

# **ENFORCEMENT NOTICE - 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 ("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 THIS NOTICE RELATES**

Land at 13 Reedswood Road, Broad Oak, Rye, East Sussex as shown edged red on the attached plan ("the Land").

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

Without planning permission, the erection of a timber summerhouse, as shown in the approximate position edged in blue on the attached plan, ("the Summerhouse") to the front of the dwelling on the Land.

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

- i) It appears to the Council that the above breach of planning control has occurred within the last four years.
- ii) The housing developments of Reedswood Road and Pond Close are small open plan developments with neat open front gardens and drive ways and the Summerhouse is a harsh and intrusive feature out of keeping with the character of these housing developments.
- iii) The Summerhouse causes harm to the appearance of the street scene and to the character of the village being within the High Weald Area of Outstanding Natural Beauty.
- iv) The Council considers that the Summerhouse is located in front of the principal elevation of the dwelling on the Land and so it is considered that the above breach of planning control is development outlined in Section 55 of the Town and Country Planning Act 1990 and does not benefit from rights under the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. Therefore, it is considered contrary to policies OSS4 (ii) & (iii), RA1, EN1 (ii), EN3 (i),

EN5 (ii) & TR3 (i) of the Rother Local Plan Core Strategy 2014 and policies DEN1 & DEN2 and DHG9 of the DaSA of the Rother Development and Site Allocations Local Plan (DaSA) adopted in December 2019 and paragraphs 170 & 172 of the National Planning Policy Framework.

- v) The Council do not consider that the planning permission should be given because planning conditions could not overcome these objections to the breach of planning control.

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

- (i) Dismantle and remove the Summerhouse in its entirety from the Land.
- (ii) Take up and remove from the Land all materials used to create the foundations for the Summerhouse.
- (iii) Restore the area of the Land in the approximate position shown edged in blue on the attached plan to its former condition with either block paving to match the rest of the Land surrounding this area or laid to grass.
- (iv) Remove all other materials and debris from the Land arising from complying with steps 5 (i) – (iii) above.

## **6. TIME FOR COMPLIANCE**

Five months after this notice takes effect.

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

This notice takes effect on 11<sup>th</sup> June 2020 unless an appeal is made against it beforehand.

Dated: 28<sup>th</sup> April 2020

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

Ref: MKN348

## **ANNEXE**

### **THE RIGHT OF APPEAL**

An appeal can be made 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 and covering letter details how an appeal can be made.

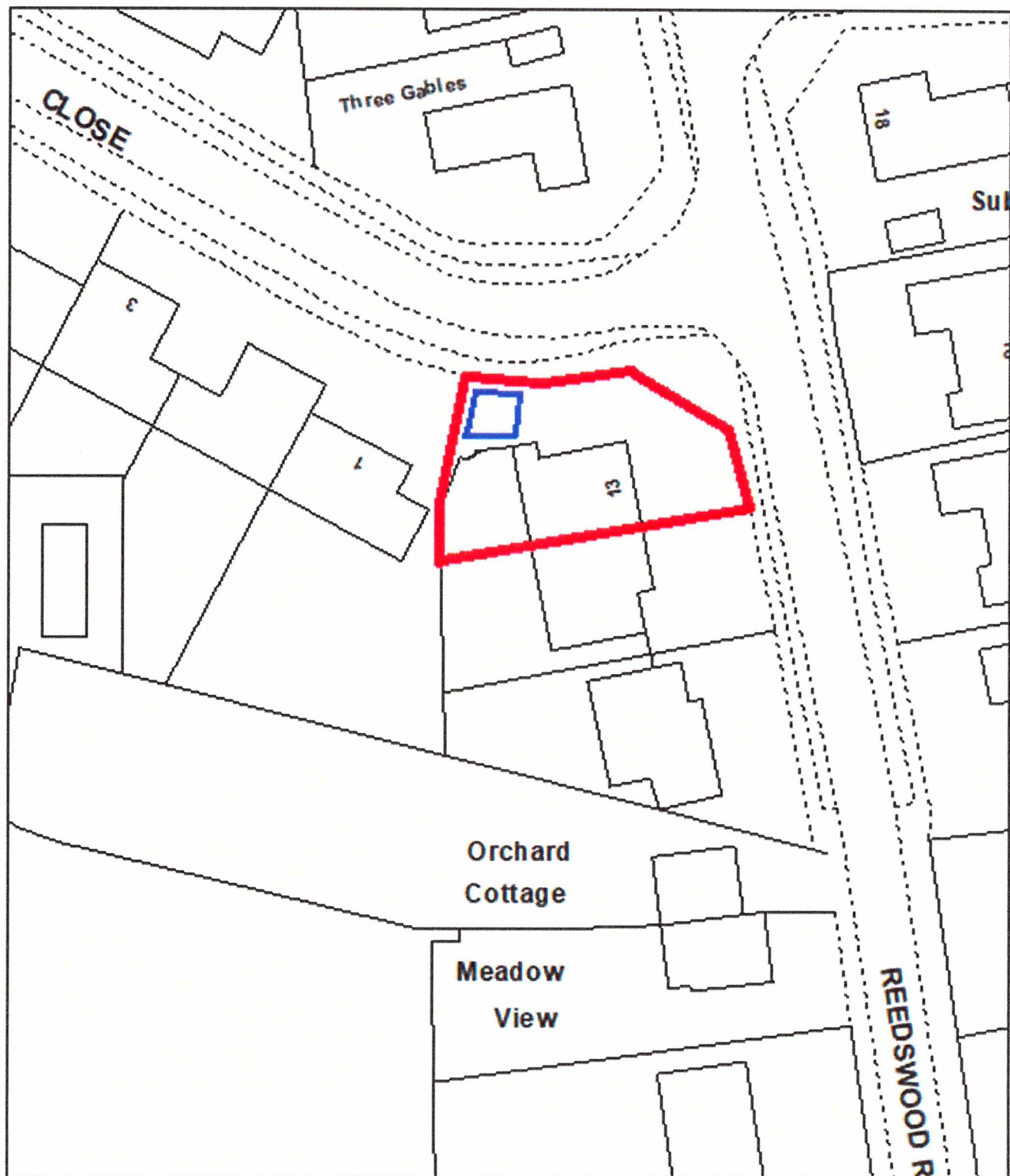
If you want to appeal you can do it:

- 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 an appeal is not lodged 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.





**Key:**

**RED = land ownership**

**Blue = Wooden structure**

Plan: Enforcement

File: ENF/150/19/BRE

Scale: 1:500

N.G. Ref. TQ8219NE