

**ENFORCEMENT NOTICE - OPERATIONAL DEVELOPMENT****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 THIS NOTICE RELATES**

Land at Junction Filling Station, Junction Road, Bodiam, Robertsbridge, East Sussex shown edged red on the attached plan ("the Land").

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

Without planning permission the erection of a high close boarded fence on the Land ("the Unauthorised Development").

**4. REASONS FOR ISSUING THIS NOTICE**

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

- (i) The Unauthorised Development has caused significant harm to the rural landscape and does not preserve the character or natural beauty of the High Weald Area of Outstanding Natural Beauty where 'great weight' is afforded to conserving its landscape and scenic beauty. The Land is located in the countryside where new development is strictly controlled and new development is only permitted in extremely limited circumstances. The Unauthorised Development is contrary to OSS4 (iii), RA2 (iii) and (viii), RA3 (v), EN1(i) and of the Rother Local Plan Core Strategy, policies DEN1 and DEN2 of the Development and Site Allocations Local Plan (DaSA), and to paragraph 172 of the National Planning Policy Framework (February 2019) and Planning Practice Guidance which are material considerations that require great weight is given to conserving and enhancing landscape and scenic beauty of Areas of Outstanding Natural Beauty. Within these designated areas the scale and extent of development should be limited
- (ii) The Council does not consider that planning permission should be given for the Unauthorised Development because planning conditions could not overcome these objections. There is a principal objection and as such it is considered expedient to take enforcement action

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

Remove from the Land:-

- (i) all fencing shown for identification purposes only marked by blue lines on the attached plan; and
- (ii) all materials, rubble rubbish, debris, waste, tools and equipment from the Land arising from compliance with the above step and return the Land to its former condition before the breach took place.

## **6. TIME FOR COMPLIANCE**

Three months after this notice takes effect.

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

This notice takes effect on 15<sup>th</sup> May 2019 unless an appeal is made against it beforehand.

Dated: 4<sup>th</sup> April 2019

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

Ref: MKN298

## **ANNEXE**

### **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 and covering letter 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 an appeal is not lodged 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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