



## **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 IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A(1)(a) 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 AFFECTED**

Land at Long Acre, Whydown Road, Bexhill, East Sussex shown edged red on the attached plan ("the Land").

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

Without planning permission, the formation and laying out of a means of access ("the Access") including the removal of a field gate and hedgerow, the construction of brick piers with timber gates, sleepers and fencing surrounding the new Access, the laying of hardcore and the associated formation of an access track ("the Track") in the approximate position shown coloured green on the attached plan.

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. The unauthorised development was substantially completed less than four years ago.
- (ii) The unauthorised Access and Track on the Land, which lies within the formally designated High Weald Area of Outstanding Natural Beauty and adjacent to the High Woods area of Ancient and Semi-Natural Woodland, outside of any defined development boundary, are considered to be unjustified on normal planning grounds, in the absence of any known or proven agricultural or forestry need.

- (iii) The unauthorised Access and Track are considered to have an adverse impact on the area of Ancient and Semi-Natural Woodland and the High Weald Area of Outstanding Natural Beauty, introducing an alien appearance along the adjacent Whydown Road, causing significant damage to the character and appearance of the locality, failing to conserve and protect the landscape quality of the area, causing an overall harmful and urbanising impact on the rural character of this protected landscape character area, and as such are considered to be contrary to Paragraphs 11, 55, 59, 115, 174, 176 and 180 of the National Planning Policy Framework 2021; Policies CF5 and DS3 of the Rother District Local Plan 2006; OSS2, OSS3, OSS4, RA2, RA3, EN1, EN5, TR4, CO6 and SRM2 of the Rother Core Strategy Local Plan 2014; and Policies DEN1, DEN4, DEN5, DEN7, DIM2, DHG11 and DHG12 of the adopted Rother Development and Site Allocations Local Plan 2019
- iv) The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections to the use.

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

- (i) Break up and remove all hardcore, rubble, surfacing and materials imported on to the Land to create the Access
- (ii) Demolish, dismantle and remove the brick piers, timber gates, sleepers and fencing surrounding the new Access
- (iii) Break up and remove all hardcore and surface materials comprising the Access from the Land
- (iv) Break up and remove all hardcore and surface materials comprising the Track from the Land
- (v) Remove from the Land all materials, rubble, rubbish, debris, machinery, tools and equipment arising from compliance with the above requirements.

Time for compliance: twelve months after this notice takes effect

6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 4th October 2023 unless an appeal is made against it beforehand.

Dated: 6<sup>th</sup> September 2023

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:

## **ANNEX**

### **1. THE RIGHT OF APPEAL**

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the Enforcement Notice. Unless an appeal is made, as described below, the enforcement notice will take effect on the date referred to in paragraph 6 of the Enforcement Notice and you must then ensure that the required steps, for which you may be held responsible, are taken within the period(s) specified in the Enforcement Notice.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you want to appeal against the Enforcement Notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before the date specified in paragraph 6 of the Enforcement Notice.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £468.

Payment should be made by BACS (quoting reference **ENF/170/18/BEX** to the following account):

Sort code : **30-80-12**      Account number : **11649668**  
Account Name : Rother District Council

Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the Enforcement Notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

## **2. LIST OF PERSONS SERVED WITH THIS NOTICE**

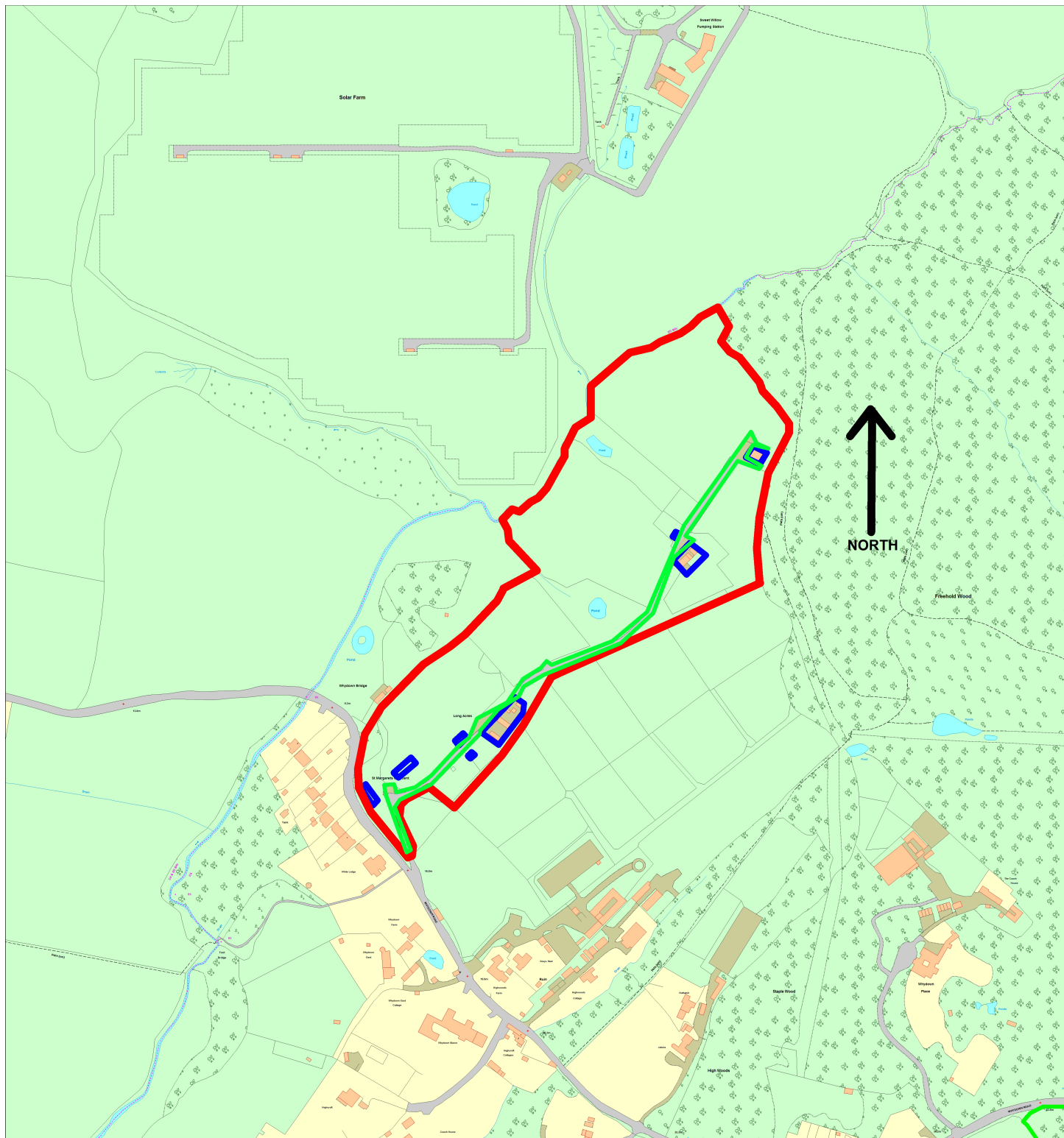
Long Acre B  
ENF/170/18/BEX

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Plan: Enforcement

File: PLAN B - ENF/170/18/BEX

Scale: 1:5000

N.G. Ref: TQ7009