

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 5 Foxley Drive, Bexhill-on-Sea, East Sussex TN39 4FD which is registered under Land Registry title number ESX371530 shown edged red on the attached plan ("the Land")

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

Without planning permission:

- (i) the material change of use from the use as a utility room and garden room to a residential dwelling.

4. REASONS FOR ISSUING THIS NOTICE:

It appears to the Council that the above breach of planning control has occurred within the last 4 years

- I. The change of use of the Land that has taken place is considered to unacceptably compromise the amenities of neighbouring dwellings
- II. As such, the material change of use is contrary to Policy OSS4 (ii) of the Rother Local Plan Core Strategy 2014. The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG), are also material considerations.
- III. The Council does not consider that planning permission should be given for the material change of use because planning conditions could not overcome these objections.

In view of the points at I-III above the Council considers it expedient to take enforcement action.

5. WHAT YOU ARE REQUIRED TO DO:

- (i) Cease the use of the utility room and garden room hatched brown on the attached plan as a separate residential dwelling
- (ii) Remove all amenities which facilitate the use of the space as a separate residential unit including the removal of bathing/showering facilities, toilet facilities and residential paraphernalia associated with use of the building as a separate dwelling
- (iii) Remove all other debris, rubbish or other materials accumulated as a result of taking the above steps
- (iv) Return the use of the utility room and garden room to a use as part of the main dwelling.

6. TIME FOR COMPLIANCE

The periods for compliance with the steps setout in paragraph 5 are :

- (i) – (iv) 6 Months from the date this notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT:

This notice takes effect on 17th August 2022 unless an appeal is made against it beforehand.

Dated: 06/07/2022

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/166/20/BEX

LIST OF PERSONS SERVED WITH A COPY OF THE ENFORCEMENT NOTICE

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 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:

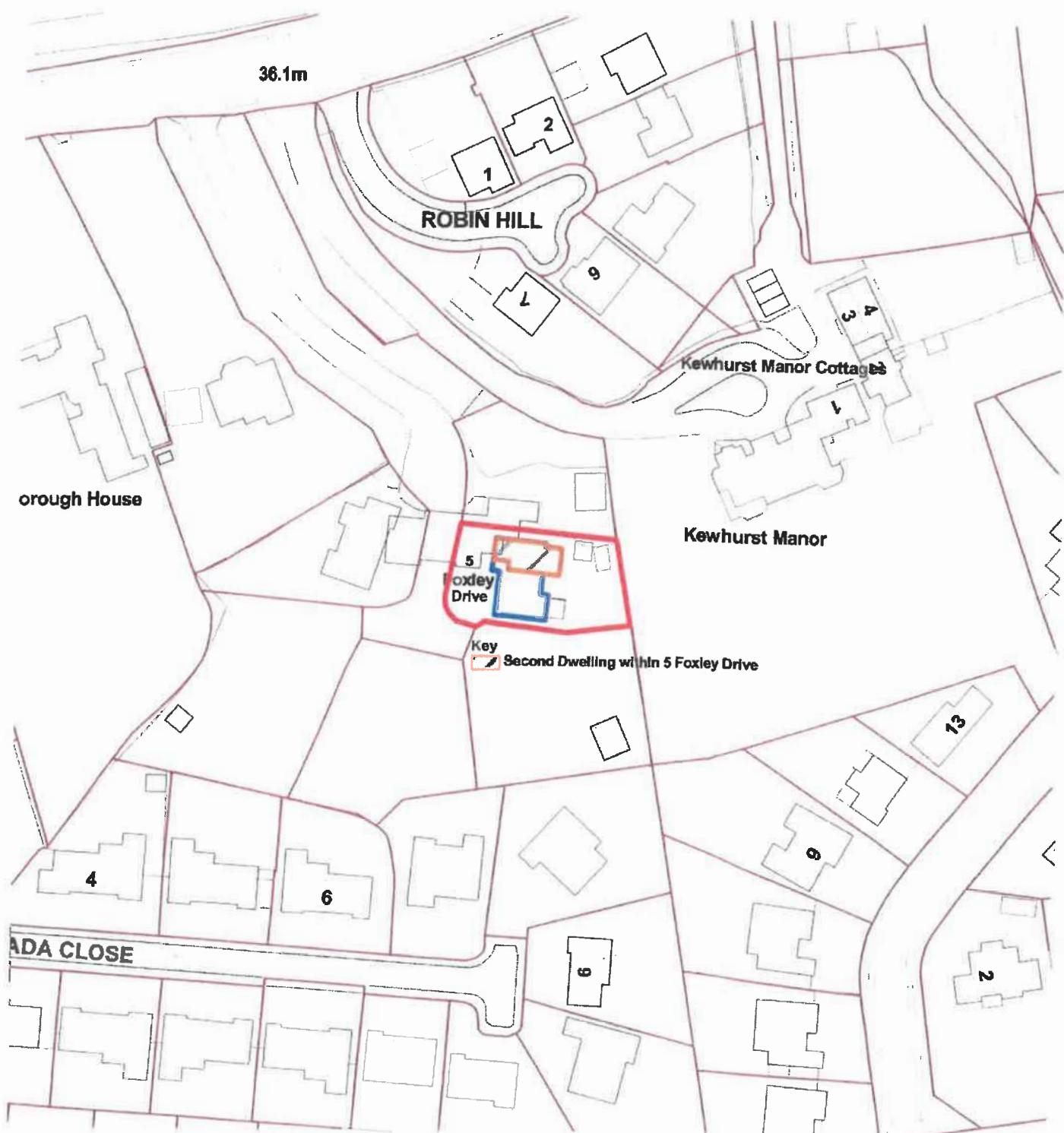
If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

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Plan: Enforcement

File: ENF/166/20/BEX

Scale: 1:1000

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