
BREACH OF PLANNING CONTROL AT 26 LOWER ROAD, HULLBRIDGE

1 SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding a breach of planning control namely the use of 26 Lower Road, Hullbridge for the overnight parking of two commercial vehicles used in conjunction with a house clearance business.
- 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 on the south side of Lower Road in Hullbridge. The property itself is on the boundary of the built up area of Hullbridge and sides onto an open area of Metropolitan Green Belt.
- 2.2 The address is currently being used for the overnight parking of commercial vehicles, used in connection with the occupants' house clearance business. At any one time there are two ostensibly commercial vehicles parked overnight on the site. These include a large van and a medium sized Transit pick-up (which is usually parked loaded with items collected as part of the site owners' business).

3 PLANNING HISTORY

- 3.1 The site has a limited enforcement history. In June 2001 reports were received that the site was being used for the parking of commercial vehicles used in conjunction with a house clearance business.
- 3.2 In an effort to find out more information in this matter, a Planning Contravention Notice was served on the resident of No. 26. In their response the occupier admitted that the site was used for the parking of commercial vehicles.
- 3.3 Given the response of the occupiers it was felt prudent to serve them with a further Planning Contravention Notice asking specifically about the parking of the commercial vehicles here. In their response to this the owners admitted that two of the vehicles were used commercially.

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 these vehicles to a more acceptable parking site. However, a further site visit revealed that the use was still occurring, both commercial vehicles were still parked at the front of the property.

- 4.2 The issue of whether or not the use of a residential property for the parking of commercial vehicles 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 caused by the negative visual impact resulting from the parking of these vehicles within a residential curtilage. Furthermore, the general disamenity caused to the amenities of surrounding properties as a result of the vehicles coming and going from this address is also unacceptable.
- 4.5 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 to secure the removal of these vehicles from the site.

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)

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