

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

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

- I) Without planning permission the material change of use of land at Bantham Farm from private recreation equestrian agricultural use to a mixed use comprising private recreational equestrian agricultural and residential use of the land.
- II) Without planning permission a material change of use of the Art Studio building shown in the approximate position marked in Blue on the attached plan from approved B1 Art Studio use to a mixed use comprising B1 Art Studio use and residential 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 10 years.
- ii) The unauthorised material change of use of the land at Bantham Farm and the residential use of the Art Studio Building in the

approximate position hatched in blue on the attached plan is contrary to local and national planning policies that seek to prevent the creation of isolated and unsustainable new dwellings in the countryside and is causing harm to the rural landscape and which does not preserve the natural beauty of the High Weald Area of Outstanding Natural Beauty.

- iii) The unauthorised use of the land and Art Studio Building are therefore contrary to policies OSS3 (ii) & (iv), OSS4 (iii), RA2 (iii) and (viii), RA3 (iii) and (v) and EN1(i)&(v) of the Rother Local Plan 2014 And polices DEN1, DEN2, DIM2 of the Development and Site Allocations Local Plan 2019. Objectives S2 adopted in the High Weald AONB Management Plan 2019 - 2024 and paragraphs 174 and 176 of the NPPF are also material considerations.
- iv) The Council does not consider that planning permission should be given for this material change of use because planning conditions could not overcome these objections.

5. WHAT YOU ARE REQUIRED TO DO:

- (i) Cease the use of the land at Bantham farm and the Art Studio Building in the approximate position marked in blue on the attached plan for residential purposes.
- (ii) Remove from the Art Studio Building and the land within Bantham Farm all domestic goods, furniture and other domestic paraphernalia required for the unauthorised residential use of the land and Art Studio Building not connected to the authorised use of the building for B1 Art Studio use and the land for private recreational equestrian / agricultural use.
- (iii) Remove from the Land all equipment, materials, debris, rubble, rubbish and tools arising from complying with steps i)-ii) above

6. TIME FOR COMPLIANCE:

4 months

7. WHEN THIS NOTICE TAKES EFFECT:

This notice takes effect on 7th October 2022 unless an appeal is made against it beforehand.

Dated: 26 August 2022

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:

Reference ENF/179/22/HUG.

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:

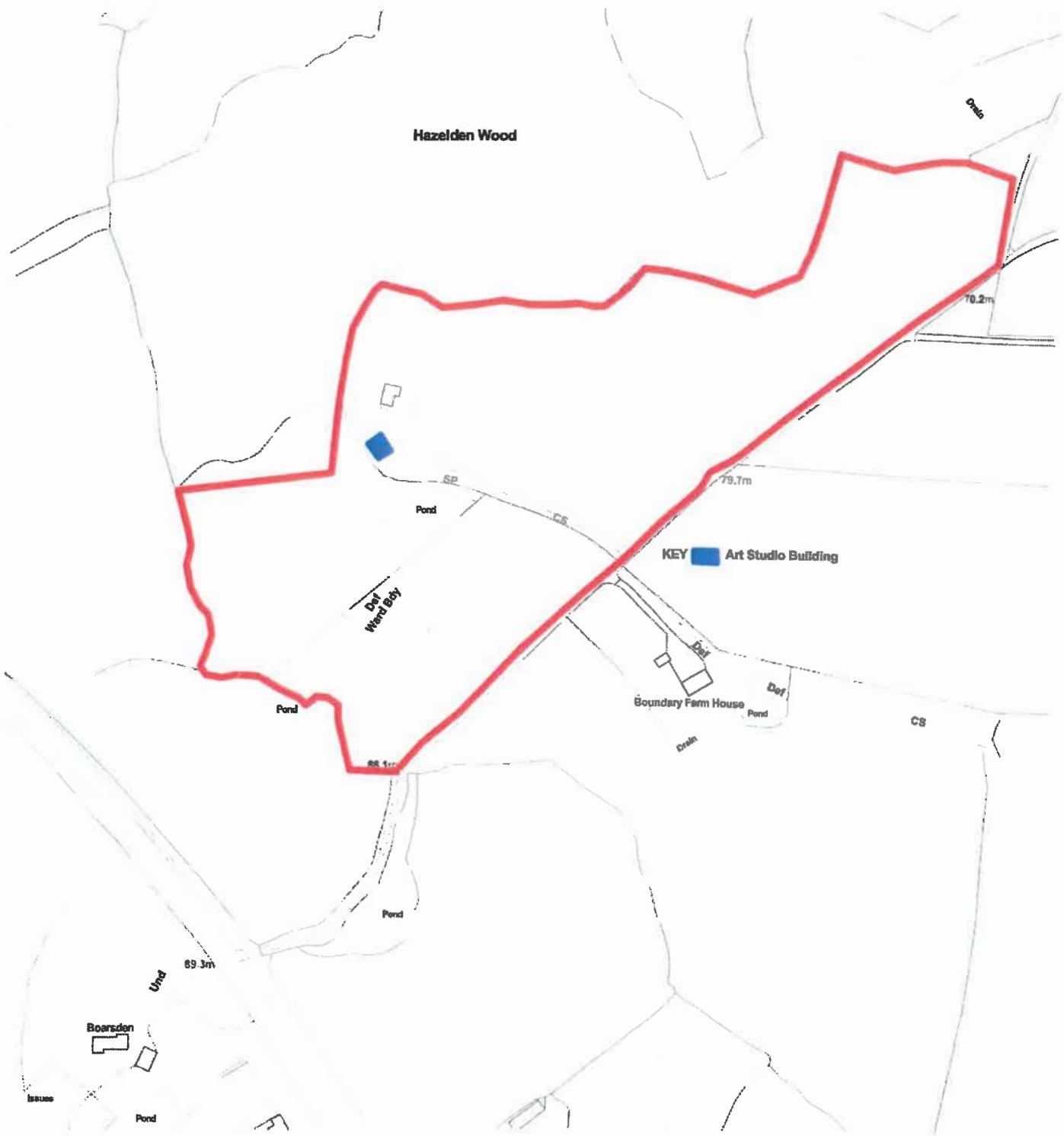
- online at the Planning Casework Service area of the Planning Portal <https://acp.planninginspectorate.gov.uk>, or
- by getting enforcement appeal forms by phoning on 0303 444 5000 or by emailing enquiries@pins.gsi.gov.uk

