

STATUTORY DECLARATION

**In the matter of an application for a Certificate of Lawfulness
of existing development to Rochford District Council
Town and Country Planning Act 1990, as amended, s.191**

**Applicant : Mr. Mark Harris
Land to the rear of 78-94 Southend Road, Rochford SS4 1HQ**

I, JOHN DOUGLAS DAGG, do solemnly and sincerely declare as follows:

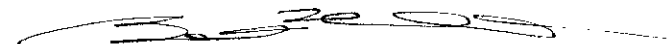
1. I practise as a barrister, specialising in town planning and property matters. In late 2002 I was instructed by Mr. Graham Jolley MRTPI, then of Dedman Planning and Development Services, to advise Mr. and Mrs. Harris. I saw their land holding to the rear of 78 to 94 Southend Road on 17th December 2002. I have been able to check my observations by reference to my written summary advice of 31st December 2002.
2. I saw that the northern part of the land was occupied by a range of stables, a paddock area and a ménage, used by Mrs. Harris. My recollection is that the appearance of the building and the ménage did not suggest that they were very recently constructed.

AND I make this declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

Declared before me

Josephine Spratt Dawson Barrister

Signature

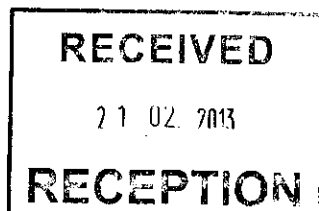
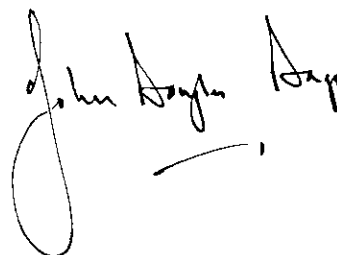


At Trinity Chambers, Highfield House,
Moulsham Street, Chelmsford.
CM3 1BA

On 8th November 2012

John Douglas Dagg

Signature



SCHEDULE OF DOCUMENTS RECEIVED FROM MR MARK HARRIS (THE APPLICANT) IN SUPPORT OF THE ACCOMPANYING APPLICATION, DATED 21ST FEBRUARY 2013, FOR A CERTIFICATE OF LAWFULNESS, TO CONTINUE THE KEEPING OF HORSES AND THE RETENTION OF THE EXISTING PADDOCK, MANEGE AND STABLES, AT LAND REAR OF 78 TO 86 SOUTHEND ROAD, ROCHFORD, ESSEX SS4 1HQ

The following documents have been received from Mr Mark Harris and are submitted on his behalf, in accordance with our instructions, as evidence in support of the above application.

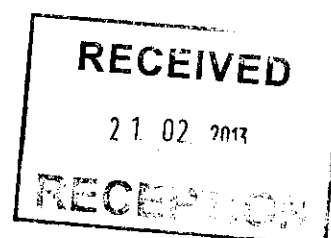
Document No 15 - Letter from Mark Harris (the Applicant) dated 5th January 2013

Document No 16 - Letter from Vale and John Stenson dated 10th January 2013

Document No 17 - Letter from Mrs Y Chapman dated 12th January 2013

Document No 18 - Letter from Mr P Huel dated 14th January 2013

Graham Jolley Ltd.
21st February 2013
acting for Mr M Harris



APPLICATION SITE EDGED RED
OTHER LAND WITHIN THE APPLICANT'S
OWNERSHIP EDGED BLUE

EXISTING STABLES AND
MENAGE (TO BE THE SUBJECT
OF A SEPARATE PLANNING
APPLICATION)

PREVIOUS
GARAGE

London
Southend Airport

APPLICANT'S
DWELLING

DEDMAN
property services
Planning Services

APPLICATION BY
MR & MRS M HARRIS
FOR A CERTIFICATE OF
LAWFULNESS

PART OF LAND AT REAR OF
78/94 SOUTHEAD ROAD
ROCHFORD ESSEX

Drawing No. 02/306/1

June 2003

RECEIVED
21.02.2013
RECEPTION



1:1250

Partners
M V Gray FNAEA
S C Mellish MRICS IRRV
Consultants
M V Dedman AClOB
M T Acock FRICS



Planning Services

377 SOUTHCHURCH ROAD, SOUTHEND-ON-SEA, ESSEX SS1 2PQ

Telephone 01702 311099

Fax 01702 603819

email: planning@dedman.net

web site: www.dedman.net

DX2817 Southend

Head of Planning
Graham Jolley MRTPI Dip TP

PLANNING CONSULTANTS
SURVEYORS•VALUERS•AUCTIONEERS•ESTATE AGENTS•PROPERTY MANAGERS

Head of Planning Services
Rochford District Council
Council Offices
South Street
Rochford
Essex SS4 1BW

Your ref: TRD/02/00034/COU-C
Our ref: GJ/ch/02/306
Direct Line: 01702 311101
Email: grahamjolley@dedman.net

Tuesday, 17 June 2003

Dear Sir

Re: Land Rear of 78-84 Southend Road, Rochford

Further to our previous correspondence with Mr Barnes and Mr Deans, we are pleased to submit our Client's application for a Certificate of Lawfulness in respect of part of the above site, all of which is within the applicant's ownership.

This letter in support of the application is based on the information we have received from our Client and forms part of the formal submission.

The land to which this application relates is edged in red on the plan which accompanies the application.

We understand this Green Belt land was originally used for horticultural purposes but such use ceased many years ago.

The applicant purchased this land some seven years ago, when they acquired no. 94 Southend Road.

At that time the property and land had been somewhat neglected but, nevertheless, the application site was part of the garden of no. 94.

Our client's continued to use the land for this purpose, without challenge, and have put considerable effort and expense into improving their property, including their garden area to which this application relates.

Family, friends and neighbours have used this land, as part of our Client's garden, since their purchase of the property and the garden use has been continuously maintained throughout this period.

