

**ENFORCEMENT NOTICE - OPERATIONAL DEVELOPMENT AND
MATERIAL CHANGE OF USE**



IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

ROTHER DISTRICT COUNCIL	
PLANNING DEPT.	
REC'D	09 FEB 2016
REFERRED TO:	CONCERNED COUNCIL
REPLY REQUIRED:	CONCERNED COUNCIL

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 (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 to the east of Sempstead House Sempstead Lane Ewhurst 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

- i) The alteration of ground levels to form a levelled area, and
- ii) The construction of a hard-surfaced tennis court with perimeter fencing

on that part of the land shown hatched in the approximate position on the attached plan.

4. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL – MATERIAL CHANGE OF USE

Without planning permission a material change of use of the land from agriculture to a mixed use of agriculture and recreational use.

5. REASONS FOR ISSUING THIS NOTICE

- i) It appears to the Council that the above breach of planning control has occurred within the last four years in relation to 3 above
- ii) It appears to the Council that the above breach of planning control has occurred within the last ten years in relation to 4 above.
- iii) The development is harmful to and does not preserve the natural beauty of the landscape and countryside of the High Weald Area of Outstanding Natural Beauty. The development is therefore contrary to Policies OSS4 (iii), RA3 (v) and EN1 (i) of the Rother District Local Plan – Core Strategy and paragraph 115 of the NPPF.

The land is agricultural land and there is no justification for the change of use to recreational purposes. The use of the land for recreational purposes is not in keeping with the rural, agricultural character of the area.

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

6. WHAT YOU ARE REQUIRED TO DO

- (i) Dig up and remove the hard surface including any base or sub-base and dismantle the perimeter fencing from the tennis court located on the land shown hatched.
- (ii) Return topsoil to the land shown hatched after complying with (i) above and seed with grass.
- (iii) Remove all building materials and debris from the land shown hatched arising from compliance with requirements (i) to (ii) above
- (iv) Cease the use of the land shown hatched for recreational purposes.

7. TIME FOR COMPLIANCE

Three months after this notice takes effect.

8.

WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 16th March 2016 unless an appeal is made against it beforehand.

Dated: 3rd February 2016

Signed:

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

Ref: MKN079

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 8 of the notice. The attached leaflet details how an appeal can be made.

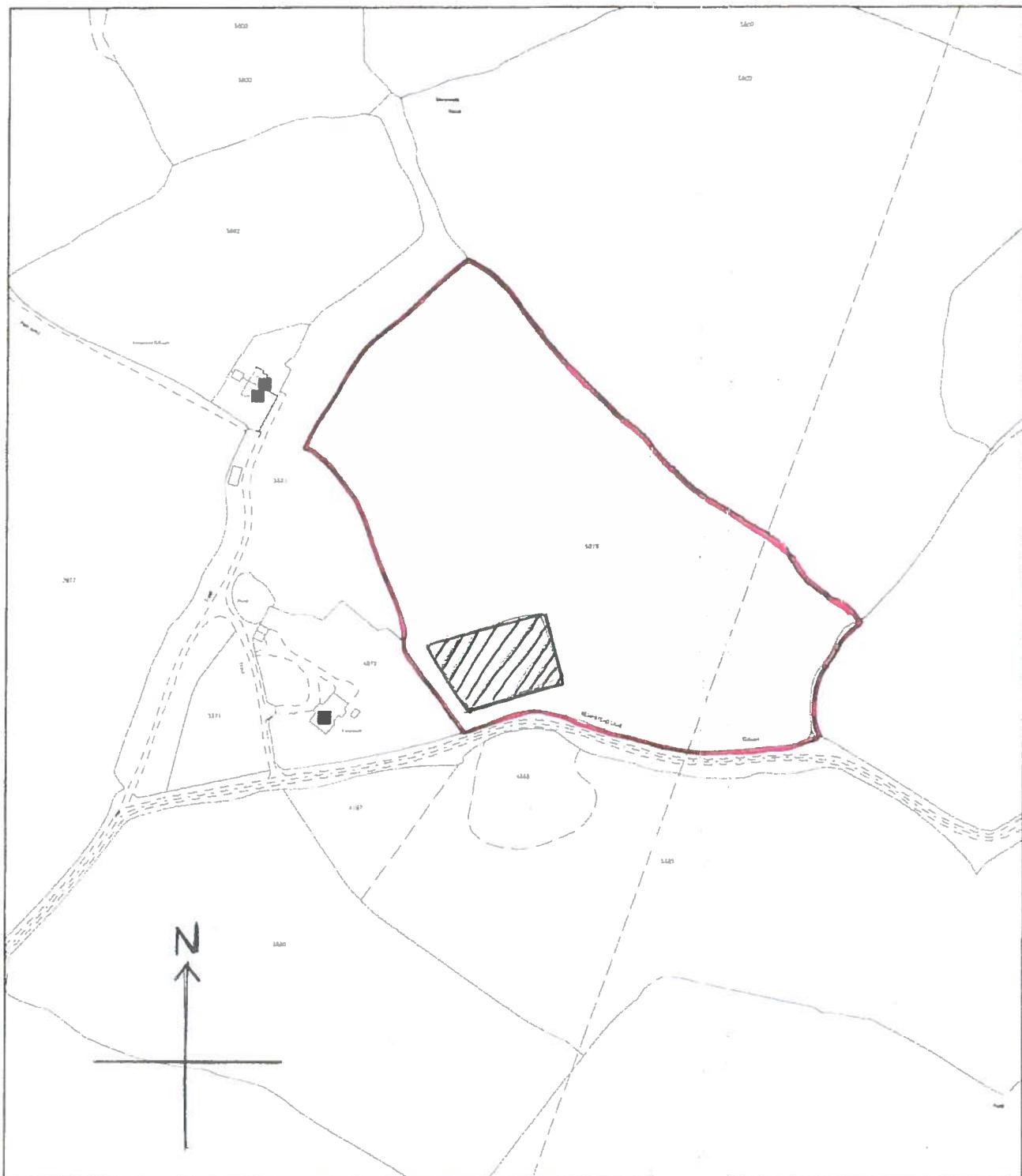
If you want to appeal you can do it:

- 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 8 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 7 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.





Plan: Enforcement
File: ENF/111/14/EWH
Scale: 1:2500
N.G. Ref: TQ8023NW