

3/6/16



ENFORCEMENT NOTICE - OPERATIONAL DEVELOPMENT

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: Rother District Council

ROTHER DISTRICT COUNCIL
PLANNING DEPT.
REC'D 21 JAN 2016
REFERRED TO:
REPLY REQUIRED:
ACK CARD DATE SENT:

1. THIS NOTICE is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) 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 TO WHICH THE NOTICE RELATES

Land and premises at 11A Station Road, Hurst Green, East Sussex shown edged red on the attached plan

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL – OPERATIONAL DEVELOPMENT

Without planning permission the installation of two condenser units at the rear of the premises.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last four years.

The noise from the units causes harm to the residential amenities of the occupiers of the nearest properties. The units are visible from the closest properties and from the private yard and are unsightly, causing harm to the character and appearance of the local area and the visual amenity of the nearest residents. Their retention would be contrary to Policies OSS4 (ii) and (iii) and RA1(i) of the Rother District Local Plan Core Strategy.

The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections.

5. WHAT YOU ARE REQUIRED TO DO

- i. Remove the two condenser units from the land, including all fixtures, fittings, cables and connections.
- ii. Remove all materials, rubbish and debris arising from complying with part (i) above from the land.

6. TIME FOR COMPLIANCE

One month after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 1 March 2016 unless an appeal is made against it beforehand.

Dated: 18 January 2016

Signed:

Solicitor to the Council
on behalf of Rother District Council,
Town Hall,
Bexhill-on-Sea,
East Sussex TN39 3JX

Ref: MKN142

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date specified in paragraph 7 of the notice. The attached leaflet details how an appeal can be made.

If you want to appeal you can do it:

- online at the Planning Casework Service area of the Planning Portal www.planningportal.gov.uk/pcs, or
- by getting enforcement appeal forms by phoning on 0303 444 5000 or by emailing enquiries@pins.gsi.gov.uk

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 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.

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Plan: Enforcement

File: ENF/101/15/HUG

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