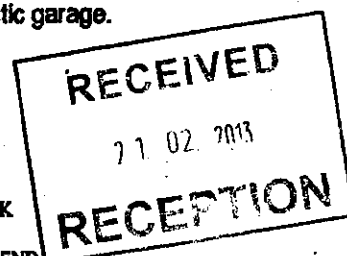
The land has been fenced to improve privacy and security and many improvements made, including new planting. Domestic play equipment has been kept on this land, which has direct pedestrian access from the rear of no. 94 as well as vehicular access from the existing private drive, owned by our Client, which passes between nos. 86 and 88 Southend Road.

When Mr Harris purchased the property there was a domestic garage on the site, part of the base of which can still be seen. This is understood to be the garage referred to in your letter to our Client of 30th October 2002, in which you referred to the condition requiring the garage to be used only as a domestic garage.

Cont/...

BLAKE **DEDMAN** *Creak/Cable*
property services
The DEDMAN PROPERTY SERVICES Partnership

Residential Sales Offices: SHOEBURYNESSE, SOUTHEND, LEIGH & WESTCLIFF, BASILDON, ELM PARK
Survey and Professional Offices: SOUTHEND, BILLERIKAY, BASILDON, ELM PARK
Commercial Departments: SOUTHEND, ELM PARK • Property Management and Auction Departments: SOUTHEND

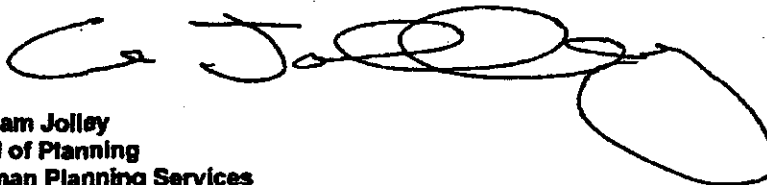


Letters are enclosed which support the claim, that this land has been used as a garden, as part of the curtilage of no.94, for a period in excess of 10 years and, accordingly, our Client seeks a Certificate of Lawfulness for the said use, on this basis.

In all the circumstances, we trust you will feel able to give this matter favourable consideration but, if you have any queries or we can be of any further assistance, please contact us.

Finally, we take this opportunity to advise you that we have instructions from our Client to submit a separate application for planning permission, in respect of the retention of the existing stable block and ménage on the land to the north of the area to which this current application relates. We anticipate this application to be ready for submission in the very near future.

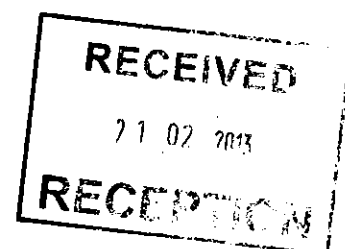
Yours faithfully



Graham Jolley
Head of Planning
Dedman Planning Services

Enc: Four copies of completed application form for a Certificate of Lawfulness for an Existing Use, dated 9/6/03
Four copies of site plan drawing no. 02/306/1
Letters in support of the application from :-
 The Applicants letter, dated 3/6/03 ✓
 Mr D Gray, dated 17/4/03
 Mr J Stenson, dated 12/03/03
 Mr J Bennett, dated 15/4/03
 Mr Brench, dated March 2003-06-17
Applicant's cheque for the appropriate application fee (including advance payment of the abovementioned planning application fee)

CC: Mr & Mrs M Harris



4

Amanda & Mark Harris
94 Southend Road
Rochford
Essex
SS4 1HQ
01702 547772

3rd June 03

To whom it may concern

RE: Garden of 94 Southend Road, Rochford, Essex.

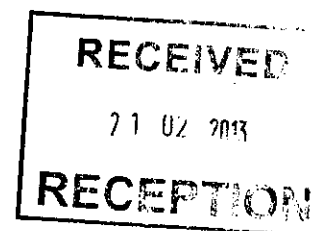
I'm writing in concern of the above mentioned garden and as I am the owner of this garden I can not start to express my deepest disappointment of the current hold on my garden for anymore work to continue.

We bought this property over 7 years ago as our dream home to raise a family and eventually retire it was a nice sized house with a large garden admittedly to the far right of the property looking out, the garden had somewhat been slightly neglected but directly behind the house and slightly to the right we could see that at one time this was obviously a beautiful garden it had many flowers and large greenhouse etc but had become slightly overgrown whilst the house was up for sale.

As myself being into horses I took numerous trips to Rochford council about erecting stables etc and they was very helpful in the advise they gave, they even took the trouble to advise me on the local bridle paths.

So the horses actually moved in before we did and taking priority being winter we cleared the far corner of the garden which revealed some sort of shack that we later discovered was actually the old pig sty's, we cleared them and on the concrete base we had left we erected stabling for my horses this was actually completed within the first three months, and to make our life easier on some of the remaining part of what I class as my horse area was a load of hardcore which at the time finances becoming low we could not afford to remove, so we put it to use and used it as our base for an all weather turn out/exercise area as advised by Rochford Council.

After this we cleared the rest of the garden so that we could start planning the landscaping with what my partner classes as a blank canvas, it was a dream come true while I cared for my horses my partner and my step son worked on the garden it all seemed to be running smoothly and we had years of enjoyment, after this I fell pregnant with our first child and we decided to dismantle the previous domestic garage as it was too dangerous to leave standing especially with the baby on the way and then we started to concentrate on decorating and preparing the interior of the house for our new arrival as we soon found out interior design is a lot cheaper than



exterior design. After my daughter was born we started erecting a more secure boundary fence and also fenced off the horse area from what I've always classed as my garden area, finances still being low this was a slow process I fell pregnant and had my second daughter.

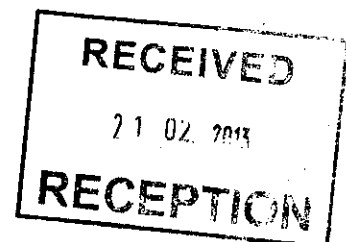
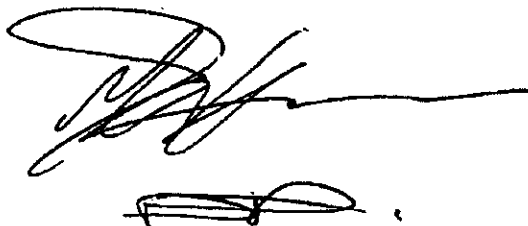
I bought new swings, slide, pond and barbecue and all the normal things that people put in their gardens and we decided to take it easy and save enough money for some one to landscape the property from start to finish as with now having a family it was hard to try and complete this project on just weekends when the children wanted to just spend time with their dad, so we decided to tidy up and just maintain what we had achieved so far, I drew pictures and plans of my ideas that I had for the garden and promised my children that I would build them a natural wooden play area and then I found out that this couldn't be done and I'm yet to find out why this would be a problem, as I cant understand why a few flowerbeds, a park area, and maybe when finances allow a nice water feature, could possibly be a problem for any one.

