
From: Frances Kirkham <[REDACTED]>
Sent: 17 August 2020 15:01
To: TeamE3; Agala, Opirim; gps appeals
Subject: The Yard, Murrells Lane, Hockley, Essex
Attachments: 979 Statement of Case submitted 17.8.20.pdf

Dear Opirim,

Ref: APP/B1550/C/19/3237992

Please find attached the statement of case on behalf of the Appellant in relation to the above site address ahead of the revised deadline.

Kind regards,

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Appeals Assistant & Researcher
Green Planning Studio

TOWN AND COUNTRY PLANNING ACT 1990

**APPEAL BY MR AARUN ARCHER AGAINST AN ENFORCEMENT
NOTICE ISSUED BY ROCHFORD DISTRICT COUNCIL ALLEGING:**

- (1) THE MATERIAL CHANGE OF USE OF LAND AND BUILDINGS
FROM A GENERAL INDUSTRIAL (CLASS B2) USE TO A
MIXED USE OF GENERAL INDUSTRIAL (CLASS B2) USE AND
THE SITING OF A MOBILE HOME AND ITS USE FOR HUMAN
HABITATION**
- (2) THE ERECTION OF A STEEL PALISADE FENCE AND DOUBLE
GATES WITH A BARBED AND RAZOR WIRE TOP TRIM**

LAND AT THE YARD, MURRELS LANE, HOCKLEY, SS5 6AB

GPS Ref: 18_979

PINS Ref: APP/B1550/C/19/3237992

LPA Ref: 18/000151/COU_C

STATEMENT OF CASE ON BEHALF OF THE APPELLANT

1. In the proof of evidence at the Inquiry the following submissions will be made on behalf of the Appellant:
2. The site will be described.
3. The planning history of the site will be considered.
4. The Development Plan and relevant Supplementary Planning Documents will be referred to and discussed.
5. The National Planning Policy Framework and National Planning Policy Guidance will be referred to and discussed.
6. The appeal is made on grounds (d), (a) and (g).

Ground (d)

7. The Appellant will demonstrate that a mixed use of general industrial (class B2) use and the siting of a mobile home for residential use has taken place continuously in excess of 10 years. As such this change of use is lawful as per Section 171B(3) of the Town and Country Planning Act 1990 and therefore, the time for enforcement action has passed.
8. Evidence will be adduced in the form of documentation, aerial photographs and witness statements to demonstrate this use.

Ground (a)

9. Without prejudice to ground (d), the Appellant contends, pursuant to ground (a), that planning permission should be granted for the sitting of a mobile home and its use for human habitation and the erection of a steel palisade fence and double gates and a barbed razor wire top trim.
10. The Appellant accepts that the breach of planning control alleged constitutes inappropriate development in the Green Belt. As such, material considerations will be advanced to clearly outweigh that harm such that very special circumstances exist. The Appellant will demonstrate that little to no harm to character and appearance arises from

the development. Reference will be made to the case of **Turner** in relation to the reduced impact on openness of movable items.

11. The Appellant asserts that the gates have been erected for security purposes and the fencing is required to secure the business premises within. Fencing and gates are to be expected to secure such a premise. As such, these are not necessarily an indicator of a fear or crime but are required for the purposes of securing the site.
12. The Appellant will demonstrate that there are material considerations that would outweigh any harm incurred as a result of the development. These material considerations include additional units of housing supply, the lack of a five-year housing land supply, failure of policy and the security of the premises.

Ground (g)

13. The Notice allows a compliance period of 9 months for step 1, 10 months for steps 2 and 3, and 11 months for steps 4 and 5. The Appellant seeks a compliance period of 2 years steps 1, 2, 3 and 4 outlined at section 5 of the Notice.

Witnesses

14. The Appellant anticipates calling 1 professional witness: Matthew Green, Director of Green Planning Studio.
15. The Appellant anticipates calling 6 lay witnesses, including the Appellant.
16. The Inquiry is anticipated to last 3 days.

Documents

17. Documents that may be referred to include:
 - i. The Enforcement Notice, the attached plan and the Expediency Report.
 - ii. GPS grounds of appeal.
 - iii. Relevant extracts of the Rochford District Local Plan.

- iv. Any relevant correspondence between the LPA and GPS.
- v. Evidence pertaining to the history and use of the land.
- vi. Affidavit's and witness statements.
- vii. Witness statement and written evidence from third parties if appropriate.
- viii. Aerial photography
- ix. Bank statements.
- x. Relevant case law.
- xi. Any other documents that may need to be referred to in response to the LPA's evidence.

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August 2020

