

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 ("the 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 THIS NOTICE RELATES

Land lying to the east of Beech House Lane (known at Plot 6B), Salehurst, Robertsbridge, East Sussex shown edged red on the attached plans shown marked Plan A and Plan B attached ("the Land").

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

Without planning permission:-

- i) the installation of a 2 metre high metal wire mesh and wooden post and rail perimeter boundary fence with 3 gates that encloses the Land and in the approximate position shown in black on the attached plans ("the Perimeter Fence");
- ii) the creation of two areas of hardsurfacing on the Land by the importation of hardcore, the location of both areas are as shown in the approximate positions coloured green on the attached plans ("the Hardsurfaced Areas");
- iii) the creation of two hardsurfaced tracks on the Land by the importation of hardcore, the location of both areas are as shown in the approximate positions coloured blue on the attached plans ("the Hardsurfaced Tracks");
- iv) the excavation of a pit within the Land, in the location as shown in the approximate position coloured pink on the attached plans, and it being filled with a large plastic and metal caged storage container ("the Storage Container") and covered with concrete;

- v) the erection on the Land of:
 - a) two timber sheds, as shown in the approximate positions coloured orange on the attached plans ("the Sheds");
 - b) one metal/timber clad building as shown in the approximate position upon one of the Hardsurfaced Areas and coloured orange on the attached plan ("the Building"); and
 - c) six separate metal framed structures without material covers and two metal framed structures with material covers ("the Structures") all within the area as shown in the approximate position edged in orange;
- vi) the erection of various fencing and gates within the Land

(items i) – vi) above shall herein be altogether referred to as "the Unauthorised Development").

4. 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.
- ii) The Unauthorised Development is considered to unacceptably compromise the intrinsic rural character of the locality, the countryside, and the scenic beauty of the landscape features of the High Weald Area of Natural Beauty.
- iii) The Land is subject to The Rother District Council (Beech House Lane, Salehurst, East Sussex) Article 4 Direction 1999 dated 4th August 1999 and approved by the Secretary of State for the Environment, Transport and the Regions on 21st January 2000 ("the Article 4 Direction"). The Unauthorised Development is contrary to the Article 4 Direction which removes permitted development rights including development comprised within Class A of Part 2 of Schedule 2 (the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure) to the Town and Country Planning (General Permitted Development) Order 1995. The Council considers that the Unauthorised Development is prejudicial to the proper planning of the area and constitutes a threat to the amenities of the area.
- iv) The Unauthorised Development is considered contrary to Policies OSS4 (iii), RA2(ii)&(iii), RA3 (i)&(v), and EN1 (i)((v)&(viii), EN3 (i)& EN5 (i),(ii)&(viii) of the Rother Local Plan Core Strategy 2014, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan (DaSA) Dec 2019 and Paragraph 176 of the National Planning Policy Framework (July 2021).

5. WHAT YOU ARE REQUIRED TO DO

- i) Dismantle the Perimeter Fence in its entirety.
- ii) Remove the entire Perimeter Fence from the Land and take to an authorised place of disposal together with all materials used to construct the Perimeter Fence including but not limited to the associated concrete post footings and the chicken wire buried in the ground.
- iii) Dismantle and remove the Sheds, the Building and the Structures from the Land in their entirety.
- iv) Break up and remove from the Land, and take to an authorised place of disposal, the imported hardcore used to create the Hardsurfaced Areas.
- v) Cover with topsoil the areas where the Hardsurfaced Areas have been removed and return those areas of the Land to its levels before the Unauthorised Development took place and reseed these areas of the Land with mixed grass seeds.
- vi) Break up and remove from the Land, and take to an authorised place of disposal, the imported hardcore used to create Hardsurfaced Tracks.
- vii) Cover with topsoil the areas where the Hardsurfaced Tracks have been removed and re-profile those areas of the Land to the ground level it was before the Unauthorised Development took place and reseed these areas of the Land with mixed grass seed.
- viii) Remove from the Land the Storage Container, including all the concrete used to cover the Storage Container, and infill the pit with earth to match the profile level of the adjacent land before the Unauthorised Development took place.
- ix) Dismantle and remove from the Land, and take to an authorised place of disposal, all the various fencing and gates within the Land and all the materials used to create the fencing/gates, including but not limited to the timber and metal wire mesh.
- x) Remove all non-agricultural items from the Land, namely but not limited to the mechanical digger, tools, building equipment, all waste and materials on the Land arising from compliance with steps i) to ix) and return the Land to its former condition before the Unauthorised Development took place.

