

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

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 Telegraph Point, Coldharbour Farm Estate, Battle Road, Brightling, East Sussex shown edged red on the attached plan.

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 land to use for the stationing of a mobile home, shown in the approximate position by an 'X' on the attached plan, occupied for residential purposes together with associated services, including decking and sheds.

The previous planning application (RR/20147/1203/P) refused by the Council was allowed on appeal (APP/U1430/A/2227208) subject to conditions. Condition 2. Stated:

2) when the premises cease to be occupied by those named in condition 1 (Julie Helliwell and Miles Helliwell) above, or at the end of 3 years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.

An enforcement appeal (Appeal B)(Council ref: ENF/66/14/BRI and Planning Inspectorate ref: APP/U1430/C/14/2227209) ran concurrent with the above Section 78 appeal. Appeal B ground (a) – the deemed planning application – was also allowed and granted temporary planning permission subject to conditions, including the same condition as 2) above.

The effect of the condition is that the relevant planning permission as a whole has now expired.

A subsequent Application ref RR/2018/1880/P for the retention of the mobile home (use of land for the stationing of mobile home for residential purposes (retrospective) was refused by the Council on 18 October 2018.

In breach of planning control the mobile home remains on the land and continues to be occupied for residential purposes.

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 stationing of a static residential mobile home on the site, in breach of Condition 2 of the Inspector's decision letter dated 17 July 2015 (appeal refs: APP/U1430/A/14/2227208 and APP/U1430/C/14/2227209) has had an adverse effect on the character and appearance of the locality and is not compatible with the conservation of the High Weald Area of Outstanding Natural Beauty and conflicts with Policies OSS2, RA2 (iii) (viii), RA3 (iii) (v), OSS4 (iii), and EN1(i) of the Rother District Local Plan – Core Strategy; and the National Planning Policy Framework, particularly paragraphs 78, 79 and 172.
- (iii) The Council does not consider that planning permission should be given for the change of use, 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) Comply with the stated condition by ceasing the use of the static residential caravan (mobile home) on the site and removing it from the site together with all structures, materials and equipment brought on to, or erected on the land, or works undertaken to it in connection with the residential use.

6. TIME FOR COMPLIANCE

12 Months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 25th February 2019 unless an appeal is made against it beforehand.

Dated: 14th January 2019

Signed:

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

Ref: MKN080

ANNEX

YOUR RIGHT OF APPEAL

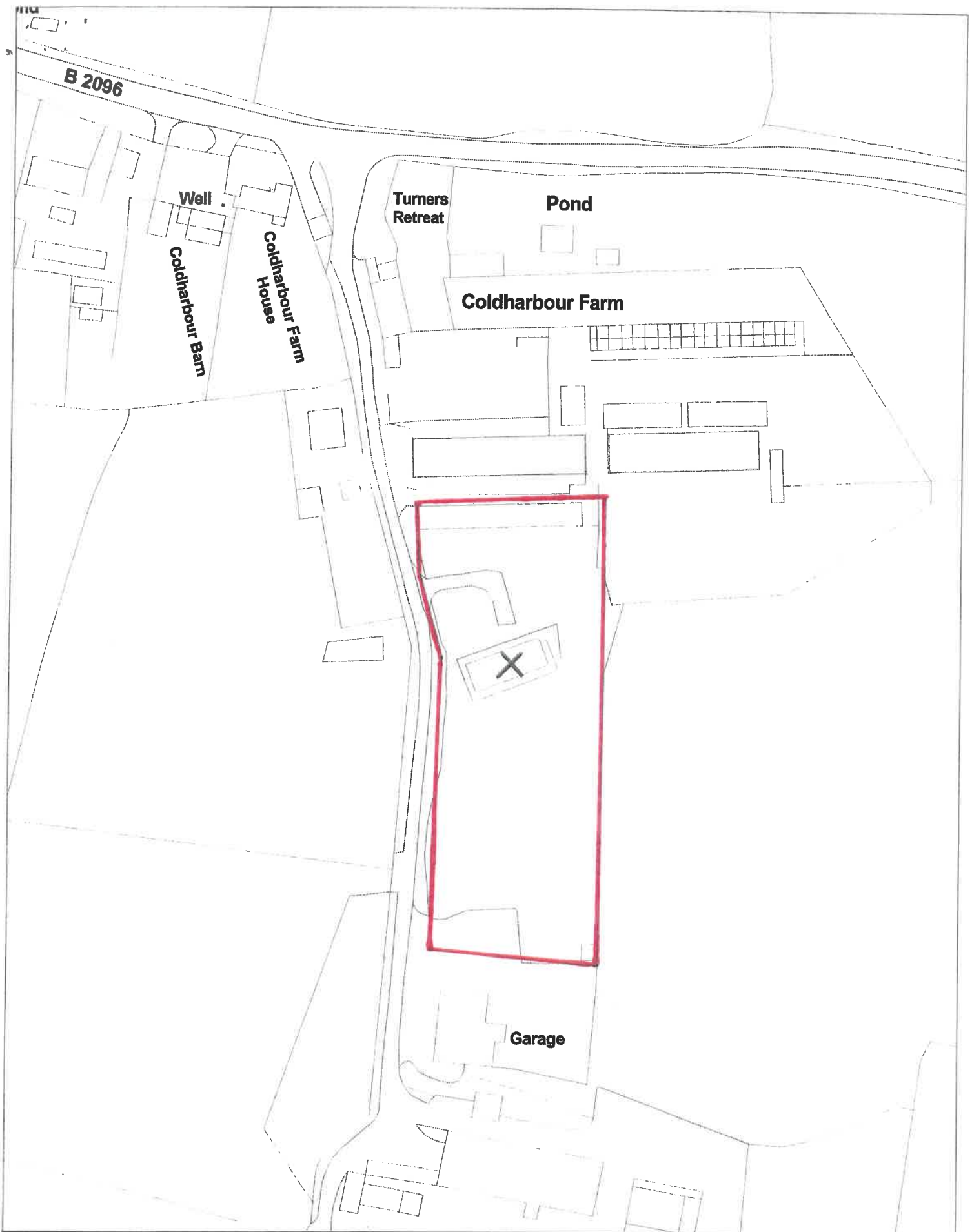
You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date specified in paragraph 7 of the notice. The attached leaflet details how an appeal can be made.

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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