

Important - this communication affects your property

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

ENFORCEMENT NOTICE

ISSUED BY: ROTHER DISTRICT COUNCIL ("the Council")

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. **THE LAND AFFECTED**

Land at Church Farm, Hawkhurst Road, Flimwell, Ticehurst, East Sussex shown edged red on the attached plan ("the Land").

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, the material change of use of the Land from agriculture to a mixed use for agriculture and for the commercial parking and storage of motor vehicles, and the associated extension of a car park (in the approximate position shown hatched blue on the attached plan).

4. **REASONS FOR ISSUING THIS NOTICE**

- (i) It appears to the Council that the above breach of planning control has occurred within the last ten years.
- (ii) The unauthorised use and development of the Land, which lies within the formally designated High Weald National Landscape Area, next to and to the east of the Grade II listed St Augustine's Church on the south side of the A268 Hawkhurst Road, approximately 1km from the junction with the A21, is considered to create an incongruous and suburban addition encroaching into the rural landscape, out of character with and causing harm to the intrinsic rural character of the Land and failing to conserve or enhance the landscape character and scenic beauty of the High Weald. The unauthorised use and development is also considered, by virtue of its' use, appearance, size

and proximity to adversely affect the setting and special architectural and historic character and interest of the adjacent Listed Building as a heritage asset. The unauthorised use and development leads to increased traffic hazards on the A268 by reason of inadequate visibility splays at the access.

- (iii) The unauthorised use and development of the Land is therefore considered to be contrary to Paragraphs 116, 189, 208 and 215 of the National Planning Policy Framework 2024; Policies OSS4, RA1, EN1, TR2 and CO6 of the adopted Rother Core Strategy Local Plan 2014; Policies DEN1 and DEN2 of the adopted Rother Development and Site Allocations Local Plan 2019; paragraph R1 of the adopted Ticehurst Neighbourhood Plan; and Objectives S1, S2, S3, R1 and PQ2 of the adopted High Weald AONB Management Plan 2024-2029.
- (iv) The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections to the use.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Stop using the Land for the commercial parking and storage of motor vehicles.
- (ii) Remove all commercial motor vehicles from the Land
- (iii) Break up and remove the car park extension from the Land
- (iv) Cover with top soil and seed with grass seed the area from where the car park extension has been removed, to marry in with the contours of adjacent undisturbed land.
- (v) Remove all materials, rubble, rubbish, debris, tools, equipment and plant arising from compliance with the above requirements.

Time for compliance: Four months after this notice takes effect

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 14th of October 2025 unless an appeal is made against it beforehand.

Dated: 11th September 2025

Signed:

Director of Place and Climate Change
Authorised signatory
On behalf of Rother District Council
Town Hall
Bexhill on Sea
East Sussex TN39 3JX

Contact Officer:
Telephone:
Email:

ANNEX

1. THE RIGHT OF APPEAL

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the Enforcement Notice. Unless an appeal is made, as described below, the enforcement notice will take effect on the date referred to in paragraph 6 of the Enforcement Notice 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 Enforcement 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 the date specified in paragraph 6 of the Enforcement Notice.

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 £1176.

Payment should be made by BACS (quoting reference ENF/72/24/TIC) to the following account:

Sort code : 30-80-12 Account number : 11649668
Account name : Rother 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.

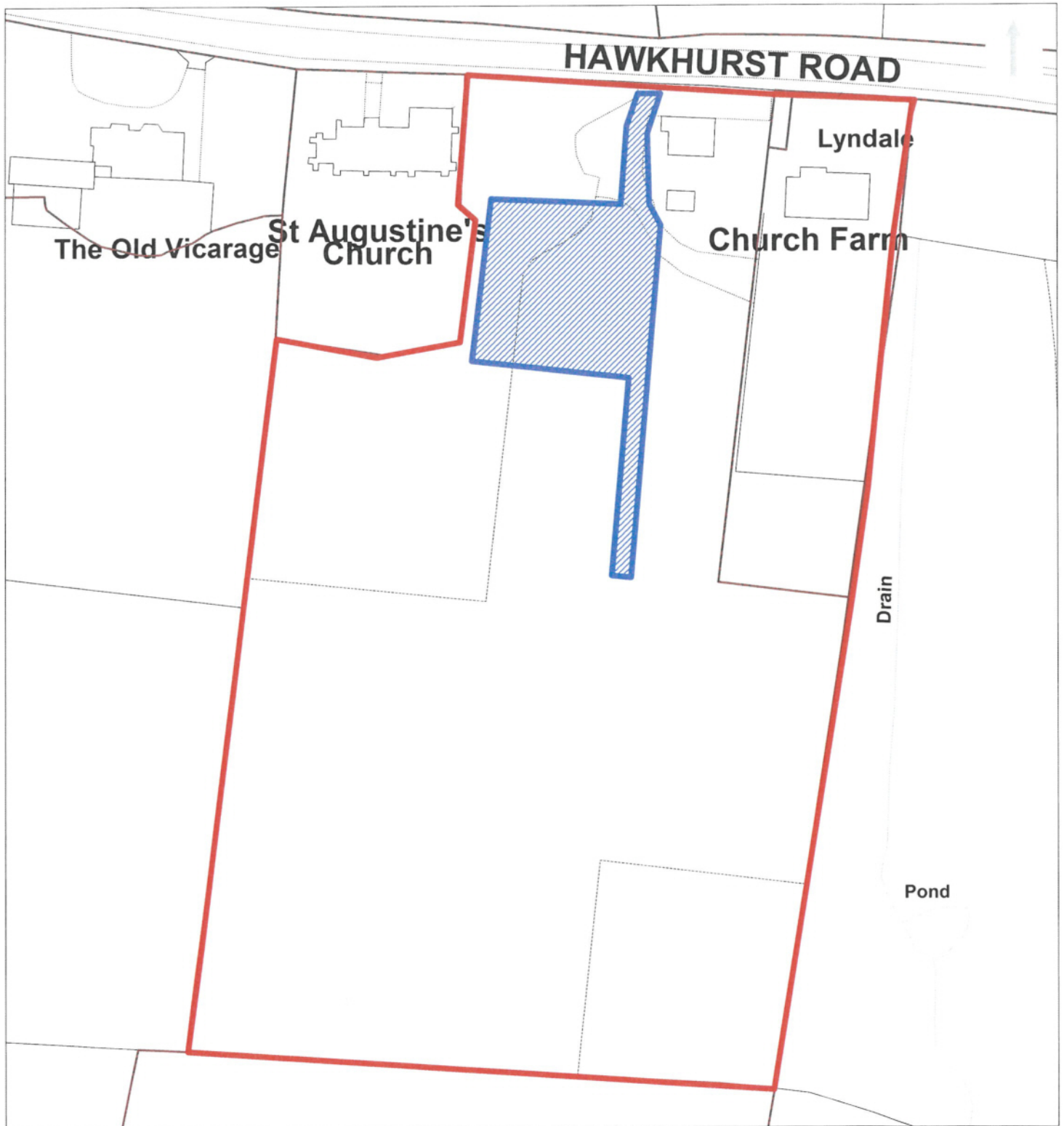
2. LIST OF PERSONS SERVED WITH THIS NOTICE

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Plan: Enforcement

File: ENF/72/24/TIC

Scale: 1:1250

N.G. Ref: TQ7230NW