I get on with all my neighbours and on air show days I've had barbeques and invited all neighbours friends and family and just because my gardens larger than average this means that I'm not allowed to maintain it and I have to let it become overgrown and untidy I wish someone would explain the common sense in this and tell me a good enough reason for not being able to use my garden as a garden and why was this not brought up sooner as after a lot of investigation since this has been brought to our attention I have found out that the section I class as my garden area has been used as a garden for many years previous to my purchase. If the council had a problem with this why has it taken them numerous years to speak out? Now all our savings, which were for finishing our garden, have gone on this planning problem and we are left with a half finished project. What would you like to achieve at the end of this a waste derelict piece of land? People have told me that I can't fight this with emotions and admittedly I am emotional but surely what I'm saying is just pure common sense. People spend their life to improve their life style and future for their children why has ours been brought to an abrupt end.

Thanking you

Yours faithfully

Amanda Adams & Mark Harris



03/566/4DC

5

12 JUL 2003

Mrs Lora Bennett & Mr James Lee Bennett
80 Southend Road, Rochford, Essex SS4 1HQ
Tel: 01702 530651 Fax: 01702 548 015

15 April 2003

Rochford District Council
Council Offices
South Street
Rochford
Essex

Dear Sirs

RE: 94 Southend Road, Rochford, Essex SS4 1HQ.

We were very surprised to hear that Rochford Council will not let Mr Harris landscape his own property at the back of the houses in Southend Road. In the last 4-½ years that we have lived in Southend Road, Mr Harris has worked very hard to improve the land for his horses around the stable buildings and paddock area by erecting fencing and caring for the land, which is a vast improvement to what the land looked like initially.

If Mr Harris now wants to pave his driveway and landscape his own garden area to the left of my property I cannot see why this would raise objections for anyone, as this could only be a further improvement.

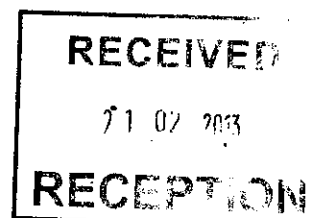
We believe it must be in the council's best interest to allow this land to be improved upon and we surely do not have any objections.

Should you need any further information please do not hesitate to contact me on any of the above.

Yours sincerely

P.P. Lora Bennett

James Lee Bennett



Rockford District Council,
Head of Planning Services,
South Street,
Rockford.

Val & John Stenson,
86, Southend Road,
Rockford,
Essex.
SS4 1JHQ

08/564/LDC

02 JUL 2013



Re: Mr Mark Harris, 94, Southend Rd, Rockford, Essex.

To whom it may concern.

I write in respect of the piece of land directly behind my own property.

I have lived at 70 1/2 above since June 1969, nearly 34 years, never in all those years has this piece of land been used to grow anything for re-sale trading purposes, it was used as a large domestic garden where children played, my own included, normal domestic games and activities. The land became untidy when 70 94 was empty and put up for sale.

I consider what Mr Harris has done, Stables for his horses, manure and paddock area, which are to the right of my property looking out from my rear garden a vast improvement from the previously neglected section of this garden area. Our neighbours we have often spoken about what he has achieved and what he has planned not only for the remaining garden area but also the driveway to his piece of land, again increased improvements all of which are very acceptable to my family and I. We were shocked and disappointed to learn work was to stop by order of Rockford Council,

P.T.O

02 JUL 2004

Rochford District Council
Council Offices
South Street
Rochford
Essex

Mr D Gray
92 Southend Road
Rochford
Essex
SS4 1HQ

17th March 2004

Dear Sir

Re: 94 Southend Road Rochford Essex SS4 1HQ

It came to me as a great shock that due to Rochford Council Mr Harris has now had to stop work on his land at the back of the houses in Southend Road. I have lived at 92 Southend Road for 12 years and have seen numerous tenants come and go but they have always used the land as a garden.

Before Mr Harris moved into 94 Southend Road, the land at the back of the houses, whilst up for sale had been badly neglected. Since Mr Harris and his family have moved into the premises in 1996/1997 he has made vast changes. Mr Harris has worked very hard constructing a stable, manage and paddock area. This was erected within the first year of their taking up residence for their own horses which is situated to the far right of our property which is a pleasure to look out onto.

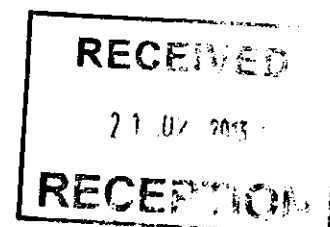
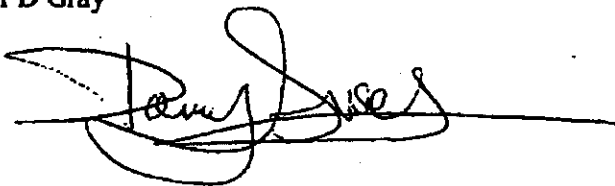
I have always found Mr Harris extremely approachable. Even though Mr Harris owns this land, we have always found him to be very forthcoming, keeping us aware of his plans such as the landscaping of the garden and what the final results will look like at all times, which can only enhances the appearance.

Again I cannot stress how considerate Mr Harris has been with his neighbours regarding the work on his garden and I feel strongly that he should be able to finish what he has started.

If you need any further information, please do not hesitate to contact me.

Yours faithfully

Mr D Gray



05/566/442

Head of Planning Services
Rochford District Council
South Street
Rochford

84 Southend Road,
Rochford
Essex

02 JUL 2003

March 2003

With reference to Mr Mark Harris, 94 Southend Road, Rochford.