6. TIME FOR COMPLIANCE

Six Months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 10th December 2021 unless an appeal is made against it beforehand.

Dated: 21st October 2021

Signed: _____

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

Ref: KEN/9/8/875F

ANNEX

THE RIGHT OF APPEAL

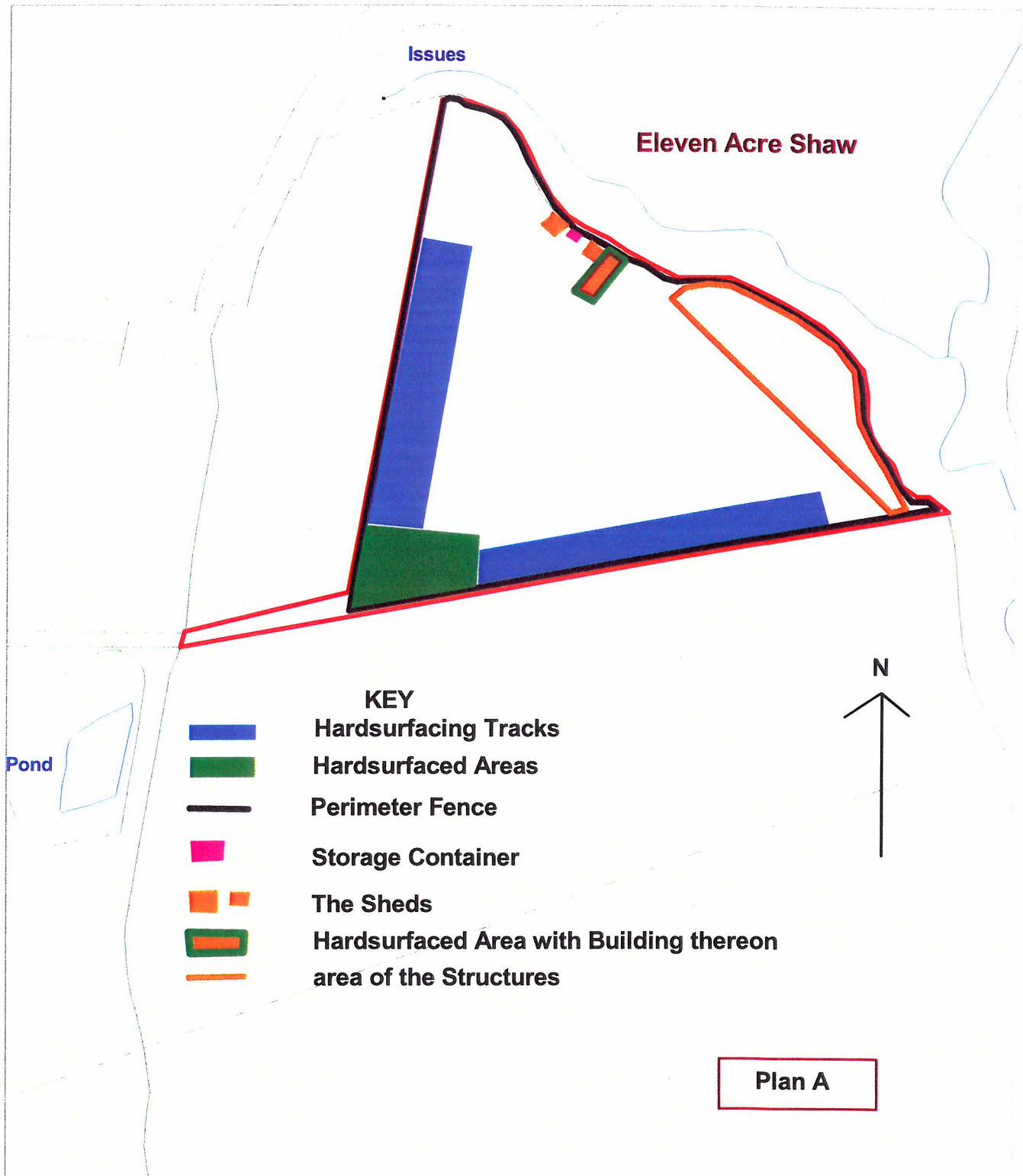
An appeal can be made against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date specified in paragraph 7 of the notice. The attached leaflet and covering letter details how an appeal can be made.

