

ENFORCEMENT NOTICE - FAILURE TO COMPLY WITH A CONDITION

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 (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:

Stables located on Land on South side of Luckhurst, Downoak Farm, Main Road, Westfield East Sussex shown edged in red on the attached plan ("the Land").

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

On 7th October 2005 the Council granted planning permission for the erection of stables, tack room and store on the Land under reference RR/2005/2258/P ("the Permission"), subject to conditions. Condition 2 of the Permission states:

"2. The stables for the keeping of horses shall not be used for any purpose other than for private recreational purposes and shall not be used for hire or reward.

Reason: To safeguard the amenities of the locality and to accord with Policy S1 of the East Sussex and Brighton and Hove Structure Plan 1991 – 2011."

It appears that the above condition has not been complied with as the stable building on the Land ("the Stables") is being used for the storage and processing/production of timber not relating to the keeping of horses for private recreational purposes.

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 breach alleged causes harm to the rural landscape and does not preserve the natural beauty of the High Weald Area of Outstanding Natural Beauty and does not protect the character of the area or the neighbouring amenity and so it contrary to Policies EN1 and RA3 of the Rother Local Plan Core Strategy and Policy DEN2 of the Development and Site Allocations Local Plan.

5. WHAT YOU ARE REQUIRED TO DO:

- I. Cease the use of the Stables for all aspects of timber and related material storage and production unconnected to the keeping of horses for private recreational purposes.
- II. Remove from the Stables all timber processing equipment and all timber unconnected with the keeping of horses for private recreational purposes.
- III. Ensure compliance with condition 2 of the Permission by the use of the Stables only for the the keeping of horses for private recreational purposes.

6. TIME FOR COMPLIANCE:

TWO MONTHS after this notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT:

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

Dated: 12th 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:

Reference

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.

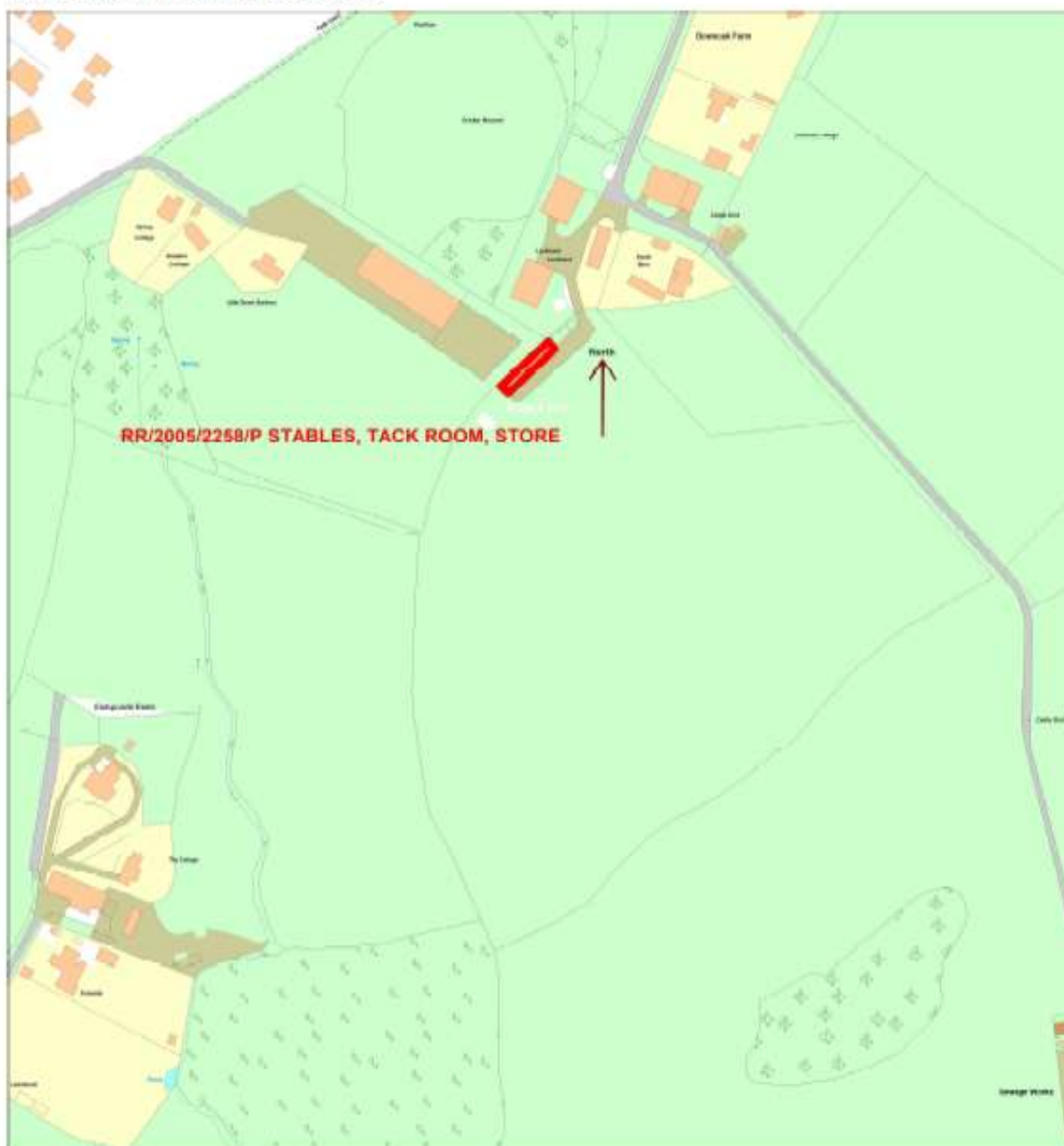
If you want to appeal you can do it:

- 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

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.

Rother District Council Licence No 100018643 2010.



N.G. Ref: TQ8115NE

Services Directorate, Town Hall, Bexhill on Sea, East Sussex TN39 3JX