Dear Sirs,

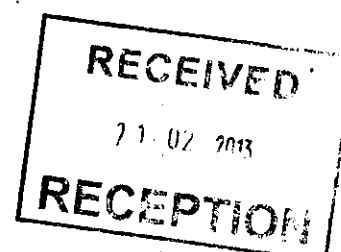
The rear of my property over looks the horse training area and stables of Mr. Harris and presents a very pleasant outlook.

Mr Harris and family have been courteous and considerate neighbours and I find it difficult to understand why the planning Services would not allow the remainder of the land which I understand has been used as a garden for many years to be landscaped.

Yours sincerely



Mr Brench



**DIRECTORATE OF LAW,
PLANNING AND ADMINISTRATION**

Head of Legal Services
A.J. Bugeja, BA(Hons.)
Barrister

My Ref: CN.
Your Ref:

Ask for: Mrs C Nicholson
Ext: 3702
Direct Dial: 01702 318169

Email: catherine.nicholson@rochford.gov.uk
Website: www.rochford.gov.uk



**Rochford District
Council**

Council Offices South Street
Rochford Essex SS4 1BW

Telephone: 01702 546366
DX 39751 Rochford
Facsimile: 01702 318154

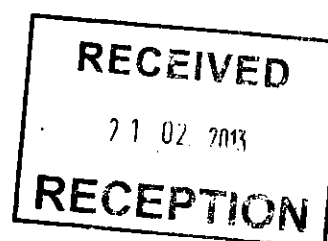
Date: 18 December 2003

Dear Sirs

Town and Country Planning Act 1990 – Section 191
Application for a Certificate of Lawful Development – Land to the rear of 78-94
Southend Road, Rochford

1. I refer to your application registered on 18 June 2003 and submitted on behalf of Mr & Mrs Harris for a Certificate of Lawful Development in respect of land to the rear of 78-94 Southend Road, Rochford.
2. A Certificate of Lawful Development is sought in respect of the use of land as a domestic garden. The land in question is owned by your Clients, who live at 94 Southend Road, Rochford and is shown edged red on the plan attached.
3. Section 191 of the Town and Country Planning Act 1990 provides that if, on an application under this Section, the Local Planning Authority is provided with information satisfying it of the lawfulness at the time of the application of the use, operation or other matters described in the application, it issues a Certificate to that effect and in any other case it shall refuse the application.
4. Section 191(2) further provides that uses and operations are lawful at any time if no enforcement action may be taken in respect of them and they do not contravene any enforcement notice then in force. Where there had been a breach of planning control consisting of a change of use of land, no enforcement action may be taken after a period of 10 years beginning with the date of the breach.
5. The basis of the application is that the land has been used as a domestic garden of an existing dwelling, and cannot be the subject of enforcement action in that the use

Dedman Planning Services
377 Southchurch Road
Southend on Sea
Essex
SS1 2PQ



began over 10 years ago.

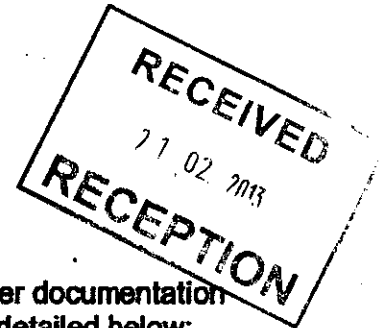
6. In making the determination, I have taken account of all the information you have submitted with your letter of 17 June 2003 and subsequent correspondence. In support of this application you have submitted a site plan and the following documents:

- i) Letter from Applicants dated 3 June 2003;
- ii) Letter from Mr D Gray, dated 17 April 2003;
- iii) Letter from Mr J Stenson dated 12 March 2003;
- iv) Letter from Mr J Bennet dated 15 April 2003;
- v) Letter from Mr M Brench dated March 2003;

I have also had regard to the records, correspondence and other documentation available to the Local Planning Authority relating to the site as detailed below:

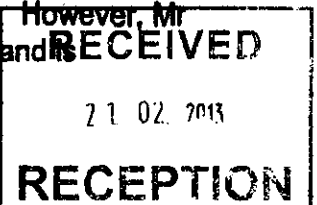
- i) Note of site inspection dated 16 March 1998;
- ii) Note of site inspection dated 2 October 2002;
- iii) Council Tax records since 1997

7. The land subject to this application lies to the immediate rear and to the east of 94 Southend Road, Rochford. The land is shown edged red on the plan attached to this determination. The dwellinghouse and existing curtilage is shown edged blue on the attached plan.
8. Mr and Mrs Harris in their letter of 3 June 2003 state that they bought the property over 7 years ago as their dream home, which had a large garden. At the time of the purchase the garden was neglected and had become overgrown whilst the house was up for sale. It did have many flowers and a large greenhouse. They erected a stable and exercise area for their horses on the land to the rear of 78-86 Southend Road first, then cleared the garden area ready for landscaping. They dismantled the existing garage and then the development stopped for a while.
9. When they resumed work they erected a boundary fence and fenced off the area created for the horses, and erected swings, a pond, a slide and a barbecue. Pressure on time and finances meant that the project to develop and landscape the garden stopped.
10. They have entertained friends and family on air show days with a barbecue in their garden, and have found from their investigations that the land was used as a garden for many years previous to their purchase.
11. Mr Gray of 92 Southend Road, states in his letter that he has lived there for 12 years and that he has seen numerous tenants come and go but they have always used the land as a garden.
12. Mr and Mrs Stenson of 86 Southend Road, Rochford District Council state in their letter that they have lived in their property for 34 years and the area of land in question has never been used to grow anything for re-sale trading purposes. It has been used as a large domestic garden where children played, their own included, normal domestic games and activities. The land became untidy when the property was empty and put up for sale.
13. Mr and Mrs Bennett of 80 Southend Road, Rochford, in their letter state that they have lived in their property for 4 and a half years. They make no comment as to the



previous use of the area in question as a garden, only details as to the development Mr Harris has made with the stable buildings and paddock area.

