

3/28/16



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

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 at West View, Kane Hythe Road, Battle, 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 erection of a close boarded fence 120m in length and 2m high on land adjacent to a highway used by vehicular traffic in the approximate position shown by a blue line on the attached plan.

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 fence requires planning permission, and has introduced a harsh alien and suburbanising feature into the rural landscape. Due to its length, height and proximity to the road, it is highly visible and incongruous in a rural area that is designated for the quality of the landscape. The fence does not respect and detracts from the rural character and appearance of the locality and compromises the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty contrary to Policy OSS4(iii), RA3(iv) and EN1(i) of the Rother Local Plan Core Strategy and paragraphs 17 and 115 of the National Planning Policy Framework.

The position of the fence has left only a narrow section of highway verge adjacent to the road. Whilst there are some established trees between the fence and road, the narrow gap is insufficient in depth to provide any other vegetation that could reduce the visibility of the fence or assist its integration with the surrounding area.

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

ROTHER DISTRICT COUNCIL	
PLANNING DEPT.	
REC'D	24 FEB 2016
REFERRED TO	
REPLY REQUIRED	
ACK CARD DATE SENT	

5. WHAT YOU ARE REQUIRED TO DO

Remove the fence or reduce the height of the fence to 1m or less.

6. TIME FOR COMPLIANCE

One month after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 31 March 2016 unless an appeal is made against it beforehand.

Dated: 17 February 2016

Signed:

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

Ref: MKN143

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.



Plan: Enforcement
File: ENF/114/15/BAT
Scale: 1:2500
N.G. Ref: TQ7216SW