

3/22/11

## **ENFORCEMENT NOTICE - 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**

**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 Totts Barn, Etchingam Road, Burwash, East Sussex shown edged red on the attached plan.

#### **3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL – MATERIAL CHANGE OF USE**

Without planning permission the material change of use of the land from agriculture to use as garden land.

#### **4. REASONS FOR ISSUING THIS NOTICE**

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

The development does not benefit from planning permission and is inappropriate within this location. The extension of garden land has caused harm to the open landscape within the High Weald Area of Outstanding Natural Beauty (AONB). This is contrary to Policy HG9 of the Rother District Local Plan 2006 and Policy OSS4 (iii) Policy RA3 (v) and Policy EN1 (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) Cease the use of the land as garden land and restore the land to its former condition as agricultural land.
- ii) Remove the new boundary fence to the north and reinstate the boundary as per the approved plans – drawing number 06 of permission RR/2010/2367/P (Extract attached).

## **6. TIME FOR COMPLIANCE**

One month after this notice takes effect.

## **7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 10 July 2017 unless an appeal is made against it beforehand.

Dated: 24<sup>th</sup> May 2017

Signed:

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

Ref: MKN208

## **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.

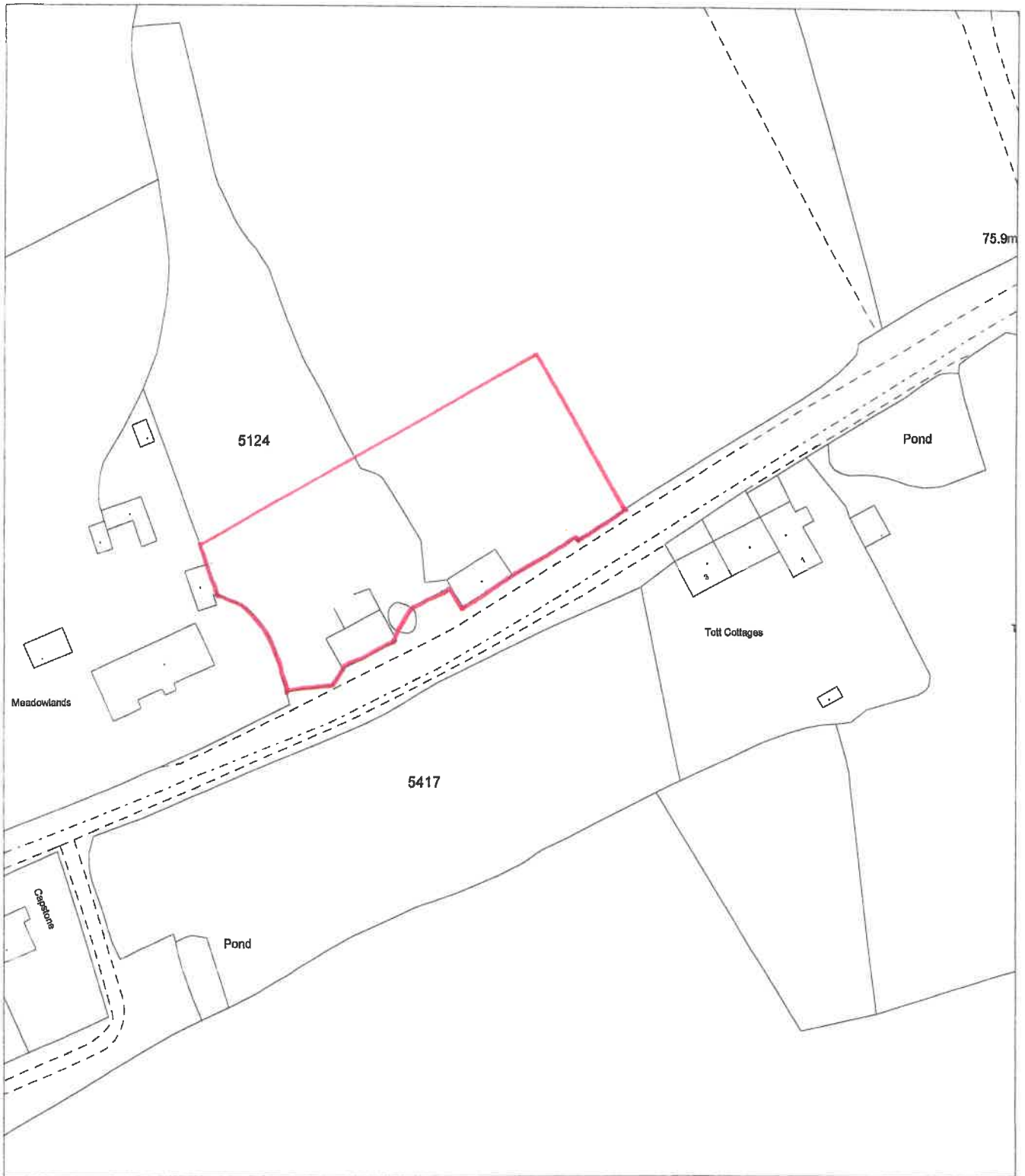
If you want to appeal you can do it:

- 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.gsi.gov.uk](mailto: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: Totts Barn, Etchingam  
Scale: 1:1000  
N.G. Ref: TQ6825SE

Services Directorate, Town Hall, Bexhill on Sea, East Sussex TN39 3JX