

3/29/18

**ENFORCEMENT NOTICE - OPERATIONAL DEVELOPMENT AND
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

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

**3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF
PLANNING CONTROL – OPERATIONAL DEVELOPMENT**

Without planning permission the erection of a timber building on the Land, shown marked A on the attached plan.

**4. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF
PLANNING CONTROL – MATERIAL CHANGE OF USE**

Without planning permission:-

- i) the change of use of the Stable Building, shown marked B on the attached plan, from the stabling of horses/ponies and ancillary uses at ground and first floor level to a mixed use comprising residential, stables and ancillary uses, art studio.
- ii) The change of use of the Land from private recreational equestrian/agricultural to a mixed use comprising private recreational equestrian/agricultural and storage of miscellaneous equipment and items including drink containers movable structures and platforms and recreational garden furniture.

5. 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 in respect to 3 (Operational Development) above and ten years in respect of 4 (Material Change of Use) above.

- ii) The unauthorised use of parts of the stable building for residential, art studio and non-ancillary general storage and art studio 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 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, 109 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 (iii), RA2 (iii) and (viii), RA3 (i), (iv), (v) and EN1 (i) of the Rother Local Plan – Core Strategy and paragraphs 109 and 115 of the NPPF.
- iv) The open and general storage use has an adverse effect on the rural landscape and does not preserve the natural beauty of the High Weald Area of Outstanding Natural Beauty contrary to policies OSS4 (iii), RA2 (viii), and EN1 (i) of the Rother Local Plan - Core Strategy and paragraphs 109 and 115 of the NPPF.
- v) 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.

6. WHAT YOU ARE REQUIRED TO DO

- i) Dismantle demolish and remove from the Land the unauthorised building shown in the approximate position marked A on the plan.
- ii) Cease the use of the Stable Building in the approximate position marked B for residential, art studio and for general storage purposes.
- iii) Remove from the Stable Building and the Land all domestic furniture fittings and paraphernalia, all art materials and equipment and all other items unrelated to the authorised use of the building and Land for private recreational equestrian/agricultural use.
- iv) Cease the use of the Land for the open and general storage of miscellaneous items including drink containers, movable platforms and trailers, garden furniture and any other unauthorised structures and chattels being stored in connection with the unauthorised uses and buildings.
- v) Remove from the land all items in iv) above being stored on the Land.
- vi) Remove from the Land all equipment, materials, debris, rubble, rubbish and tools arising from complying with steps i) – v) above

7. TIME FOR COMPLIANCE

Four Months after this notice takes effect.

8. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 14 April 2018 unless an appeal is made against it beforehand.

Dated: 28th February 2018

Signed:

Solicitor to the Council
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.

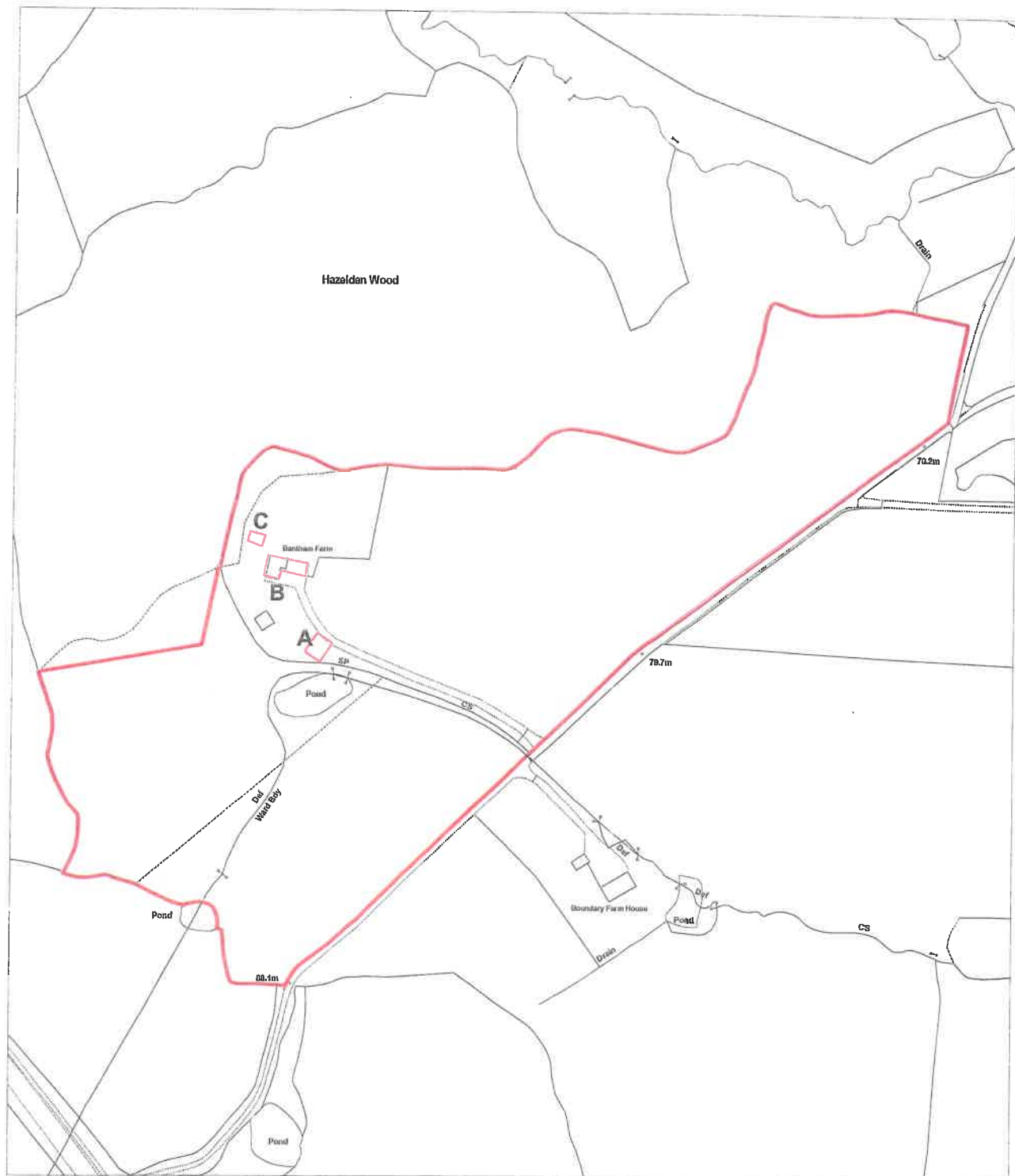
If you want to appeal you can do it:

- 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

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