14. Mr Brench of 84 Southend Road, Rochford in his letter states that he understood the land to have be used as a garden for many years, but gives no more detail than that.
15. The site was visited by a planning enforcement officer on 16 March 1998, who stated in her Note of Site Inspection that the area behind 78-86 was being used for stabling horses. A double wooden stable had been built and a portable one, and areas were marked out for grazing and exercising. The land to the rear of 88-94 was it was assumed, being used for exercising horses, but there were marker posts in the ground, and wood was being stored. These details were noted on a map annotated at the same time.
16. The site was visited again by a planning enforcement officer on 2 October 2002, and he noted in his Note of Site Inspection that he could see fences, children's swings, a touring caravan, a small digger and a that a layer of topsoil had been created, along with a hardstanding.
17. Council planning records show that the land has planning permission as a small holding, and permission was granted in 1960 for the erection of a garage, in direct line with the vehicle access. In 1961 permission was given for the erection of two greenhouses to be positioned in direct line with number 94.
18. Council Tax records show that Mr Harris bought the property on 10 October 1997. Previously, the property was owned by Southend on Sea Borough Council, leased to a housing association, who granted tenancies to numerous tenants during the period 1992-1997.
19. Council Tax records also show that Mr Harris claimed to be living in Spain until 2000, when he then moved into 94 Southend Road. In the meantime, he had been renting the property out to a number of tenants. In 2001 he claimed a single occupancy discount for the property.
20. I am required to consider whether, on the balance of probability, it has been shown that the land in question has been used as a residential garden for in excess of ten years prior to the application date. If I am satisfied that is the case then I must issue a Certificate to that effect.
21. The evidence of the Mr and Mrs Stenson, who have lived in their property for 34 years, is clear that the land was used by previous owners as garden land, and has not in fact been used as a small holding for some time. Equally Mr Gray, a resident of 12 years, says that despite numerous tenants the land has been used as a garden. The evidence of the other residents is similar but is not specific with dates.
23. It is clear that in recent years the owner and/or occupiers have attempted to formalise and landscape the garden area as was seen from the site visits by the planning enforcement officers in 1998 and 2003. The use prior to this time is not documented, but the Council does not have any evidence contrary to that provided, other than the permissions in 1961 for greenhouses relating to the small holding
24. There are inconsistencies in the evidence of Mr and Mrs Harris as to the amount of time they have actually lived at the property and used the garden area. However, Mr Harris has been the owner during that time and the use of the garden land



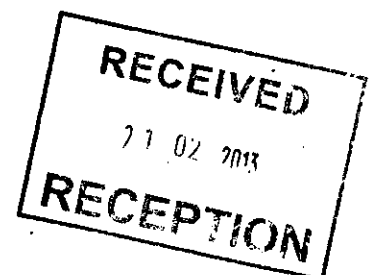
supported by the neighbours and therefore I am happy that the land has been so used.

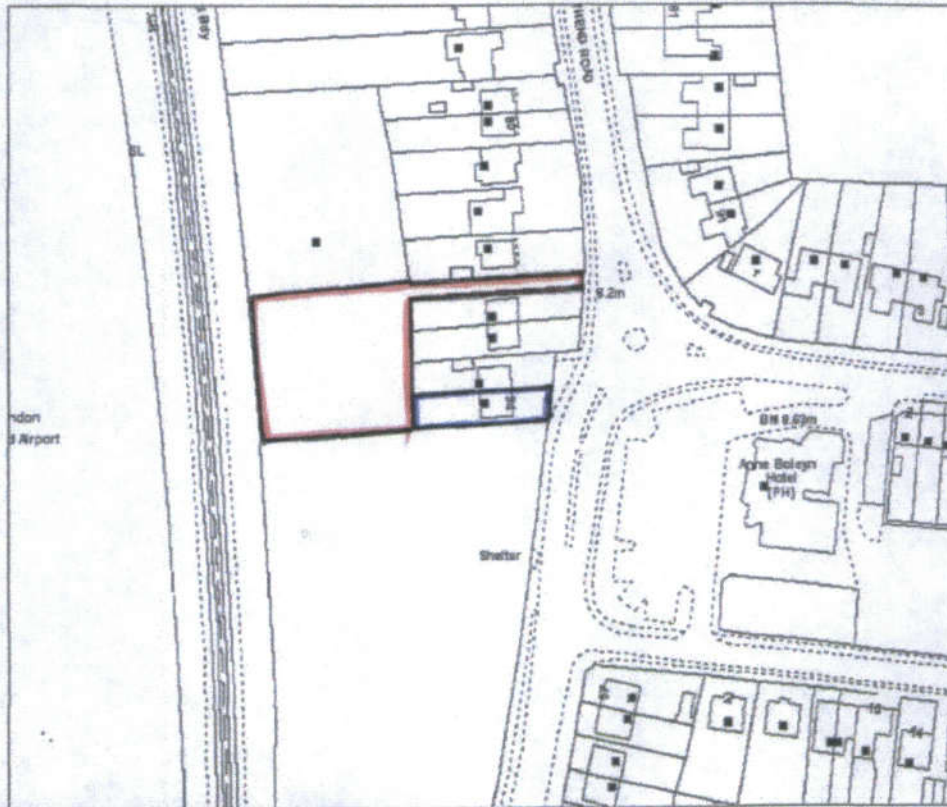
25. I am accordingly satisfied on the balance of probability that the use of the land edged red on the attached plan, to the rear of 86 to 94 Southend Road, Rochford, as a residential garden to those premises commenced 10 years prior to the application date and this use has continued to the present day. A Certificate to that effect is enclosed.

Yours sincerely

A handwritten signature in black ink, appearing to be 'h' followed by a flourish.

Head of Legal Services





Legend

This is the plan attached to the determination
of application reference 03/00566/LDC
dated 16th December 2003
and referred to in the Certificate of Lawful Use


.....
HEAD OF LEGAL SERVICES

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prosecution or civil proceedings.

