
BREACH OF PLANNING CONTROL AT 11 WALLACE CLOSE, HULLBRIDGE, 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 11 Wallace Close, Hullbridge as the headquarters and operating centre for a decking company.
- 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 The site is located in a small residential cul-de-sac in Hullbridge. The property itself is a three-storey terraced town house, with a single area of hardstanding and a small lawn in front of the property at the back edge of the pavement.
- 2.2 The address is currently being used as a base for the operation of an unauthorised commercial decking company, including the parking of a large lorry and the siting of a skip and other ancillary equipment and materials, used in connection with this business use.

3 PLANNING HISTORY

- 3.1 The site has a limited enforcement history. In May 2001 reports were received that the site was being used as the base for a commercial decking business, including the siting and storage of a skip and lorry.
- 3.2 In an effort to find out more information in this matter, a Planning Contravention Notice was served on the resident of No. 11. In completing this the occupier admitted that he was currently running a commercial decking business, including the commercial use of the lorry and skip, and that this had commenced between January and March 2001.

4 PLANNING ISSUES

- 4.1 In an effort to reach an amicable solution to this breach and in line with Central Government advice concerning small businesses, the Council gave the property owner a period of time to secure the possible relocation of this business to a more acceptable site. However, a further site visit revealed that the use was still occurring as the lorry

and other pieces of timber and equipment were still stored at the front of the property.

- 4.2 The issue of whether or not the use of a residential property for the operation of a commercial decking business is acceptable depends upon various factors including its effect on the surroundings as well as the provisions of the development plan.

- 4.3 Policy EB6 of Rochford District Local Plan deals with non-conforming uses and states that :-

“Where existing employment development...has a serious adverse effect on residential or rural amenities, the Council may consider using its powers...to secure its relocation or extinguishment.”

- 4.4 It is felt that a use of this nature in this residential location is unacceptable due to the undue detriment that the storage of a skip, the parking of a large commercial vehicle, and the general operation of a business from this address causes to the amenities of surrounding properties.

- 4.5 In addition to this is the negative visual impact resulting from the parking of this vehicle and storage of a skip within a residential curtilage. Furthermore, the parking of the lorry on the hardstanding in front of this property causes obstruction, additional annoyance and disruption to other residents within this confined cul-de-sac due to the fact that the lorry, by virtue of its size, is forced to park partially across the pavement.

- 4.6 Policy EB6 refers to the availability of enforcement powers to secure the relocation or extinguishment of non-conforming uses. The offer was made, to no avail, of time to relocate this business, and so it seems that in view of the detrimental impact that this use has on its surrounding area, authorisation for formal enforcement action should now be sought.

- 4.7 Since compiling this report the operator has telephoned officers to explain that the vehicle and the dwelling are now for sale. It is likely therefore that the use may cease within the near future. Nonetheless, in line with governmental advice, Officers have suggested to the operator that formal Notices etc. could be served after agreeing a timetable for compliance/relocation. A period of 8 weeks was suggested which he was agreeable to. Following this the recommendation still stands.

5 RECOMMENDATION

5.1 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 now reported. (HPS)

Shaun Scrutton

Head of Planning Service

For further information please contact Dave Beighton on: -

Tel:- 01702 318097

E-Mail: - david.beighton@rochford.gov.uk