

ENFORCEMENT NOTICE - MATERIAL CHANGE OF USE AND 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 south of Mountfield Landfill Site, Oakley Farm, London Road, Mountfield, 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 agricultural to a mixed use of agriculture and residential and for the stationing of a residential caravan.

4. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL – OPERATIONAL DEVELOPMENT

Without planning permission the erection of various structures, sheds and animal houses on the land and the erection of a raised decking platform and a small marquee.

5. REASONS FOR ISSUING THIS NOTICE

- i) It appears to the Council that the above breach of planning control has occurred within the last ten years in respect of 3 (Material Change of Use) above and four years in respect to 4 (Operational Development) above.
- ii) The unauthorised material change of use of the land from agriculture to a mixed use of agriculture/residential, together with the stationing of a caravan for residential purposes, the erection of a raised decking platform and the erection of a small marquee have caused significant harm to the rural landscape and are not in keeping with the lawful; agricultural use of the site. There is no polity justification to support their retention.
- iii) These developments do not preserve the character or natural beauty of the High Weald Area of Outstanding Natural Beauty where 'great weight' is afforded to conserving its landscape and scenic beauty. The site is located in the countryside where new development is strictly controlled and new buildings and changes of uses of land are only permitted in extremely limited circumstances. The residential use, caravan and

building operations are contrary to Paragraphs 55 and 115 of the National Planning Policy Framework and Policies OSS3 (vi), OSS4 (iii), RA2, RA3, EN1 (i) & (vi) and EN5 of the Rother Local Plan Core Strategy.

- iv) The Council does not consider that planning permission should be given for the developments and changes of use, because planning conditions could not overcome these objections and as such it is considered expedient to take enforcement action.

6. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the use of the land for residential purposes
- (ii) Cease the use of the land for the stationing of a caravan for residential purposes
- (iii) Remove from the land the caravan
- (iv) Remove from the land the marquee and raised decking platform,
- (v) Remove from the land all residential, domestic and personal effects, items, goods and chattels associated with the said unauthorised mixed use including, but not limited to, children's toys and play equipment, garden furniture, BBQ equipment etc,
- (vi) Remove from the land all structures, sheds, animal shelters, enclosures etc
- (vii) Remove from the land all materials, rubble, rubbish, debris, waste, tools and equipment from the land arising from compliance with steps (i) to (vi) above.

7. TIME FOR COMPLIANCE

Six months after this notice takes effect.

8. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 15 August 2017 unless an appeal is made against it beforehand.

Dated: 5 July 2017

Signed:

Solicitor to the Council
on behalf of Rother District Council,
Town Hall,
Bexhill-on-Sea,
East Sussex TN39 3JX
Ref: MKN219

cont ...

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 0117 372 6372 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

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