Organisation	Rochford District Council
Department	Legal Services
Comments	
Date	17 December 2003
SLA Number	Not Set

RECEIVED

21 07 2013

RECEPTION

Partners

M V Gray FNAEA
S C Mellish MRICS IRRV
Consultants
M V Dedman AClOB
M T Acock FRICS

DEDMAN

Planning Services

377 SOUTHCHURCH ROAD, SOUTHEND-ON-SEA, ESSEX SS1 2PQ

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Fax 01702 603819

email: planning@dedman.netweb site: www.dedman.net

DX2817 Southend

Head of Planning

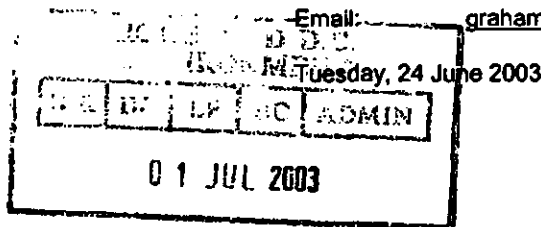
Graham Jolley MRTPI Dip TP

PLANNING CONSULTANTS

SURVEYORS•VALUERS•AUCTIONEERS•ESTATE AGENTS•PROPERTY MANAGERS

Head of Planning Services
Rochford District Council
Council Offices
South Street
Rochford
Essex SS4 1BW

Your ref: TRD/02/00034/COU-C
Our ref: GJ/ch/02/306
Direct Line: 01702 311101
Email: grahamjolley@dedman.net



Dear Sir

Re: Land Rear of 78-94 Southend Road, Rochford

Following our recent letter and application for a Certificate of Lawfulness, dated 17th June 2003, we are pleased to submit our Client's separate planning application in respect of the retention of the existing stable block and ménage. This letter forms part of the formal submission.

This application is submitted in response to your request to our Client that he seeks to regularise the position by way of this application but is submitted without prejudice to our view planning permission may not be required, in this case.

We understand the stable and ménage have not resulted in any complaints by neighbouring residents and the planning background is also referred to in our Client's letter to you, dated 3rd June 2003, which accompanied the abovementioned recent application for a Certificate of Lawfulness.

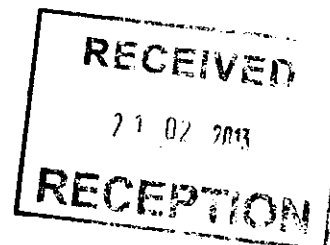
It is submitted this development, as incidental to the enjoyment of our Client's dwellinghouse is an appropriate form of development for this location and is also in keeping with PPG2 advice.

Accordingly, if on reflection you continue to take the view planning permission is required, we trust you will feel able to give this matter your favourable planning consideration. However, if you have any queries or should any planning issues emerge which could be prejudicial to planning approval being granted, we ask you to please contact us, at your earliest convenience.

Finally, we take this opportunity to remind you the planning application fee has recently been paid to you, in advance, by the cheque that accompanied our previous letter of 17th June 2003.

Yours faithfully


Graham Jolley
Head of Planning
Dedman Planning Services



BLAKE **DEDMAN** **Creak & Cable**
property services

The DEDMAN PROPERTY SERVICES Partnership

Residential Sales Offices: SHOEBURYNESSE, SOUTHEND, LEIGH & WESTCLIFF, BASILDON, ELM PARK

Survey and Professional Offices: SOUTHEND, BILLERICAY, BASILDON, ELM PARK

Commercial Departments: SOUTHEND, ELM PARK • Property Management and Auction Departments: SOUTHEND

03/598/FUL

LOCATION
PLAN

APPLICATION SITE EDGED RED
OTHER LAND WITHIN THE APPLICANT'S
OWNERSHIP EDGED BLUE

SCANNED

EXISTING STABLES

EXISTING MENAGE

AREA SUBJECT OF A
SEPARATE
APPLICATION FOR A
CERTIFICATE OF
LAWFULNESS

APPLICANT'S
DWELLING

DEDMAN
property services
Planning Services

PLANNING APPLICATION BY
MR & MRS M HARRIS
FOR RETENTION OF STABLE BLOCK
AND MENAGE

PART OF LAND AT REAR OF
78/94 SOUTHEM ROAD
ROCHFORD ESSEX

Drawing No. 02/306/2

June 2003

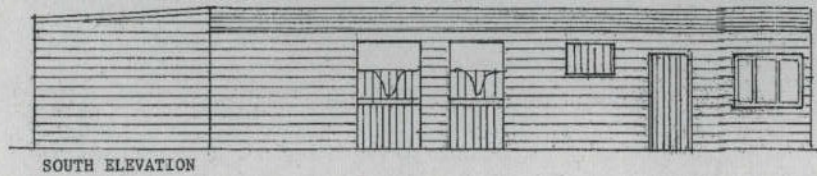
RECEIVED

21 02 2013

RECEPTION

1:1250

PLANS^{03/598/AJ}
ELEVATIONS



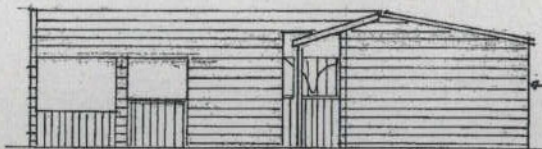
SOUTH ELEVATION



NORTH ELEVATION

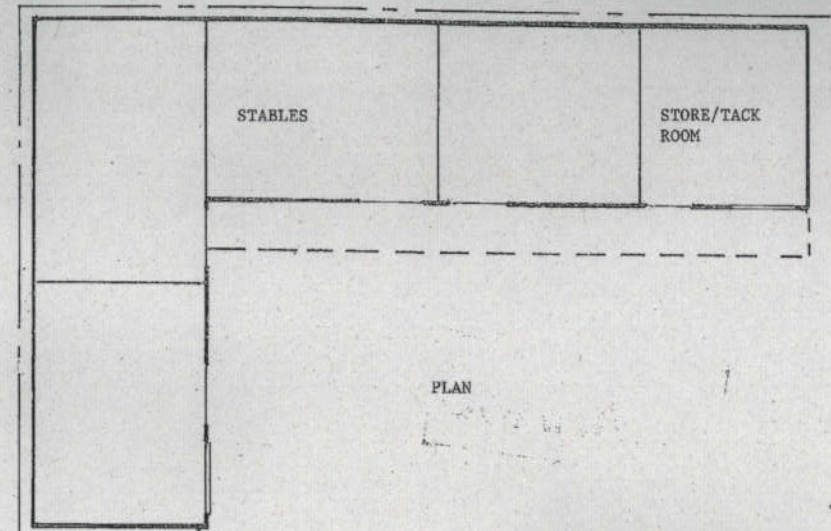


WEST ELEVATION



SOUTH ELEVATION

SITE
BOUNDARY



PLAN

RECEIVED
21.02.2013
RECEPTION

DEEDMAN
Planning Services

Planning Application
By
Mr & Mrs M Harris
For
Retention of Stable Block and Ménage

