



Important - This Communication Affects Your Property

**Town And Country Planning Act 1990
(as amended by the Planning and Compensation Act 1991)**

ENFORCEMENT NOTICE

Issued By: Rochford District Council

1. **THIS IS A FORMAL NOTICE** issued by the Council because it appears to them that there has been a breach of planning control under Section 171(1)(a) of the above Act, at the land described below. The Council considers it expedient to issue this notice, having regard to the provisions of the development plan and to other material considerations.

2. The Land To Which The Notice Relates

Land at The Yard, Murrels Lane, Hockley SS5 6AB shown outlined in bold and hatched on the attached plan. (hereinafter referred to as the "site")

3. The Matters Which Appear To Constitute The Breach Of Planning Control

Without planning permission,

1. The material change 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 (marked MH on the attached plan) 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. (Marked A to B on the attached plan).

4. Reasons For Issuing This Notice

Section 171B of the Town and Country Planning Act 1990 (as amended) sets out the time limits under which enforcement action can be taken against breaches of planning control. Under Section 171B (1) it states: "Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or

under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed." For any other breach of planning control, including an un-authorised change of use of the land enforcement action can be taken within ten years from which the breach began.

The Notice is issued because it appears to the Council that the development consisting of the material change of the 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 and along with that change of use, the erection of a steel palisade fence with gates with barbed and razor wire above, has not occurred for a period of 10 years or more. The use of the land for this purpose and its associated operational development has been assessed by the local planning authority and is inappropriate development within the Green Belt where no very special circumstances exist. It is therefore expedient to issue this Enforcement Notice to rectify the breach of planning control.

The planning authority, Rochford District Council, has a statutory obligation under s.38 (6) of the Planning and Compulsory Purchase Act (2004) to determine the appropriateness of development against national and adopted Local Plan policies, unless there are other considerations which amount to very special circumstances to indicate otherwise.

The National Planning Policy Framework 2019 (NPPF 2019), sets out central Government's planning policies for England. The Council's Local Plan consists of the Rochford District Core Strategy, adopted December 2011; The Development Management Plan, adopted December 2014 and the Allocations Plan, adopted February 2014 with a number of associated supplementary documents. The development which has occurred has been assessed against both the NPPF and the Council's adopted planning policies. The following paragraphs outline that assessment.

The site is located within the Green Belt. The government attaches great importance to Green Belts. One of the fundamental aims of the Green Belt is to prevent urban sprawl by keeping land permanently open and to assist in safeguarding the countryside from encroachment. Both the National Planning Policy Framework (NPPF 2019) states at paragraph 143 "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." Paragraph 144 states ".....local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations." The Council's adopted Core Strategy (2011), Policy GB1 and GB2, give significant priority to protecting the Green Belt from inappropriate development.

NPPF further states at para.127, Planning policies and decisions should ensure that developments, (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; (b) are visually

attractive as a result of good architecture, layout and appropriate and effective landscaping;..... (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; and (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The siting of a mobile home on the site introduces an additional structure into the Green Belt impacting on the spatial openness. Furthermore, a residential use amongst an existing yard with a use for general industrial uses (Use Class B2) is not an acceptable location for a residential use and constitutes poor development. The erection of a steel palisade fence and gates to the front boundary, with barbed and razor wire above, creates an impression of, a fear of crime, contrary to the aims of the NPPF and the Council's own design policies CP1 and DM1. It causes harm to the character of this rural lane and the amenity previously enjoyed by the general public enjoying outdoor recreational activities and the neighbouring properties.

In addition to its location within the Green Belt, the site falls within the Special Landscape Area of the Crouch and Roach Farmland. This designated area is largely undeveloped and considered to be an important landscape asset of the District. It is characterised by strongly right-angled patterns of single-track lanes, regular fields of variable size and intermittent hedgerow. The area has a medium to high level of sensitivity to development and requires any new development to be of a good design.

Para 130 of the NPPF states, "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions,....." The Council' Core Strategy (2011) policy CP1 - Design and Development Management Plan (2014) policy DM1 - Design of new developments requires the development to positively contribute to the surrounding area.

The development which has occurred does not achieve the objectives of both national and local planning policy. The development has a detrimental impact on the openness of the Green Belt and the rural character of the location.

