

**ENFORCEMENT NOTICE - OPERATIONAL DEVELOPMENT AND  
MATERIAL CHANGE OF USE**



3/24/11

**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

1. THIS NOTICE is issued by the Council because it appears to them that there has been breaches 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 adj to Moat Lane, Westfield, East Sussex shown edged red on the attached plan

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

Without planning permission:-

- i) Erection of a pole barn shown in the approximate position marked 'A' on the attached plan
- ii) Erection of marquee for storing/repairing of motor vehicles.

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

Without planning permission a material change of use of the land from agriculture to a mixed use comprising agriculture the storage and repair of motor vehicles and the storage of a mobile home.

**4. REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breaches of planning control in 3 above have occurred within the last four years and the breaches of planning control in 4 above have occurred in the last 10 years.

The unauthorised development consisting of material changes of use of the land from agricultural to storage and repair of motor vehicles and storage of a mobile home and the erection of a marquee and pole barn have caused significant harm to this rural landscape and have introduced clutter on what was a previously undeveloped site.

The site is located in the countryside where new development is strictly controlled and new buildings and change of uses of land are only permitted in extremely limited

circumstances and further these unauthorised developments do not preserve the natural beauty of the High Weald Area of Outstanding Natural Beauty where 'great weight' is afforded to conserving its landscape character and are therefore contrary to conserving its landscape character and are therefore contrary to Paragraph 115 of the National Planning Policy Framework and Policies OSS5 (vi) OSS4 (iii) RA2 RA3 and EN1(i) of the Rother Local Plan Core Strategy.

The Council does not consider that planning permission should be given for the unauthorised developments because planning conditions could not overcome these objections as such it is considered expedient to take enforcement action.

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

- i) Dismantle demolish and remove the pole barn from the land,
- ii) Dismantle the marquee and remove from the land,
- iii) Cease the use of the land for the storage and repair of motor vehicles,
- iv) Remove all motor vehicles and all items associated with their storage and repair including car parts tools and any other associated items from the land,
- v) Cease the use of the land for the storage of a mobile home,
- vi) Remove the mobile home from the land together with any associated domestic items and paraphernalia,
- vii) Remove all materials rubble rubbish debris tools and equipment from the land arising from steps (i) to (vi) above,
- viii) Restore the land to its former condition prior to when the breaches took place (that is undeveloped grassed pasture land).

## **6. TIME FOR COMPLIANCE**

Three months after this notice takes effect.

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

This notice takes effect on 5 August 2017 unless an appeal is made against it beforehand.

Dated: 21 June 2017

Signed: .....

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

Ref: MKN212

## **YOUR RIGHT OF APPEAL**

## **ANNEX**

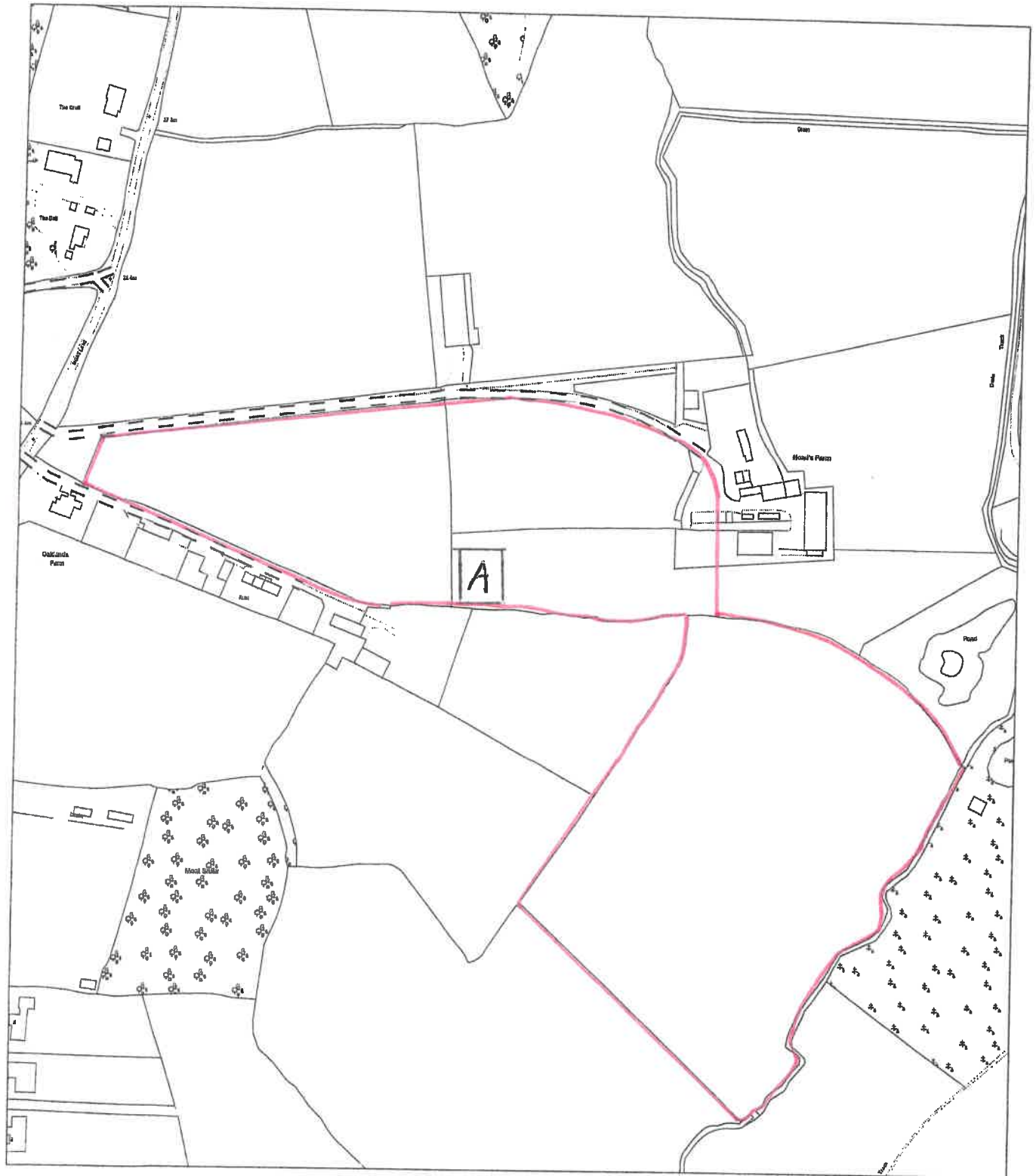
You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date specified in paragraph 7 of the notice. The attached leaflet details how an appeal can be made.

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](mailto: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.



Plan: Enforcement  
File: Hoads Farm Moat Lan  
Scale: 1:3000  
N.G. Ref: TQ8015SW