Part of Land at Rear of
78-94 Southend Road Rochford Essex

Approx Scale 1:100

Drawing No. 02/306/3

June 2003

03/00598/FUL – Land rear of 78 – 94 Southend Road, Rochford
Retain existing stable block and ménage

Rochford Parish Council –

NOTES

The application is for the retention of a stable block and ménage. The site is located within the metropolitan green belt; it is to the west of numbers 78 – 86 Southend Road, Rochford and to the east of the railway line. The erection of the stable block and the deposit of clay on land was the subject of an enforcement case in 1998 (B/2093/1/98). It is not clear from the photographs provided on the enforcement file if the stable that was built in 1998 is the same building as the current building. If the building has been up for more than 4 years the previously unauthorised building becomes lawful however the use of it is still not lawful.

The stable block has stables for 3 horses, a tack room and a hay barn. Two Shetland ponies and one horse are kept at the site. Local Plan Policy LT10 outlines the council's policy on stables including the minimum requirement for grazing land per horse. The area of grazing land on the site is approximately 862 square metres this is substantially under the minimum standard set out under LT10 of 0.5 hectare per horse where there are nearby bridle paths. Even if the land to the rear of 88 - 94 Southend Road and the area currently used as a ménage was used as grazing it would still be under the required standards.

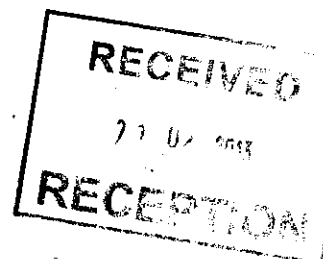
Annex F of PPG7 provides advice on development involving horses. It states that planning applications should bear in mind recommended standards for the safety and comfort of horses as well as other planning considerations.

If granted planning permission it would constitute an intensification of the use of land in the green belt, which would lead to a loss of residential amenity to nearby properties by virtue of noise, and smell.

Essex County Council (highways) – Recommend that a condition concerning the material to be used in the first 6 m of the access way from the highway boundary is attached to any permission granted.

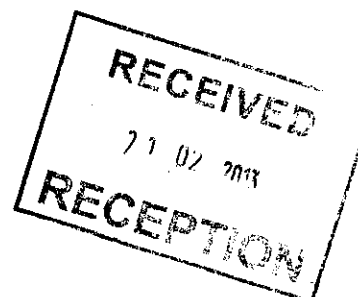
Environmental Health – note that complaints from nearby residents regarding the alleged burning of horse manure on the site have previously been received. It recommends conditions concerning the burning of the waste and the proposed method of storage and disposal of waste material should be applied to any permission granted.

One neighbour letter was received as a result of the consultations, concerned about a large tree overhanging onto his property.

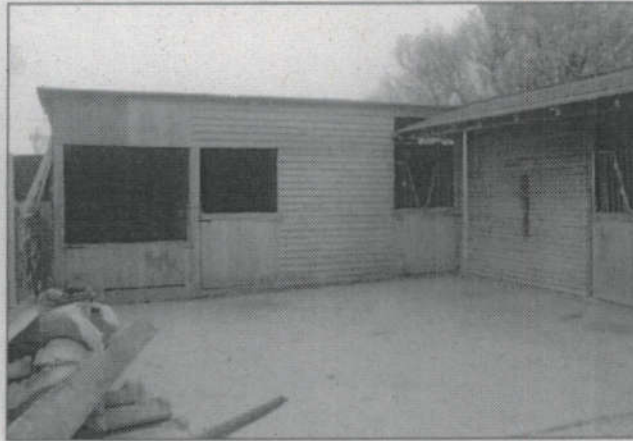


REFUSAL

The insufficient provision of grazing land, contrary to policy LT10 of the Rochford District Local Plan First Review, would lead to an intensive use of a sub-standard size plot. This would put pressure on the land thus undermining the appearance of the countryside in this locality and leading to a loss of amenity to nearby residential properties by virtue of smell, noise and appearance.

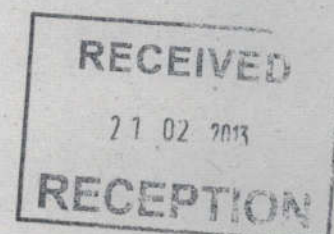


03/0598/fm
PHOTOS



PHOTOGRAPHS OF EXISTING STABLE BLOCK
LAND R/O 79-94 SOUTHEAST ROAD

Dedman Planning Services
June 2003



land r/o 78 - 86 Southend Road,
Rochford, Essex



 **Promap**

© Getmapping plc 2013. Plotted Scale - 1:1250

RECEIVED
21.02.2013
RECEPTION

c/o Graham Tolley

**DIRECTORATE OF LAW,
PLANNING AND ADMINISTRATION**

**Shaun Scrutton, BSc(Hons), Dip TP,
MRTPI, IHBC, MBA, MCMI**
Head of Planning Services



**Rochford District
Council**

My Ref: TRD/02093/1/93
Your Ref:

Council Offices South Street
Rochford Essex SS4 1BW

Ask for: Tom Deans
Ext: 3416
Direct Dial: (01702) 318096

Telephone: 01702 546366
DX 39751 Rochford
Facsimile: 01702 318181

Email: tom.deans@rochford.gov.uk
Website: www.rochford.gov.uk

Date: 02 February 2004

Dear Sir,

Town and Country Planning Act 1990 (as Amended)
Re: Land, rear of 78 – 94 Southend Road, Rochford

I refer to stables erected on land to the rear of the above address, which I understand that you own.

