

## ENFORCEMENT NOTICE - FAILURE TO COMPLY WITH CONDITION

### **IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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



### **ENFORCEMENT NOTICE A**

**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**

Land at Baldwins Farm, Mountfield Lane, Mountfield, East Sussex shown edged red on the attached plan.

#### **3. THE BREACH OF PLANNING CONTROL ALLEGED**

Under Application ref RR/2008/2471/P planning permission was approved on 22 July 2009 for; redevelopment of new machinery store and farm office; New stables and hay store (Barn and Stables); Temporary grooms accommodation to revert to garaging; Retention of new entrance gates and walls; Temporary retention of mobile home and 2 portacabins. Landscaping and land management proposals including equine use. Subject to a S.106 agreement and conditions, one of which was;

6. The development hereby approved shall be carried out in accordance with all application details including:

“ the approved plans  
“ the ecological survey and mitigation detailed by ‘Roger L Jones’ and  
“ the Environment Appraisal and Business Plan by ‘CLM, Complete Land Management’.

Works shall be completed and thereby retained in accordance with the approved plans and details only, unless otherwise agreed in writing by the local planning authority

It appears that the above condition has not been complied with because the development has not been constructed in accordance with the approved plans – in relation to the office/farm machinery store and garage, through the installation of unauthorised external and internal walls, associated fenestration and a Juliet balcony, the installation of a first floor and internal staircase, and the installation of fixtures and fittings including a fitted bathroom and kitchen on the ground floor.

#### 4. REASONS FOR ISSUING THIS NOTICE

- (i) It appears to the Council that the above breach of planning control occurred within the last 4 four years.
- (ii) The office/farm machinery store and garage was permitted on the basis that it was required for the storage of machinery including a high tractor, used for the upkeep and maintenance of the estate. The unauthorised physical alterations that have taken place, including the installation of a first floor and the enclosing of the north-end bay, have significantly reduced the capacity of the building to accommodate machinery, and there is no other suitable building for this use within the site. The enlarged office area that has been created in the north-end bay, which included a separate kitchen area, sitting area and bathroom, is excessive in terms of what is demonstrably needed to support the farming/equestrian enterprise. There are welfare facilities for staff elsewhere with Baldwins Farm. The retention of the enlarged office area and first floor means that the building does not accord with Policy RA3 (i) of the Rother District Local Plan – Core Strategy, which supports new agricultural buildings and other non-domestic buildings demonstrably needed to support farming, woodland and other land-based industries that are of appropriate size, siting and design and materials and directly related to the enterprise.
- (iii) The alterations to the building have resulted in the building having a domestic appearance, out of keeping with the countryside location within the High Weald Area of Outstanding Natural Beauty, in conflict with Policies OSS4 (iii), RA3 (i, v) and EN1 (i) of the Rother District Local Plan – Core Strategy and paragraph 115 of the National Planning Policy Framework.

#### 5. WHAT YOU ARE REQUIRED TO DO

In relation to the office/farm machinery store and garage, shown coloured yellow in its approximate position on the attached plan to comply with condition 6 by, undertaking the following steps as annotated approximately on the attached drawing no.0800-P02 rev.E:

- i. Remove the first floor and internal stairs
- ii. Remove the entire external wall, glazing and Juliet balcony from the front (north-east) elevation of the north-end bay.
- iii. Remove the rear (south-western) wall of the north-end bay at ground floor level
- iv. Remove the window from the first floor rear (south-western) elevation of the north-end bay
- v. Remove the internal wall between the middle and north-end bays
- vi. Remove all internal walls and doors within the north-end bay (other than the wall between the north-end bay and the permitted ground floor office)
- vii. Remove the toilet, shower and hand basin including all fixtures and fittings within the ground floor of the north-end bay
- viii. Remove the kitchen facilities including all fixtures and fittings within the ground floor of the north-end bay (for the avoidance of doubt this includes all kitchen units, sink and cooking facilities)
- ix. Remove all resulting materials and rubble from the land

#### 6. TIME FOR COMPLIANCE

Six Months after this notice takes effect

## 7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 10 December 2014 unless an appeal is made against it beforehand.