If you want to appeal you can do it:

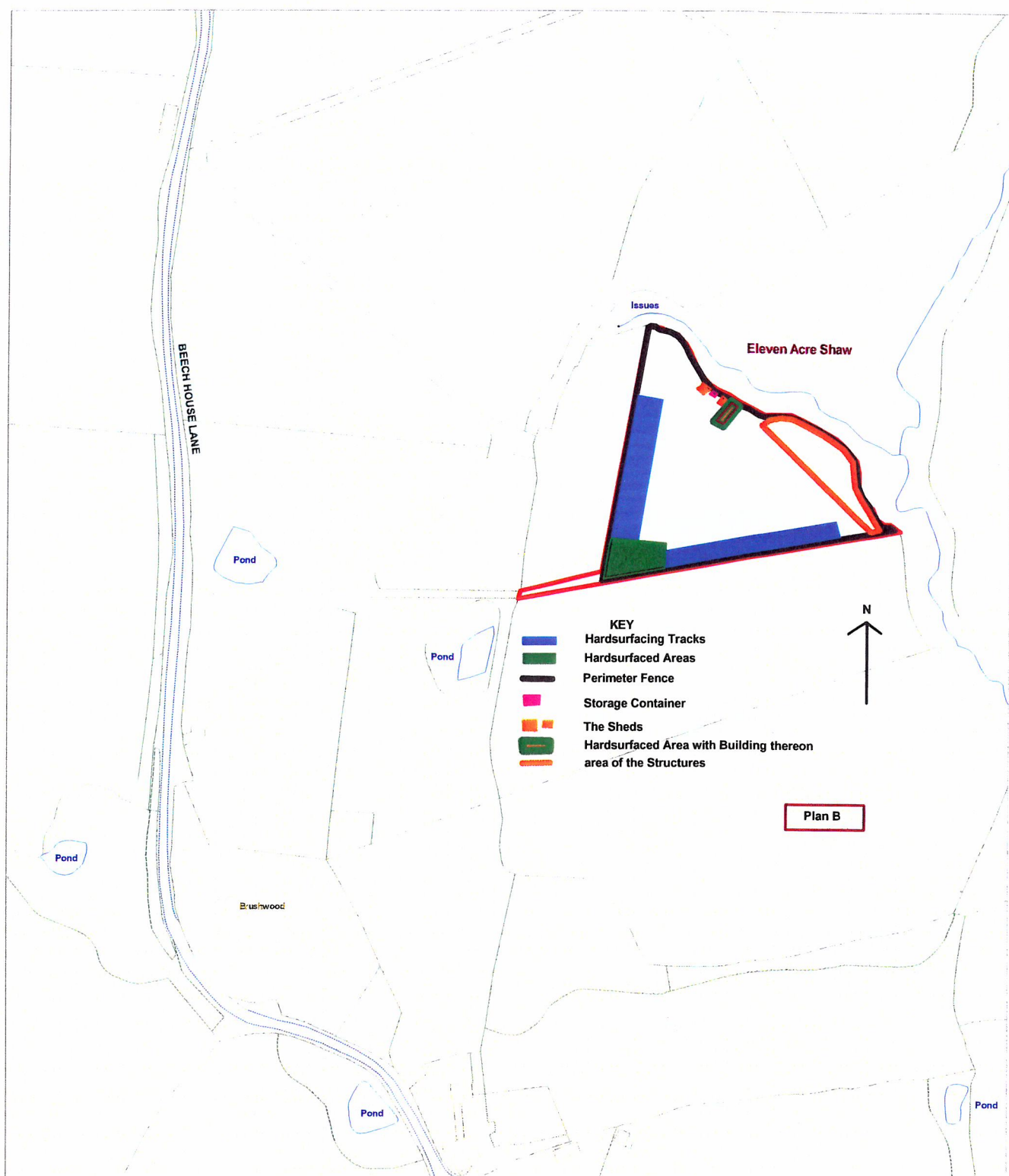
- online at the Planning Casework Service area of the Planning Portal
<https://acp.planninginspectorate.gov.uk>, or
- by getting enforcement appeal forms by phoning on 0303 444 5000 or by emailing enquiries@pins.gsi.gov.uk

WHAT HAPPENS IF YOU DO NOT APPEAL

If an appeal is not lodged 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/126/21/SAL
Scale: 1:1250
N.G. Ref: TQ7425SW



Plan: Enforcement
 File: ENF/126/21/SAL
 Scale: 1:2500
 N.G. Ref: TQ7425SW