

3/30/18

# **ENFORCEMENT NOTICE - FAILURE TO COMPLY WITH CONDITIONS**

## **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

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**

Land at Bantham Farm, London Road, Hurst Green, East Sussex shown edged red on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

- i) Under Application ref RR/2013/2533/P dated 10 April 2014 planning permission was granted to remove current building and rebuild larger B1(A) use (art studio) including parking spaces, subject to conditions one of which was:-

4. Before any development commences the existing building on the site shall be demolished and the site cleared of all resultant materials, unless otherwise agreed in writing by the local planning authority.

It appears that the above condition has not been complied with because the building has been retained and moved to another part of the site, shown in the approximate position marked C on the attached plan, in breach of condition 4 attached to planning permission RR/2013/1533/P.

- ii) Under Application ref RR/2011/895/P dated 28 July 2011 planning permission was granted for minor external changes to the Stable Building, shown in the approximate position marked B on the attached Plan, with the addition of shuttered windows, subject to conditions one of which was:-

3. The building to which the permission relates shall be used for the stabling of horses/ponies, horse/pony trap storage, water butt storage, equestrian related workshop, hay storage area and shower/toilet room facility at ground floor level and a tack room and rest area at first floor level only. At no time shall the building be used for any other purpose, including human habitation/occupation or other purpose including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 2005 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order.

- iii) It appears that the above condition has not been complied with because the Stable Building is being used for human habitation/occupation and other uses in breach of condition 3 attached to planning permission RR/2011/895/P.

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

- i) It appears to the Council that the above breaches of planning control have occurred within the last ten years.
- ii) The unauthorised use of the stable building for residential, art studio and non-ancillary general storage uses is contrary to local and national planning policies that seek to prevent the creation of isolated and unsuitable dwellings in the countryside and has resulted in the accumulation of domestic and other paraphernalia in the external areas of the site and the displacement of the authorised stable and ancillary uses to the lawful recreational equestrian use of the building causing harm to the rural landscape and which does not preserve the natural beauty of the High Weald Area of Outstanding Natural Beauty. The use is therefore contrary to policies OSS4 (iii), RA2 (III) and (viii), RA3 (iii) and (v) and EN1 (i) of the Rother Local Plan - Core Strategy and paragraphs 55 and 115 of the NPPF.
- iii) The proliferation of additional unauthorised buildings, structures and chattels on the Land has caused harm to the rural landscape and does not preserve the natural beauty of the High Weald Area of Outstanding Natural Beauty. The development is therefore contrary to Policies OSS4 (ii), RA2 (iii) and (viii), RA3 (i), (iv) (v) and EN1 (i) of the Rother Local Plan – Core Strategy and paragraph and 115 of the NPPF.
- iv) The Council does not consider that planning permission should be given for the developments and changes of use, because planning conditions could not overcome these objections and as such it is considered expedient to take enforcement action.

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

- (i) Cease the use of the Stable Building shown in the appropriate position marked B on the Plan, for human habitation/occupation, general storage and as an art studio in breach of condition 3 attached to planning permission ref RR/2011/895/P granted on 28 July 2011.
- (ii) Remove all domestic goods, furniture and other domestic paraphernalia and all art studio furniture tools materials and equipment from the Stable Building arising from compliance with step (i) above.
- (iii) Remove the building in the approximate position marked C on the plan, retained and re-sited on land in breach of condition 4 attached to planning permission ref: RR/2013/2533/P granted on 10 April 2014.
- (iv) Remove from the Land all equipment, materials, debris, rubble, rubbish and tools complying with step iii) above.

## **6. TIME FOR COMPLIANCE**

Four Months after this notice takes effect

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

This notice takes effect on 14<sup>th</sup> April 2018 unless an appeal is made against it beforehand.