The development is contrary to the NPPF and local planning policies of the Council's development plan. The harm is not outweighed by other considerations to amount to very special circumstances. Planning conditions or a legal agreement could not mitigate against the harm caused by the development. Therefore, for the reasons given above it is expedient to issue the notice to remove the unlawful development from the site.

5. What You Are Required To Do

1. Cease the use of land for the siting of a mobile home for human habitation.
2. Remove the mobile home shown in the position Marked 'MH' from the site.
3. Remove any domestic paraphernalia on the site in connection with the use of the land for siting a mobile home for the purposes of human habitation.
4. Remove any pipes, cables or sewage systems used solely for the use of the land for siting a mobile home and for its use for purposes of human habitation.
5. Remove the steel palisade fence, gates, barbed and razor wire boundary treatment to the front of the site along the line marked A to B.

6. Time For Compliance

Step 1	9 months after this notice takes effect.
Steps 2 and 3	10 months after this notice takes effect.
Step 4	11 months after this notice takes effect.
Step 5	11 months after this notice takes effect.

7. When This Notice Takes Effect

This notice takes effect on 27th September 2019, unless an appeal is made against it beforehand.

Dated this 28th August 2019.

Signed: 

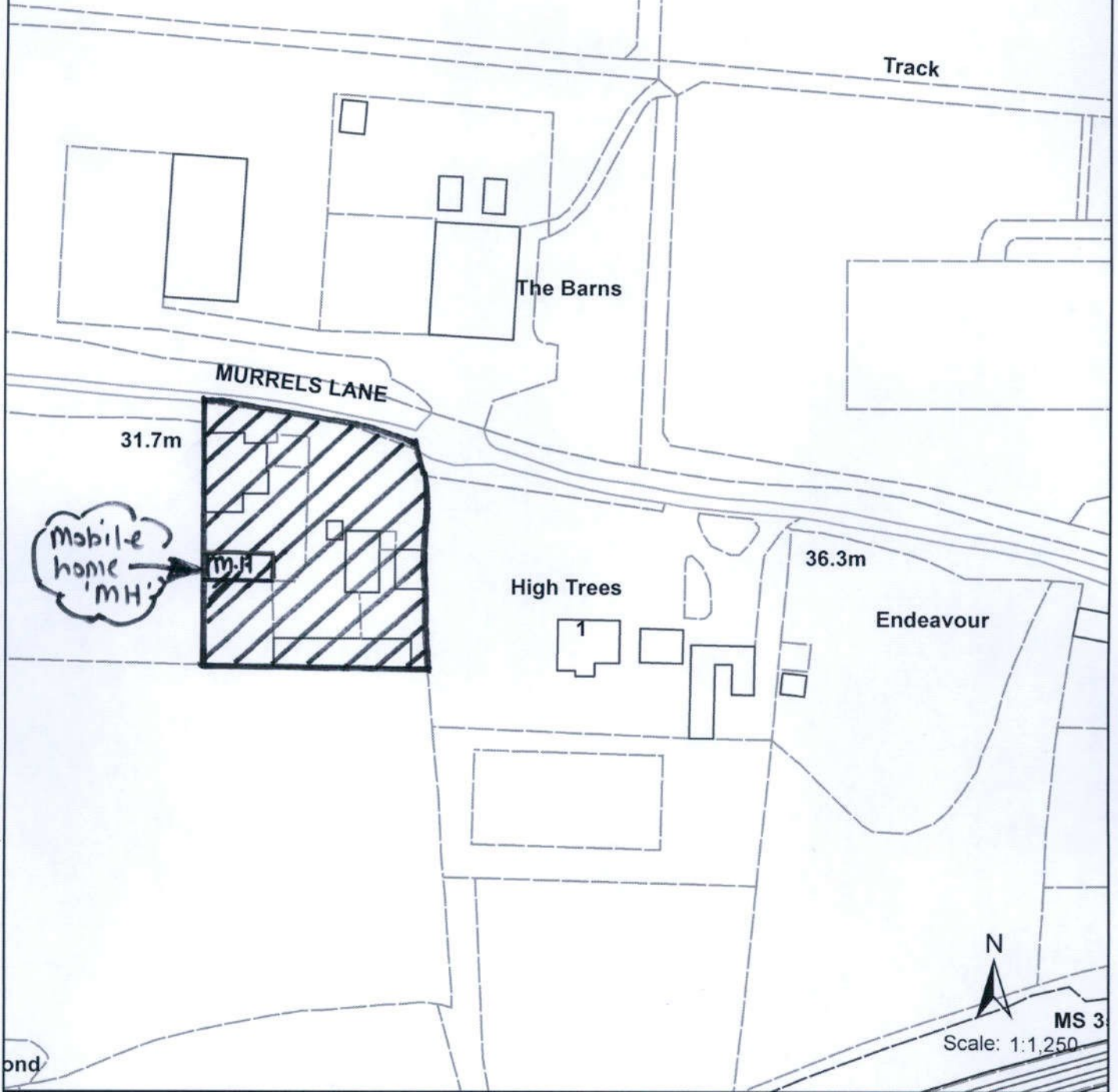
(Yvonne Dunn – Team Leader, Development Management Enforcement)

