
THE LIMES, LARK HILL ROAD, CANEWDON, ESSEX

1 SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding the breach of planning control caused by the use of outbuildings and land at The Limes, Lark Hill Road, Canewdon for the carrying on of a commercial use involving the sale and hire of inflatables and the stationing of commercial vehicles.
- 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 THE ENFORCEMENT CASE

- 2.1 The Limes, Lark Hill Road is a residential property, with outbuildings erected using permitted development rights under Schedule 2, Part 1, Class E of the General Permitted Development Order 1995 (as amended), by the previous owners of the property. Subsequent to this new owners have bought the property and are using two of the outbuildings for the storage of inflatables (such as bouncy castles) in connection with the owners' business.
- 2.2 The present owners have also used permitted development rights under Schedule 2, Part 1, Class F of the General Permitted Development Order 1995 (as amended) to construct a hardstanding to the rear of the property. This would be permitted development if it were used for purposes ancillary to the use of the dwelling. Currently the hardstanding is used for the stationing of a commercial vehicle.
- 2.3 The site lies within the Metropolitan Green Belt (MGB), a Landscape Improvement Area and the Roach Valley Nature Conservation Area. Of relevance to this application are the Essex & Southend-on-Sea Replacement Structure Plan policy C2 regarding green belt development. This similar to policy GB1 contained in the Rochford District Local Plan. Members are reminded that the definition of development contained with Section 55 of the Town and Country Planning Act 1990 (as amended) includes "...the making of any material change in the use of any buildings or other land."
- 2.4 The development is not an appropriate use within the MGB and would fall foul of the two stage test relating to green belt development, as there are no very special circumstances relating to its retention. There is also a detrimental impact on neighbours by virtue of the loading and unloading operations that occur frequently during the summer months.

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- 2.5 It is unlikely therefore that planning permission for such a use would be granted. Enforcement action would seek to cause the cessation of the commercial use of land and buildings at the property.

3 LEGAL IMPLICATIONS

- 3.1 Any action considered necessary through the Courts to remedy the breach.

4 RECOMMENDATION

- 4.1 It is proposed that the Committee **RESOLVES**

That the Corporate Director (Law, Planning and Administration) be authorised to take all necessary action including the issue of Notices and action in the Courts to secure the remedying of the breach of planning control now reported. (HPS)

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