

## 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 ("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 THE NOTICE RELATES:**

Land at South side of Luckhurst, Down Oak Farm, Westfield, East Sussex . shown edged red on the attached plan ("the Land")

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

Without planning permission, the material change of use of the Land from agriculture/forestry to a mixed use of agricultural/ forestry use and:

- (i) the production and processing of firewood and fencing materials from timber imported from other sites; and
- (ii) the storage of motor vehicles/parts, articulated tractor trailer unit, timber and other domestic and waste materials

all unconnected to the agricultural/forestry use of the Land ("the Unauthorised Change of Use").

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

- i. It appears to the Council that the above breach of planning control has occurred within the last 10 years.
- ii. The timber processing and storage element of the Unauthorised Change of Use generally include sawing, chipping, and general vehicle movements, which by reason noise and general disturbance harms the amenities of the nearby residential properties, contrary to policy OSS4(ii) of the Core Strategy and policy DEN7 of the Development and Site Allocations Local Plan, paragraphs 130 and 185 of the National Planning Policy Framework.

- iii. The timber processing element of the Unauthorised Change of Use represents an undesirable intrusion of commercial use into the High Weald Area of Outstanding Natural Beauty (“the AONB”), which by reason of noise, coming and goings and general disturbance, adversely impacts the peace and tranquility of this rural location in the AONB, contrary to policies OSS3 (vi), EN1, RA2 and RA3 of the Core Strategy, policies DEN1 and DEN2 of the Development and Site Allocations Local Plan, paragraphs 130, 174 and 176 of the National Planning Policy Framework and the objective OQ4 of the AONB Management Plan .
- iv. The Unauthorised Change of Use results in the loss of agricultural land and introduction of commercial activity and associated machinery/infrastructure, which by reason of its scale and appearance, has a harmful impact on the intrinsic beauty, character and appearance of the AONB, contrary to policies OSS3 (vi), OSS4 (iii), RA2 (viii) and RA3 of the Core Strategy, policies DEN1 and DEN2 of the Development and Site Allocations Local Plan and paragraphs 174 and 176 of the National Planning Policy Framework. .

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

- (i) Cease the use of the Land for the production and processing of firewood and fencing materials unconnected with the agricultural/forestry use of the Land.
- (ii) Cease the use of the Land for the storage of motor vehicles/parts, articulated tractor trailer unit, timber and other domestic and waste materials unconnected with the agricultural/forestry use of the Land.
- (iii) Remove from the Land all production/processing equipment/ machinery unconnected to the agricultural/forestry use of the Land.
- (iv) Remove from the Land all motor vehicles/parts, articulated tractor trailer unit, timber and other domestic and waste materials unconnected with the agricultural/forestry use of the Land including, but not limited to, carpets, kitchen cupboards and fixings, scrap metal, processed / treated timber, vehicle parts, skips, metal containers used for burning waste and tyres, all to an authorised place of disposal

## 6. **TIME FOR COMPLIANCE:**

TWO MONTHS after this Notice takes effect

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

This notice takes effect on **13<sup>th</sup> September 2022** unless an appeal is made against it beforehand.

Dated: 12<sup>th</sup> August 2022

Signed: .....

**Director of Place and Climate Change**

Authorised signatory  
On behalf of Rother District Council  
Town Hall  
Bexhill on Sea  
East Sussex  
TN39 3JX

Contact Officer:

Telephone:  
Email:

REF ENF/14/17/WES

**ANNEX**

**LIST OF PERSONS SERVED WITH A COPY OF THE ENFORCEMENT NOTICE**

**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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