

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

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

Without planning permission the material change of use of the Land from commercial and agricultural to a mixed use of commercial, agricultural and for the stationing of caravans for residential purposes ("the Unauthorised Change of Use").

4. **REASONS FOR ISSUING THIS NOTICE**

- (i) It appears to the Council that the above breach of planning control has occurred within the last ten years.
- (ii) The Unauthorised Change of Use 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 changes of use of land are only permitted in extremely limited circumstances. The Unauthorised Change of Use is contrary to Policies OSS4 (iii), RA2 (iii) and (viii), RA3 (iii) and (v) and EN1(i) of the Rother Local Plan Core Strategy, policies DEN1 and DEN2 of the Development and Site Allocations Local Plan (DaSA) and paragraph 172 of the National Planning Policy Framework (February 2019) that requires that great weight is given to conserving and enhancing landscape and scenic beauty of the Areas of Outstanding Natural Beauty. Within these designated areas the scale and extent of development should be limited

- (iii) The Council does not consider that planning permission should be given for the Unauthorised Change of Use 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

Cease the use of the Land for:-

- (i) residential purposes; and
- (ii) the stationing of all caravans for residential purposes.

Remove from the Land:-

- (iii) all caravans including the two caravans currently in the approximate position shown edged blue on the attached plan and the large twin unit caravan currently in the approximate position shown coloured blue on the attached plan which are stationed on the Land for the purposes of residential occupation; and
- (iv) all residential, domestic and personal effects in connection with the Unauthorised Change of Use; and
- (v) all materials, rubble rubbish, debris, waste, tools and equipment from the Land arising from compliance with steps (i) – (iv) above and return the Land to its former condition before the breach took place.

6. TIME FOR COMPLIANCE

Six months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

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

Dated: 4th April 2019

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

Ref: MKN298

THE RIGHT OF APPEAL

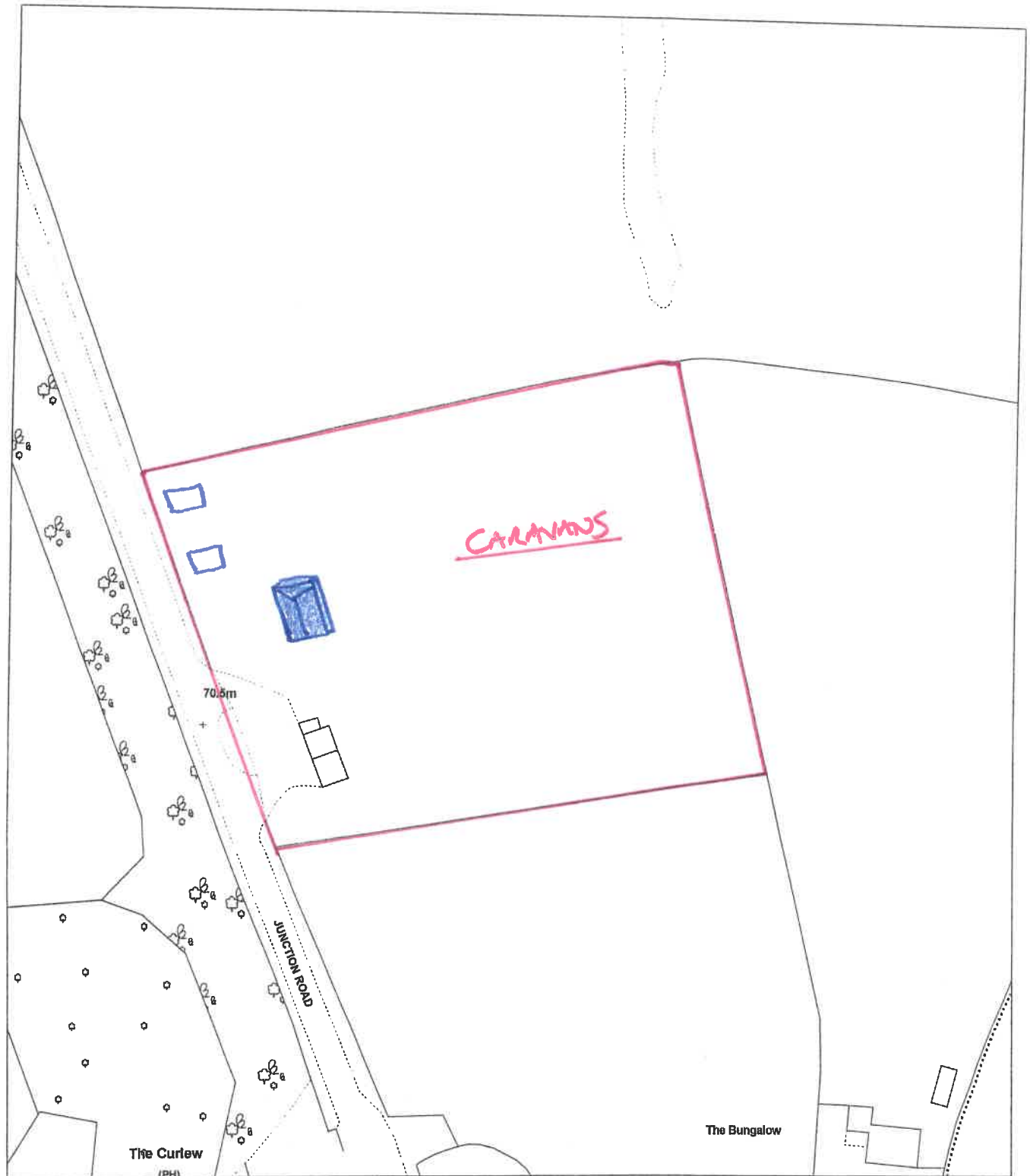
An appeal can be made against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date specified in paragraph 7 of the notice. The attached leaflet details how an appeal can be made.

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 an appeal is not made 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.



Plan: Enforcement
File: ENF/173/18/BOD
Scale: 1:1250
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