

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

ROTHER DISTRICT COUNCIL	
PLANNING DEPT.	
REC'D	09 FEB 2016
REFERRED TO:	
REPLY BY	09 MARCH 2016
ACK CAGD DATE SENT	

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 2 Devonshire Road, Bexhill on Sea, 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 the installation of a reduced height ATM (Automated Teller Machine) in one of the bays of the building and the removal of a section of stone cill.

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.

The retention of the reduced height ATM and the absence of the stone cill, because of their location within a prominent position within the Bexhill Town Centre Conservation Area harm the character and appearance of this designated area. For these reasons the development is contrary to Policies OSS4 (iii) and EN2 of the Rother Local Plan Core Strategy, the Bexhill Town Centre Conservation Area Appraisal and the Adopted Bexhill on Sea Town Centre Conservation Area Shopfront and Signage Guidance.

The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections.

5. WHAT YOU ARE REQUIRED TO DO

1. Dismantle and remove the existing ATM from the bay as shown on the attached photograph, and
2. Either
 - 2.1 Make good the bay by reinstating glazing and a window frame as it was prior to when the breach took place but without the previous ATM; or

- 2.2 Reinstate the glazing and window frame as it was prior to when the breach took place with the previous existing ATM
3. Reinstate the stone cill in the bay using:
 - 3.1 Bath stone of a colour and profile to match the existing surrounding stonework and
 - 3.2 A lime and sand based mortar of a mix and colour to match that used in the original construction of the building,
 - 3.3 A pointing style to match that used in the original construction of the building.

6. TIME FOR COMPLIANCE

Four months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 16th March 2016 unless an appeal is made against it beforehand.

Dated: 3rd February 2016

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

Ref: MKN141

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 www.planningportal.gov.uk/pcs, 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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