

UPDATE ON BREACH OF PLANNING CONTROL AT LAND OPPOSITE WITHERDENS FARM, CHELMSFORD ROAD, RAWRETH

1 SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding breaches of planning control namely the siting of caravans, construction of hardstandings, outbuildings, etc. on land opposite Witherdens Farm A 130, Chelmsford Road Rawreth.
- 1.2 Members will need to consider whether it is expedient to serve any further Notices, in addition to those served under delegated powers and this function is discretionary. However, the mechanisms of such actions are statutorily controlled.

2 INTRODUCTION

- 2.1 This breach is occurring within the Metropolitan Green Belt and involves the siting of residential caravans for residential and storage purposes. Three timber storage sheds have now been placed on the land together with a metal 'lorry back', used as a stable for one horse.

3 THE PLANNING HISTORY OF THE SITE

- 3.1 This matter was first brought to officers' attention on 10 October 2002, and visits revealed that a number of caravans were being moved onto this prominent site, adjacent to the A130, Chelmsford Road and that hardcore was being laid and timber fences were being erected.
- 3.2 Officers from the Council visited the site the same day when they spoke to the travellers who had already established themselves on the site, and were creating four separate fenced area and using an existing vehicle access, directly from the A130 dual carriageway to enter the land.
- 3.3 They also claimed to own the land and intended that the land be occupied by a maximum of eight families and that seven children had already been registered at the local school. Six men identified themselves as the 'spokesperson' for their particular family. The information given was later verified as being correct.
- 3.4 At that stage officers pointed out that the occupation of this agricultural land within the Metropolitan Green Belt amounted to a breach of planning control that must cease by them ending their use of the land, removing the fences, hardcore and caravans from the land. Despite this advice work continued on the land.

- 3.5 Two Enforcement Notices dated 18 October 2002 were served under delegated authority. One Notice alleged that the use of the land had changed from agriculture to the stationing of caravans for residential or storage purposes and the storing of caravans without planning permission. The second Notice alleged that the construction of hard surfaces, including a driveway, over the entire site had taken place without planning permission. These Notices took effect on 18 November 2002 and required compliance within 60 days of that date. An appeal against those Notices was made on 19 October 2002.
- 3.6 Since the stationing of the caravans, provision of hardstanding and fences, further works have been carried out including the stationing of a flat back lorry and the erection of timber sheds.
- 3.7 An application 02/01012/COU dated 12 November 2002 has now been received, submitted by the agent of one of the travellers resident on the land and who is shown in the application as being the owner of the land. Currently the application is invalid due to the accuracy of the plans and an incorrect fee.
- 3.8 A date for an enquiry into the appeal has been given of Wednesday, 28 May 2002 which is due to be held at Rayleigh Civic Suite.

4 PLANNING ISSUES

- 4.1 This site lies within the Metropolitan Green Belt, (MGB) where there is a general presumption against development. The use of this land has historically been agricultural.
- 4.2 Whilst the re-use of agricultural buildings for storage purposes may be acceptable, the siting of caravans, timber storage buildings and lorry backs on such a prominent site as in this case leads to gradual erosion of the openness of the MGB. Such uses appear incongruous and detract from the open views across the green belt. These uses are also contrary to both Policy GB1 and GB4 of the Rochford District Local Plan (RDLP). GB1 limits new uses within the Green Belt to those linked to agriculture, forestry or recreation, while GB4 states that open storage uses within the Green Belt will not normally be permitted.
- 4.3 The notices served to date have not included the additional works related to the erection of timber sheds and the stationing of the flat back lorry. It is considered important that all unauthorised issues related to the use of the land are pursued and to this end it is recommended that further notices be served to deal with these issues. Given the timescale between this report and the provisional date for the enforcement inquiry, there is no reason why these additional matters should not be considered at the same time.

5 RECOMMENDATION

5.1 It is proposed that the Committee RESOLVES

That the details of actions taken to date be noted and that the Head of Planning Services be authorised to continue to take all necessary action to secure the remedying of this breach. (HPS)

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Background Papers: None

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