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## **BREACH OF PLANNING CONTROL AT JAIL FARM COTTAGE, BARLING ROAD, BARLING**

### **1 SUMMARY**

- 1.1 To consider the report of the Head of Planning Services regarding breaches of planning control namely:
- a) the failure to comply with a planning condition requiring a building to be completed, retained and maintained as a garage
  - b) the change of use of agricultural land adjacent to the above dwelling to domestic uses and by the dumping of waste soil, etc, raising the level of land adjacent to the Barling Road highway
- 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 Jail Farm Cottage is located on the Barling Road, Barling within the Metropolitan Green Belt. When planning permission was granted on 13 November 2002 to allow a single storey front and side extension, detached garage and front porch, a number of conditions were imposed.
- 2.2 Subsequent to this it was also noted that a section of agricultural field, adjacent to the above domestic curtilage had been fenced off and was being used for the storage of building materials and spoil, (apparently from the building works at the dwelling), the siting / storage of children's play equipment and the grazing of a domestic pony.
- 2.3 These matters were first brought to officers' attention in February 2003 by a member of the public. A number of inspections of the site have confirmed that, although the work to the dwelling has been substantively completed and the dwelling occupied for some months, the garage building has still not been completed to enable it to be used for the parking of motor vehicles. The adjacent field continues to be used for domestic purposes connected with the above dwelling and the dumping of spoil.

### **3 PLANNING HISTORY**

- 3.1 There have been a number of applications in relation to this site, and, other than that referred to in this report, none of these are relevant to this issue.

### **4 PLANNING ISSUES**

- 4.1 In addition to the general presumption against new development in the Green Belt, as referred to in Policy GB1, as supported by Policy C1 of the Essex Structure Plan, for example, there are other policies. The unauthorised

extension of the garden area of this dwelling into agricultural land and the dumping of waste soil, etc is contrary to Policy GB9. It causes harm to the visual amenity of the Metropolitan Green Belt.

- 4.2 The site is also within the Roach Valley Nature Conservation Area and a Landscape Improvement Area, being contrary to Policy RC8. The location, and nature of the extended use is harmful to the visual amenity of the area and is not of the high standard necessary to improve the character of the area.
- 4.3 Condition 4 of permission 02/00661/FUL states: "The garage hereby approved shall be retained and maintained in the approved form and used solely for the parking of vehicles and for no other purpose which would impede vehicle parking. At no time shall the garage space be used as residential accommodation"
- 4.4 This enforcement action therefore seeks the completion of the garage so it can be used for the parking of motor vehicles and the cessation of the domestic use of the agricultural land for domestic use by removing the building materials, spoil and children's play equipment from that land.

## 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 accordance 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

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**Background Papers:**     None

For further information please contact Tom Deans on:-

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