

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 Unit 2, being on the first floor of Keymer Buildings, Victoria Road, Bexhill on Sea, East Sussex shown in the approximate position edged and hatched 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 a B1 (Business) use to a D2 (Assembly and Leisure) use ("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 ten years.
- (ii) The loss of the existing B1 employment space has not been justified in accordance with the Rother Local Plan Core Strategy Policy EC3 and the approach set out in the emerging Development and Site Allocations Policy, DC01.
- (iii) The Council considers that the noise and disturbance associated with the Unauthorised Change of Use, mainly the use as exercise classes, gives rise to significant adverse impacts on the health and quality of life of the existing residents in the locality and their residential amenities contrary to Policy OSS4 (ii) of the Rother Local Plan Core Strategy and paragraphs 170 and 180 of the National Planning Policy Framework (2019).
- (iv) The Council does not consider that planning permission should be given for the Unauthorised Change of Use, because planning conditions could not overcome these objections. There is a principal objection and as such it is considered expedient to take enforcement action.

WHAT YOU ARE REQUIRED TO DO

- (i) Cease the use of the Land for any activity (including exercise classes) falling within D2 (Assembly and Leisure) of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- (ii) Ensure the Land shall only be used for the purposes falling within B1 (Business) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

6. TIME FOR COMPLIANCE

One Month after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 25th June 2019 unless an appeal is made against it beforehand.

Dated: 15th May 2019

Signed:

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

Ref: MKN300

ANNEX - 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 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 an appeal is not made 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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- First Floor Only

Plan: Enforcement

File:

Scale: 1:500

N.G. Ref: TQ7307NE

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