Dated: 22 October 2014

Signed:

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

Ref: MKN070

## ANNEX

### YOUR RIGHT OF APPEAL

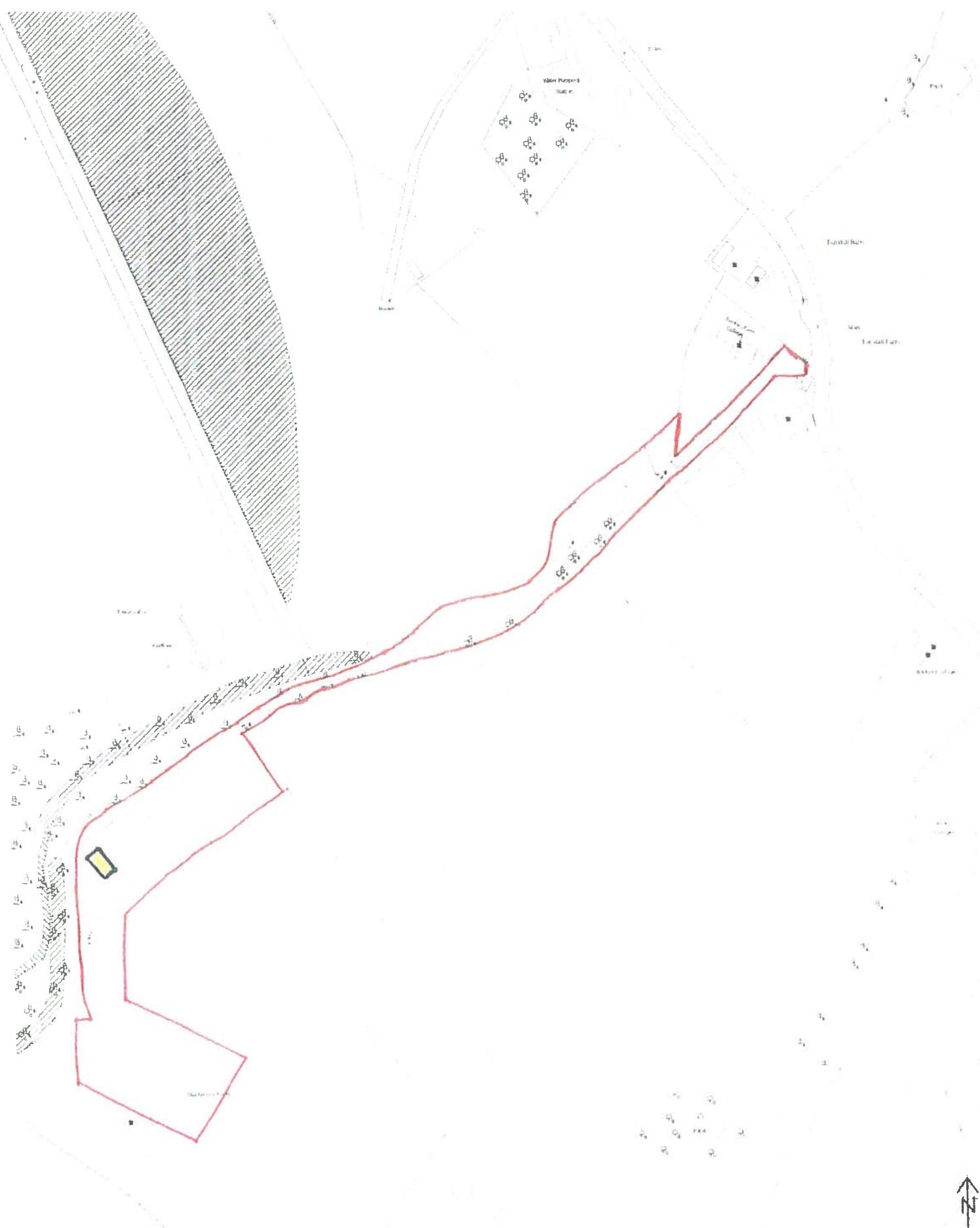
You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date specified in paragraph 7 of the notice. The attached leaflet details how an appeal can be made.

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](http://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](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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