

ENFORCEMENT NOTICE - MATERIAL CHANGE OF USE AND 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 THE NOTICE RELATES

Land on the north side of Stubb Lane, Brede, East Sussex (comprised in title number ESX395696) shown edged red on the attached Plan ('the Land')

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

Without planning permission:

- i) the material change of use of the Land from garden use ancillary to, and associated with, Shearfold Cottage (formerly Shearfold Farmhouse) to a mixed use comprising of business use and the stationing and storage of touring caravans for separate independent residential use; and
- ii) the construction of a stable building, a timber open structure, hardstanding, walls, brick pillars and entrance metal gates.

(all hereinafter referred to as 'the Unauthorised Development').

4. REASONS FOR ISSUING THIS NOTICE

- i) It appears to the Council that the breach of planning control referred to in paragraph 3 i) above has occurred within the last ten years and that the breach of planning control referred to in paragraph 3 ii) above has occurred within the last four years.
- ii) The Unauthorised Development is considered to be out-of-keeping with the rural character of this location and is unnecessary and unjustified in the countryside and the High Weald Area of Outstanding Natural Beauty ("High Weald AONB").
- iii) The Unauthorised Development is considered to unacceptably compromise the character of the countryside and woodland, landscape features of the High Weald AONB.

The Unauthorised Development represents a visual intrusion of touring caravans, commercial vehicles and other external domestic paraphernalia in a rural, countryside setting which considerably harms the character and appearance of the High Weald AONB, and is considered to be contrary to Policies OSS4 (iii), BA1 (i) RA2(ii)&(iii), RA3 (i)&(v) and EN1 (i)((v)&(viii), LHN6 (ii), EN3 (i) & EN5 (i),(ii)&(viii) of the Rother Local Plan Core Strategy 2014, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan (DaSA) Dec 2019 and paragraphs 174 and 176 of the National Planning Policy Framework (July 2021) and Policy H, paragraph 25 of the Planning Policy for Traveller Sites.

- vi) The Land lies within a rural countryside setting where occupiers are highly reliant on private motor vehicles and are not able to make the fullest possible use of public transport, walking and cycling to access local services and facilities. The Unauthorised Development is contrary to Policies PC1, OSS3 (v), SRM1 (vii), LHN6 (iii) and TR3 of the Rother Local Plan Core Strategy and paragraph 8 of the National Planning Policy Framework (July 2021) which seek to minimise the need to travel and to support the transition to a low carbon future.

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

- i) Cease the use of the Land for the stationing and storage of touring caravans for separate independent residential use.
- ii) Remove the touring caravans from the Land in their entirety.
- iii) Dismantle and remove from the Land the timber structure.
- iv) Dismantle and remove from the Land the stable building.
- v) Break up and remove from the Land, and take to an authorised place of disposal, all the concrete, tarmac, road planings, and hardcore used to create the hardstanding that is shown in area hatched in red on the attached plan.
- vi) Cover with topsoil the whole area of the Land where the hardstanding has been removed and reseed this area of the Land with mixed grass seed.
- vii) Dismantle and remove from the Land the brick pillars, walls and metal gates in their entirety and remove from the Land all other materials used to create the brick pillars, walls and gates, including but not limited to the cement and brackets.
- viii) Remove all waste and materials from the Land from complying with steps iii) iv), v), vi) and vii) above and return the Land to its former condition before the breach took place.

7. TIME FOR COMPLIANCE

Five months after this notice takes effect.

8. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 1st January 2022 unless an appeal is made against it beforehand.

Dated: 23rd November 2021

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

Ref: MKN366

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

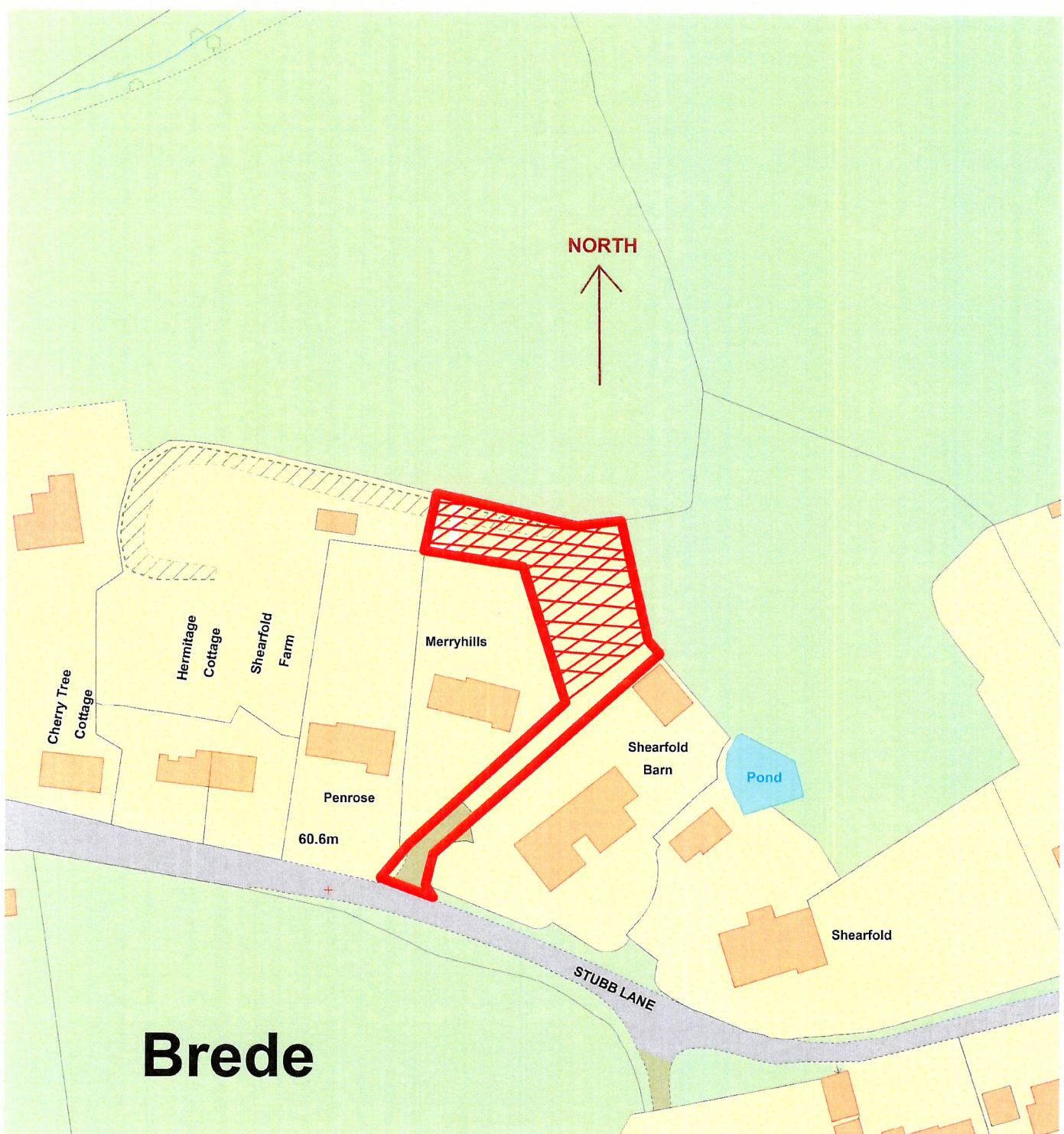
If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the notice. Failure 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/174/19/BRE

Scale: 1:1000

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