
**BREACH OF PLANNING CONTROL ON LAND
FORMERLY KNOWN AS MARIGOLDS, ULVERSTON
ROAD, FAMBRIDGE**

1 SUMMARY

- 1.1 To consider the report of the Head of Planning Services concerning the construction of a hardstanding, the erection of a new prefabricated dwelling and sheds and the erection of fencing over 1m in height adjoining the highway, without the benefit of planning permission.

2 DETAILS OF THE BREACH

- 2.1 Following complaints in September, investigations began regarding works being undertaken on land formerly known as Marigolds, Ulverston Road, Ashingdon. At this stage the land had been cleared of vegetation, two large sheds had appeared on site, a hardstanding was under construction and works for connecting services were underway. The site had previously had a mobile home located on it, together with two small sheds.
- 2.2 On 4th October 2000 two lorries deposited the two halves of the pre-fabricated buildings on the site. These have subsequently been joined together and connected to services. Investigations have revealed that the building is being used for habitable accommodation. The owner presumed that planning permission had already been obtained for the development and is also looking to put a garage or car port on the site.
- 2.3 The planning history of the site reveals that that an application was received in 1975 (ref: ROC/833/75) for a pair of semi-detached dwellings. This was refused by the Local Planning Authority and dismissed at appeal.
- 2.4 The site also has a valid permission for the siting of a holiday caravan (ref: ROC/454/77) which states that:
- “The caravan shall not be occupied for full time residential purposes, but only for weekend and holiday use by the applicant, Mr N. Canwell, and his family.”
- 2.5 In 1996, an application was made for a detached dwelling and garage on the site (ref: OL/0411/96/ROC). The application was refused because it was contrary to green belt policy GB1 of the Rochford District Local Plan and the subsequent appeal was dismissed.

2.6 Therefore no valid permission exists for the current owner and occupier to use a prefabricated dwelling either on a permanent or seasonal basis.

2.7 The site lies within the Metropolitan Green Belt, Landscape Improvement Area and lies adjacent to the Coastal Protection Belt as defined in the Rochford District Local Plan. By reason of its intrusive appearance and the character of the use this development is considered to be contrary to policy GB1 of this, which states that:

“WITHIN THE GREEN BELT PERMISSION WILL NOT BE GIVEN, EXCEPT IN VERY SPECIAL CIRCUMSTANCES, FOR THE CONSTRUCTION OF NEW BUILDINGS OR FOR THE CHANGE OF USE OR EXTENSION OF EXISTING BUILDINGS (OTHER THAN REASONABLE EXTENSIONS TO EXISTING BUILDINGS AS DEFINED IN POLICIES GB2 AND GB7), FOR PURPOSES OTHER THAN AGRICULTURE, MINERAL EXTRACTION OR FORESTRY, SMALL-SCALE FACILITIES FOR OUTDOOR PARTICIPATORY SPORT AND RECREATION, INSTITUTIONS REQUIRING LARGE GROUNDS, CEMETERIES OR SIMILAR USES WHICH ARE OPEN IN CHARACTER.”

2.8 The Essex Structure Plan also has a Green Belt policy (S9) with similar wording, which is applicable to this case.

2.9 Also because of its intrusive appearance this development is considered to be contrary to policy RC8 of the Rochford District Local Plan , which states that:

“WITHIN LANDSCAPE IMPROVEMENT AREAS ... THE LOCATION, DESIGN, SITING AND MATERIALS USED IN DEVELOPMENT SHOULD BE OF A HIGH STANDARD AND IMPROVE THE CHARACTER OF THE AREA IN WHICH IT IS PROPOSED...”

2.10 Together the Essex Structure Plan and Rochford District Local Plan are the constituent parts of the Development Plan as defined by Section 54A of the Town and Country Planning Act 1990 (as amended). The development is not considered to fall within any of the exemptions stated in the policies and therefore is considered to be contrary to development plan policies.

3 ENVIRONMENTAL IMPLICATIONS

3.1 As set out above.

4 LEGAL IMPLICATIONS

4.1 Any action considered necessary through the Courts to remedy the breach.

5 PARISH IMPLICATIONS

- 5.1 The site lies within the Parish of Ashingdon.

6 RECOMMENDATION

- 6.1 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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