Address to which all communication should be sent:

Planning Department, Rochford District Council, Council Offices, South Street,
Rochford, Essex, SS4 1BW

(Attention: Yvonne Dunn – Reference: 18/000151/CO|U_C)

Not Set



Site Address: The Yard, Murrels Lane, Hockley Essex.

This is the plan referred to in the notice issued by Rochford District Council on the *28* day of *Aug 2019* pursuant to Section 172 of the Town and Country Planning Act 1990.

Signed: 
Yvonne Dunn - Team Leader, Development Management Enforcement

Annex

The Right Of Appeal

An appeal may be made by:

- (i) A person who has a legal interest in the land when the appeal is made; or
- (ii) A relevant occupier in occupation of the land both when the notice was served and when the appeal is made.

For clarification on whether you are eligible to appeal this notice please refer to page 4 of the document '*Enforcement Notice Appeals: How to complete your appeal form*' available at <https://www.gov.uk/government/publications/enforcement-notice-appeals-how-to-complete-your-appeal-form>.

An appeal must be received, or posted in time to be **received**, by the Secretary of State **before** the date specified in paragraph 7 of the notice.

The enclosed explanatory note and information sheet sets out your rights and explains how to submit an appeal.

Appeals Online

The Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

What Happens If You Do Not Appeal

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Town and Country Planning Act 1990 as amended.

Enforcement Notice relating to land at The Yard, Murrels Lane, Hockley SS5 6AB

This local planning authority, Rochford District Council has issued an enforcement notice relating to the above land and I now serve on you a copy of that notice as you have an interest in the land. Copies of the notice are also being served on the parties listed at the end of this letter who, it is understood, also have an interest in the land.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the notice will take effect on 27th September 2019 and you must then ensure that the required steps, for which you may be held responsible, are taken within the period(s) specified in the notice.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before 27th September 2019.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

(b) that those matters have not occurred;

(c) that those matters (if they occurred) do not constitute a breach of planning control;

(d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

(e) that copies of the enforcement notice were not served as required by section 172;

(f) that the steps required by the notice to be taken, or the activities

required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £924.00 (2 x £462.00), (made payable to Rochford District Council). Joint appellants need only pay one set of fees

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

Parties on whom the enforcement notice has been served

The owners/occupiers, The Yard, Murrels Lane, Hockley SS5 6AB

Aarun Archer, Caravan, The Yard, Murrels Lane, Hockley SS5 6AB

Deanna Macmanus, Caravan, The Yard, Murrels Lane, Hockley SS5 6AB

Occupiers of Units

Units 1	Lewis Downes The Yard, Murrels Lane, Hockley SS5 6AB
Unit 2	Elenora Rzeczycka The Yard, Murrels Lane, Hockley SS5 6AB
Unit 3	Owner/occupier The Yard, Murrels Lane, Hockley SS5 6AB
Unit 4	BSH Resin Ltd The Yard, Murrels Lane, Hockley SS5 6AB
Yard 5	owner/occupier The Yard, Murrels Lane, Hockley SS5 6AB
Yard 7	Scott Windsor The Yard, Murrels Lane, Hockley SS5 6AB
Yard 8	Owner/occupier The Yard, Murrels Lane, Hockley SS5 6AB