

3/56/16

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 at Little Acre (Clear View Farm) Brays Hill Ashburnham, 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 change of use of the land from agricultural use to a mixed use comprising agricultural and the use for the parking of vehicles not associated with the agricultural use of the land.

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

Without planning permission the construction of a hard-surfaced track and vehicle parking area.

5. REASONS FOR ISSUING THIS NOTICE

- (i) It appears to the Council that the breach of planning control in respect of 3 above has occurred within the last ten years and within the last four years in respect of 4 above.
- (ii) This development does not benefit from planning permission and is inappropriate within this location. The construction of the extended track and parking area and its use for the parking of vehicles not associated with the agricultural use of the land has caused harm to the landscape within the High Weald Area of Outstanding Natural Beauty (AONB). It has not been shown to be necessary for agricultural purposes. This is contrary to Policies OSS4 (iii), RA2 (iii) and EN1 (i) of the Rother Local Plan Core Strategy.

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

6. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the use of the land for the parking of vehicles not associated with the agricultural use of the land.
- (ii) Dig up and remove all materials used in the construction of the hard-surfaced track and parking area that are within the area shown edged red on the plan attached.
- (iii) Remove all materials and waste arising as a consequence of complying with requirement (ii) from the land.
- (iv) Prepare the area affected by requirement (ii) for seeding by smoothing out the ground levels to meet the natural ground levels and applying a suitable topsoil before seeding with a grass seed to match the adjoining field.

7. TIME FOR COMPLIANCE

Two months after this notice takes effect.

8. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 18th August 2016 unless an appeal is made against it beforehand.

Dated: 6th July 2016

Signed:

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

Ref: MKN157

ANNEX

YOUR RIGHT OF APPEAL

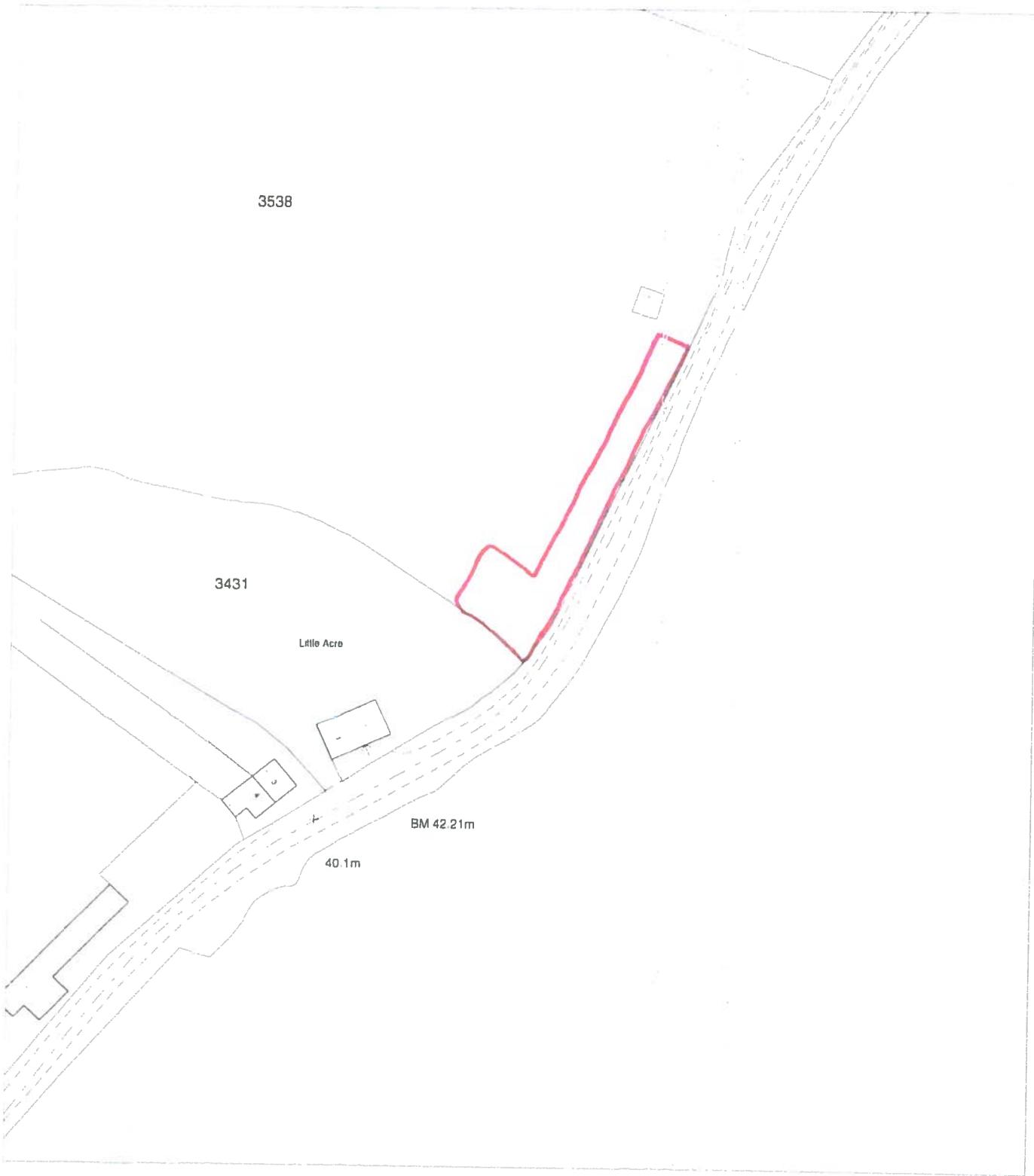
You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date specified in paragraph 8 of the notice. The attached leaflet details how an appeal can be made.

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

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 8 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 7 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: Clearview Farm, Brays
Scale: 1:1000
N.G. Ref: TQ6714SW