

ENFORCEMENT NOTICE - FAILURE TO COMPLY WITH CONDITIONS

3/20/17

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

1. THIS NOTICE is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (b) 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

The land and building at Hays Mill Oast, Hurst Green, Etchingham, East Sussex shown edged red on the attached plan ("the Barn").

3. THE BREACH OF PLANNING CONTROL ALLEGED

Planning Permission was granted on 8 December 2005 under ref RR/2005/2745/P for change of use of ancillary store and games room to residential, including the erection of a link building and the insertion of rooflights, subject to conditions. One of those conditions is:

2. The barn shall only be used for residential accommodation in association with the existing dwelling (the converted oast house) and shall not be used as a separate dwelling unit.

It appears to the Council that the condition has not been complied with because the Barn is not being occupied for purposes ancillary to the existing dwelling (the converted oast house) Hays Mill Oast but is being occupied residentially as a separate self-contained dwelling.

4. REASONS FOR ISSUING THIS NOTICE

- (i) It appears to the Council that the above breach of planning control occurred within the last four years.
- (ii) The site is located in the countryside where new development is strictly controlled and new dwellings are only permitted in extremely limited conditions. The use of the building as a dwelling does not meet the strict criteria of and would conflict with Rother Local Plan Core Strategy Policies OSS4 (i) (ii) & (iii) and EN1 of the Rother Local Plan (2014) - Core Strategy and paragraphs 55 and 115 of the National Planning Policy Framework.
- (iii) The Council do not consider that there should be any relaxation of the condition in question for the reason set out in (ii) above.

5. WHAT YOU ARE REQUIRED TO DO

- i) Cease the use of the Barn as a separate dwelling unit.
- ii) Do not permit any person to use the Barn other than as residential accommodation in association with the existing dwelling (the converted Oast House).

6. TIME FOR COMPLIANCE

Six Months after this notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 15 June 2017 unless an appeal is made against it beforehand.

Dated: 4 May 2017

Signed:

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

Ref: MKN163 (Barn)

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.

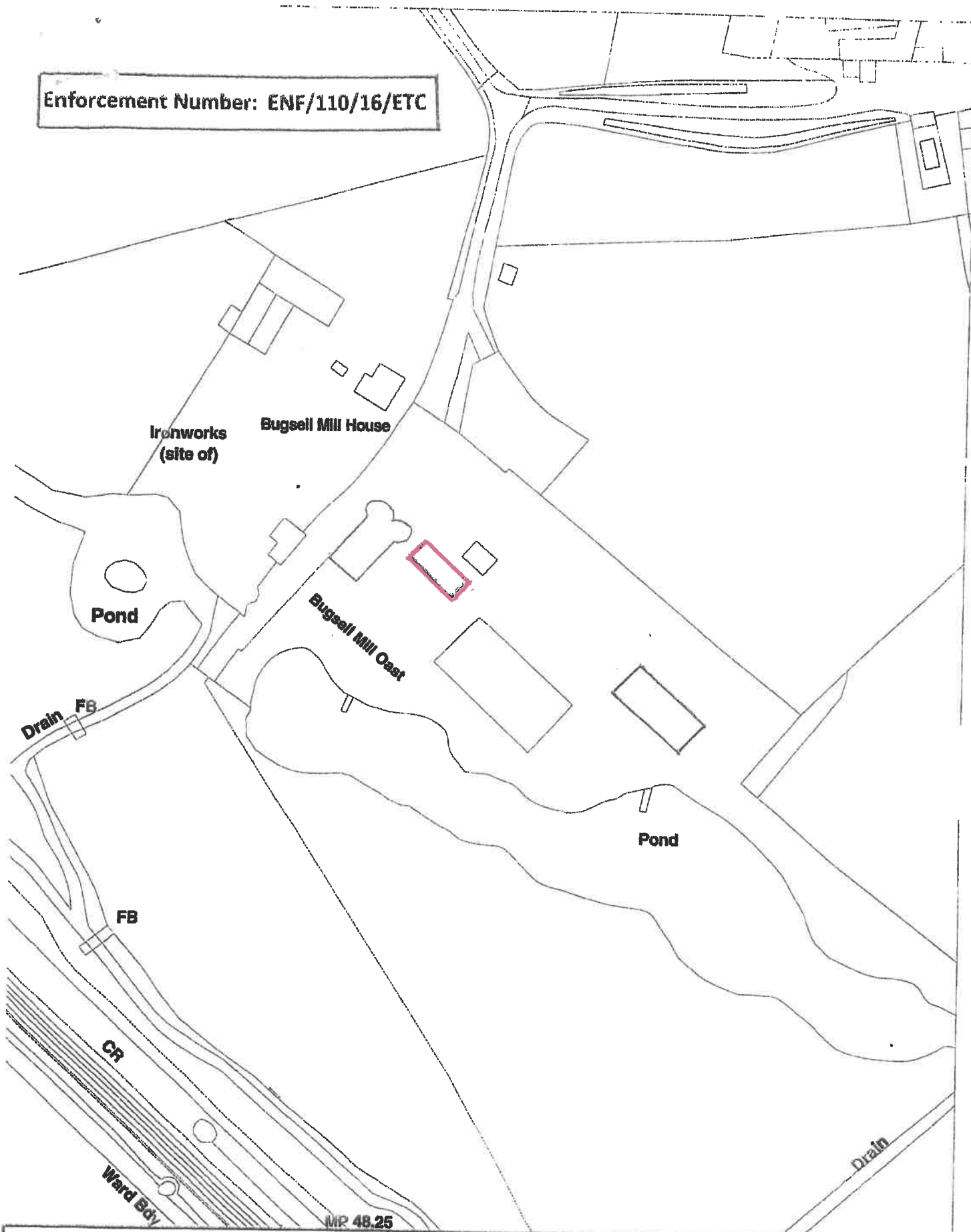
If you want to appeal you can do it:

- online at the Planning Casework Service area of the Planning Portal
<https://acp.planninginspectorate.gov.uk>, or
- by getting enforcement appeal forms by phoning on 0303 444 5000 or by emailing
enquiries@pins.qsi.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

Enforcement Number: ENF/110/16/ETC



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