted with further evidence of its use. However, none has been submitted.
- 3.3 Officers have monitored the site over a number of months and observed that the site has evolved during this time and materials and waste stored on the site have changed. There is also evidence of the waste being burnt on the site. There is no evidence to suggest that this land is being used as a domestic garden by way of garden furniture, children's toys, etc.
- 3.4 A Planning Contravention Notice was sent to the owner who still claimed that the use was a domestic garden and that a new LDC would be submitted.

However, none has been received.

#### **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 building materials 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 appearance of the Green Belt. These uses are also contrary to both Policy GB1 and GB5 of the Rochford District Local Plan (RDLP). GB1 limits new uses within the Green Belt to those linked to agriculture, forestry or recreation, while GB5 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 building materials 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.

#### **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.

Shaun Scrutton

Head of Planning Services

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**Background Papers:** None

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