Dated: 28<sup>th</sup> February 2018

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

Ref: MKN213

## **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](mailto:enquiries@pins.gsi.gov.uk)

### **WHAT HAPPENS IF YOU DO NOT APPEAL**

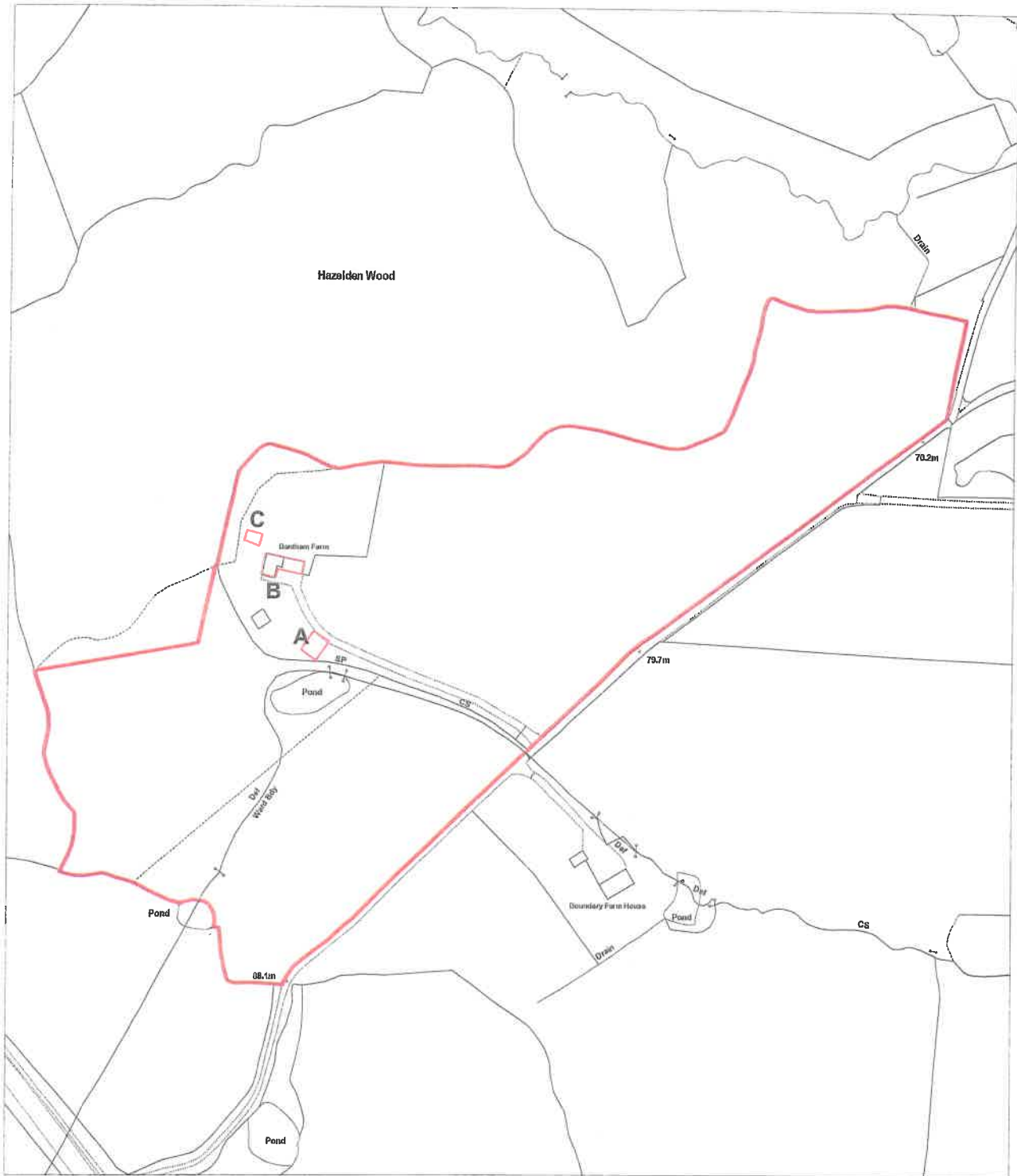
If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the notice. Failure 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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### Plan: Enforcement

File: ENF/169/16/HUG

Scale: 1:3000

N.G. Ref: TQ7229NE

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