The erection of these stables and the use of this land appears to be a long standing breach of control which I understand was being addressed by the submission of an application, 03/00598/FUL, which sought permission to retain the existing stable block and ménage. However, you withdrew this application on 15 July 2003, leaving this alleged breach of planning control unresolved.

I must therefore ask you to address this matter at the earliest possible date. You may choose to submit an application seeking a planning permission or a Lawful Development Certificate be issued but, you must be aware that, unless either planning permission or a Lawful Development Certificate is granted, or evidence provided as to why the use of the land and the erection of the building would be exempt from Enforcement Action, the Council will be obliged to consider the expediency in taking enforcement action.

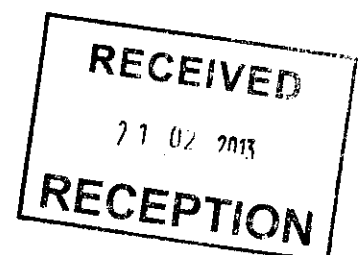
These alleged breaches of planning control will be reviewed in 28 days from the date of this letter and I would appreciate your co-operation in sending me your reply giving details of your intentions in relation to this land and stables, prior to that review.

Please do not hesitate to contact my assistant planner, Tom Deans, at the above direct dial telephone if you require any further information.

Yours faithfully

Nick Barnes
Team Leader (Enforcement)

Mr Harris
94 Southend Road
Rochford
Essex
SS4 1HQ



94 Southend Road
Rochford
Essex
Ss4 1hq

5/1/2013

To whom it may concern,

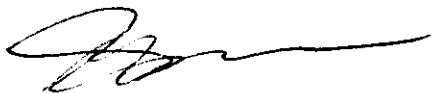
re; Application for Lawful Development Certificate for keeping of horses, paddock, manarge and stables at rear of 94 Southend Road Rochford

I purchased my property in 1997. Before moving in I erected stables and constructed a riding manarge and paddock area, whilst the contracts were being finalised. So when everything was completed with my house myself and family could all be together. Due to work commitments the horses had to be moved at the same time we did.

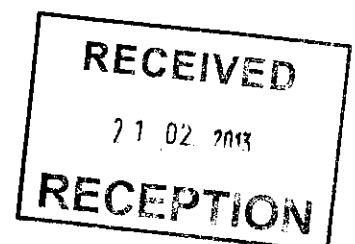
We spent considerable amounts of money transforming this untidy overgrown garden and stable yard also the paddock and manarge.

The stables, paddock and manarge have been in continuous use since 1997. All we want to do is continue to keep our horses at our property which, as you are aware I have lived in for seventeen years and hope to for many more years.

Yours Faithfully



Mark Wayne Harris



Val & John Stenson,
86, Southend Road,
Rochford,
Essex.
SS4 1HQ

To. Rochford District Council,
South Street,
Rochford,
Essex.

10/1/2013.

To Whom it may Concern.

Dear Sirs. Re. Mr Harris, 94, Southend Road, Rochford.

I understand Mr Harris is going to apply for a "lawful development certificate" for his stables.

Mr Harris moved into his house in 1997 and built his stables, manure and Paddock where they have been since 1997.

Over the years he has tried to develop the whole area of garden to an acceptable standard and

I support Mr Harris in this endeavour, I would like to think the Council will also support

Mr Harris for the betterment of him and his neighbours.

Yours sincerely
John Stenson



90 Southend Road
Rochford
Essex
SS4 1HQ

12 January 2013

To Whom It May Concern

Dear Sirs

Re: Application for Lawful Development Certificate for Stables
Mr M Harris and family, 94 Southend Road Rochford Essex SS4 1HQ

Having lived here for 53 years I have seen many alterations to local properties and grounds.

The field and land behind our house has belonged to a few families over the years, one being a local florists whereby the greenhouses and flowers were very attractive, after which ownership changed and the land was rather tatty up until 1997 when Mr Harris purchased the house at 94 Southend Road and the land behind, tended the field and erected the stables and ménage and worked very hard at improving our locality.

It has been nothing but a joy to see the horses being stabled, or exercised and jumping in the ménage.

Over the years I have always found Mr Harris and his family very kind and caring with all their animals, the stables being kept clean and tidy, there is always someone out there beavering away. The horses themselves have never been a nuisance and are a real asset to the view in front of the railway and airport.

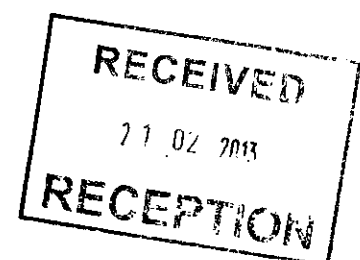
Let's not go back to the days when the land behind these houses was called The Wilderness (1st edition of Ordnance Survey map No.72 1799 – 1805). Surely we can look forward to keeping Rochford a very pleasant and interesting place to live by allowing people who have improved their environment to keep up the good work.

I therefore have no hesitation in requesting that Mr Harris be granted the Lawful Development Certificate for Stables forthwith.

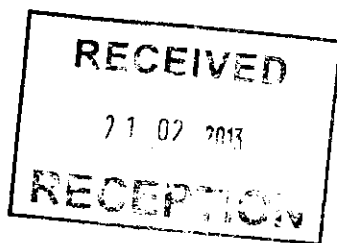
Yours faithfully

Y Chapman

(Mrs) Y Chapman



88 Southend Road
 Rockford
 Essex
 SS4 1HQ



14/01/2013

To whom it may concern
 Re: 94 Southend Road;

I am writing to you with regards to the above property, Mr Mark Harris moved to 94 Southend Road in 1997, and built Stables, manarge and paddocks within the first couple of months which has been maintained to a good standard.

Mr Harris has also developed his garden and has many activities for his children to play.

I like looking out of my window to see the Horses being exercised and hearing the children having fun.

I think over the next few years Mr Harris will only make more improvements to the rear of his property. I have never had any problems with any of the developments that Mr Harris has already achived. They only improve the aspect which we look out to.

Many regards Pflawel 88 Southend Rd.