
**BREACH OF PLANNING CONTROL ON LAND NORTH
OF ANNWOOD LODGE (MICHELIN FARM),
JUNCTION OF A130 AND A127, SOUTHEND
ARTERIAL ROAD, RAYLEIGH , ESSEX**

1 SUMMARY

- 1.1. To consider the report of the Head of Planning Services concerning additional breaches of planning control at the above site a) the siting of two mobile homes within an existing barn type structure and b) the extension of this building.

2 HISTORY AND DETAILS OF THE BREACH

- 2.1 This site has a history of enforcement action. Enforcement and stop notices were served in 1997 against the use for car boot sales. Following the service of enforcement notices in 1999 for the storage of motor vehicles, siting of mobile buildings, construction of a road, and the storage of waste (later amended to the creation of a hardstanding) an appeal was made. This was considered at a Public Inquiry in January and March 2001. In May that year the Inspector amended the Notice and dismissed the appeal. As this Notice identified only limited areas for the various breaches, further authority was given to take enforcement action for the expansion of these and additional uses on other parts of the site.
- 2.2 During the consideration of the above, these latest breaches of planning control have come to light. A low pitch roofed building near the access to the A127 was found to contain two mobile homes which the owner is now claiming have been resided in for more than 4 years. In addition this building has been extended.
- 2.3 The Inspector at the above Inquiry agreed with this authority's views that the lawful use of this site was agricultural although the site operator had claimed other commercial uses. The site is within the Metropolitan Green Belt where there is a presumption against development other than that related to agriculture, forestry, etc. Other than some hay storage, there appears to be little agricultural activity. Moreover, no claims have been received attempting to justify a need for a residential unit on agricultural grounds. The extension similarly has no apparent agricultural function. Such development does conflict with Policy GB1 of the Local Plan and Policy C2 of the Essex and Southend-on-Sea Replacement Structure Plan and reduces the openness of this rural location contrary to the above policies. The extension is also visually intrusive.
- 2.4 The siting of the mobile homes, whilst being screened by the existing building, do generate the ancillary uses and operations of a domestic

nature e.g. car parking, domestic storage, etc. and the potential for additional works normally found within a garden area. As such this again introduces other features into an otherwise open area thereby reducing the openness of the Green Belt.

- 2.5 The site is also within a Landscape Improvement Area where Policy RC 8 of the Local Plan requires that the location, siting, design and materials used in any development should be of a high standard and improve the character of the area. The policy goes on to require suitable landscaping and tree planting. The above works due to their siting and incongruous appearance would be contrary to this policy.
- 2.6 Access to the site is via one of two gateways which open onto either the A127 or the A130, both heavily trafficked roads. Accordingly the views of the County Highways Department are being sought although it is anticipated that there will be strong highway objections to the above.
- 2.7 As mentioned above, the operator has claimed that the use has been ongoing for in excess of four years. He has also referred to the physical alterations to the mobile homes e.g. the joining of the two structures and attachments to the building; the argument being that this is *operational* development which, due to the passage of time, is now immune from enforcement action or “lawful”. Despite being given various opportunities to submit evidence to support the claims via an application for a Lawful Development Certificate, none has been submitted. It is understood that a new agent will be submitting such forthwith but, in any event, officers are of the opinion that the mobile homes are still, fundamentally, intact and the works which have taken place do not alter their status. As the *use* of the site for the siting of these has not occurred for more than 10 years the use is not lawful.

3 LEGAL IMPLICATIONS

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

4 RECOMMENDATION

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 breaches of planning control now reported. (HPS)

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