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.

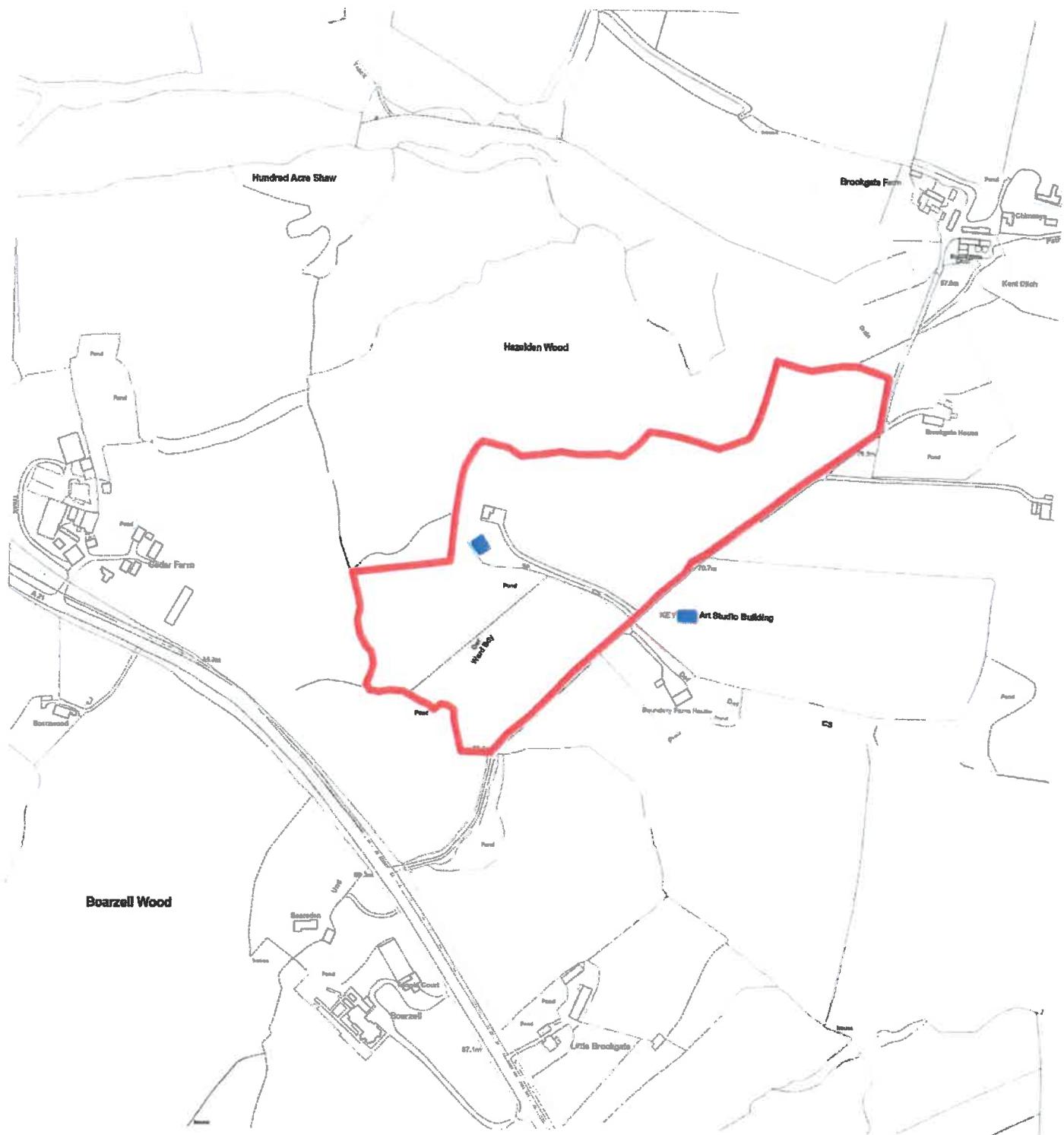
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Plan: Enforcement
File: ENF/179/22/HUG
Scale: 1:3206
N.G. Ref: TQ7229NW

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Plan: Enforcement

File: ENF/179/22/HUG

Scale: 1:5000

N.G. Ref: TQ7229