

Important - this communication affects your property

ROTHER DISTRICT COUNCIL

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

SECTION 38

LISTED BUILDING ENFORCEMENT NOTICE

To: **Owner / Occupier**

- 1 Rother District Council ("the Council") is the local planning authority for the purposes of Section 38 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) ("the Act") for the area described in the First Schedule ("the Building").
- 2 The Building is included within a list of buildings of special architectural or historic interest approved or compiled by the Secretary of State under Section 1 of the Act.
- 3 It appears to the Council that the works specified in the Second Schedule to this Notice ("the Works") have been executed to the Building.
- 4 It appears to the Council that the Works are such as to constitute a contravention of Section 9(1) of the Act.
- 5 The Council considers it expedient to issue this Notice having regard to the effect of the unauthorised works on the character of the Building as one of special architectural or historic interest. The unauthorised works to the Building which is a small rural 2 story property of 19th century origin that forms the final component of a terrace of workers cottages, are considered to have a profoundly adverse impact on the character of the building and the associated terrace, lying within the designated High Weald Area of Outstanding Natural Beauty (National Landscape), and are considered to be wholly inappropriate within this sensitive location, out of character with and detrimental to the Listed Building and general street scene, and to be contrary to Policies OSS4, EN1, EN2 and EN3 of the Rother Core Strategy Local Plan 2014, Policies DHG9, DEN2 of the adopted Development and Site Allocations Local Plan 2019, Objectives S1 and S3 of the adopted High Weald AONB Management Plan 2024-2029 and Paragraphs 205, 206 and 182 of the National Planning Policy Framework 2023.

- 6 THE COUNCIL GIVES NOTICE that, under Section 38 of the Act, it requires the steps specified in the Third Schedule to this Notice to be taken **within a period of seven months from the date on which this Notice takes effect, for the purpose of restoring the Building to its former state**
- 7 This Notice shall take effect on **17th March 2025** subject to the provisions of Section 39 of the Act (relating to appeals to the Secretary of State).

Date issued: 10th December 2024

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:

If you require further information regarding this Notice, you should contact the Contact Office above.

FIRST SCHEDULE

7 Roberts Row, Whitebread Lane, Beckley, East Sussex shown on the map attached to this Notice edged in red for identification purposes only.

SECOND SCHEDULE

The alteration of part of the Building without listed building consent by the removal of traditional handmade clay roof tiles and replacement on roof slopes with a machine-made alternative of a different colour, size, curvature and finish, and the cladding of the lower level of the chimney with roof tiles, including finishing of tiles and chimney weathering with sand and white cement mix mortar.

THIRD SCHEDULE

In accordance with the specifications shown on the attached drawing number ENF/214/24/BWEC-1:

- i. Remove the machine-made roof tiles and sand and white cement mix mortar from the roof of the Building
- ii. Remove all/any tiles attached to the chimney and replace with an appropriate lead flashing to match flashing between chimneys on adjacent properties at numbers 5 and 6 Roberts Row.
- iii. Replace roof tiles on the Building with an approved alternative, ensuring the length, width and thickness of the replacement tiles matches the tiles on the adjoining property 6 Roberts Row.
- iv. Ensure that the replacement tiles are stitched into the pre-existing tiles on the adjoining property 6 Roberts Row.
- v. Set and secure the replacement roof tiles with Natural Hydraulic Lime Mortar mixed with a well-graded Sharp Sand mixed at a ratio of 2.5 parts Sand to 1 part Natural Hydraulic Lime 3.5.
- vi. Re-fix ridge tiles with Natural Hydraulic Lime Mortar mixed with a well-graded Sharp Sand mixed at a ratio of 2.5 parts Sand to 1 part Natural Hydraulic Lime 5.
- vii. Remove from the Building and the Land all materials, rubble, rubbish, debris, tools, equipment and safety paraphernalia arising from compliance with the above requirements.

ANNEX

1. The right of Appeal

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against this Enforcement Notice. Unless an appeal is made, as described below, the Enforcement Notice will take effect on the date referred to in paragraph 7 of the Enforcement Notice, and you must then ensure that the required steps, for which you may be held responsible, are taken within the period(s) specified in the Notice.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you want to appeal against the Enforcement Notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before the date specified in paragraph 7 of the Enforcement Notice.

Under section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), you may appeal on one or more of the following grounds:-

(a) For a listed building - that the building is not of special or architectural or historic interest; OR

For a building within a conservation area – that retention of the building is not necessary in the interests of preserving or enhancing the character or appearance of the conservation area in which it is situated;

(b) that the matters alleged to constitute a contravention of section 9(1) or (2) have not occurred;

(c) that those matters (if they occurred) do not constitute such a contravention;

(d) that the works to the building were urgently necessary in the interests of safety or health or for the preservation of the building, that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter, and that the works carried out were limited to the minimum measures immediately necessary;

(e) that listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted;

(f) that copies of the notice were not served as required by section 38(4).

(g) except in relation to such a requirement as is mentioned in section 38(2) (b) or (c), that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out; (Note: It should be noted that its condition before the works were carried out refers to its former authorised condition, which is its condition when listed, subject to any listed building consents subsequently granted. It does not refer to its physical condition, for example in terms of repair.)

(h) that the period specified in the notice as the period within which any steps required by the notice is to be taken falls short of what should reasonably be allowed;

(i) that the steps required by the notice for the purpose of restoring the character of the building to its former state would not serve the purpose.

(Note: this ground cannot be pleaded at the same time as grounds (j) and/or (k) -see note below.)

(j) that the steps required to be taken by virtue of section 38(2)(b) exceed what is necessary to alleviate the effect of the works executed to the building.

(Note: This ground is concerned with alleviation, not with restoration and cannot be pleaded at the same time as grounds (j) and/or(k)- see note below)

(k) that steps required to be taken by virtue of section 38(2)(c) exceed what is necessary to bring the building to the state in which it would have been if the terms and conditions of the listed building consent had been complied with

(Note: This ground cannot be pleaded at the same time as grounds (i) and/or (j) –see note below.)

NOT ALL OF THESE GROUNDS MAY BE RELEVANT TO YOU.

Note - grounds (i), (j) and (k) are mutually exclusive and cannot be pleaded simultaneously although any one of them can be pleaded at the same time as ground (g).

Ground (i) should be pleaded if the notice has been issued under Section 38(2)(a) and relates only to restoration

Ground (j) should be pleaded if the notice requires alleviation of the works and it has been issued under Section 38(2)(b).

Ground (k) should be pleaded if the notice has been issued under Section 38(2)(c) and requires bringing the building to the state it would have been in if the terms and conditions of any Listed Building Consent had been complied with.

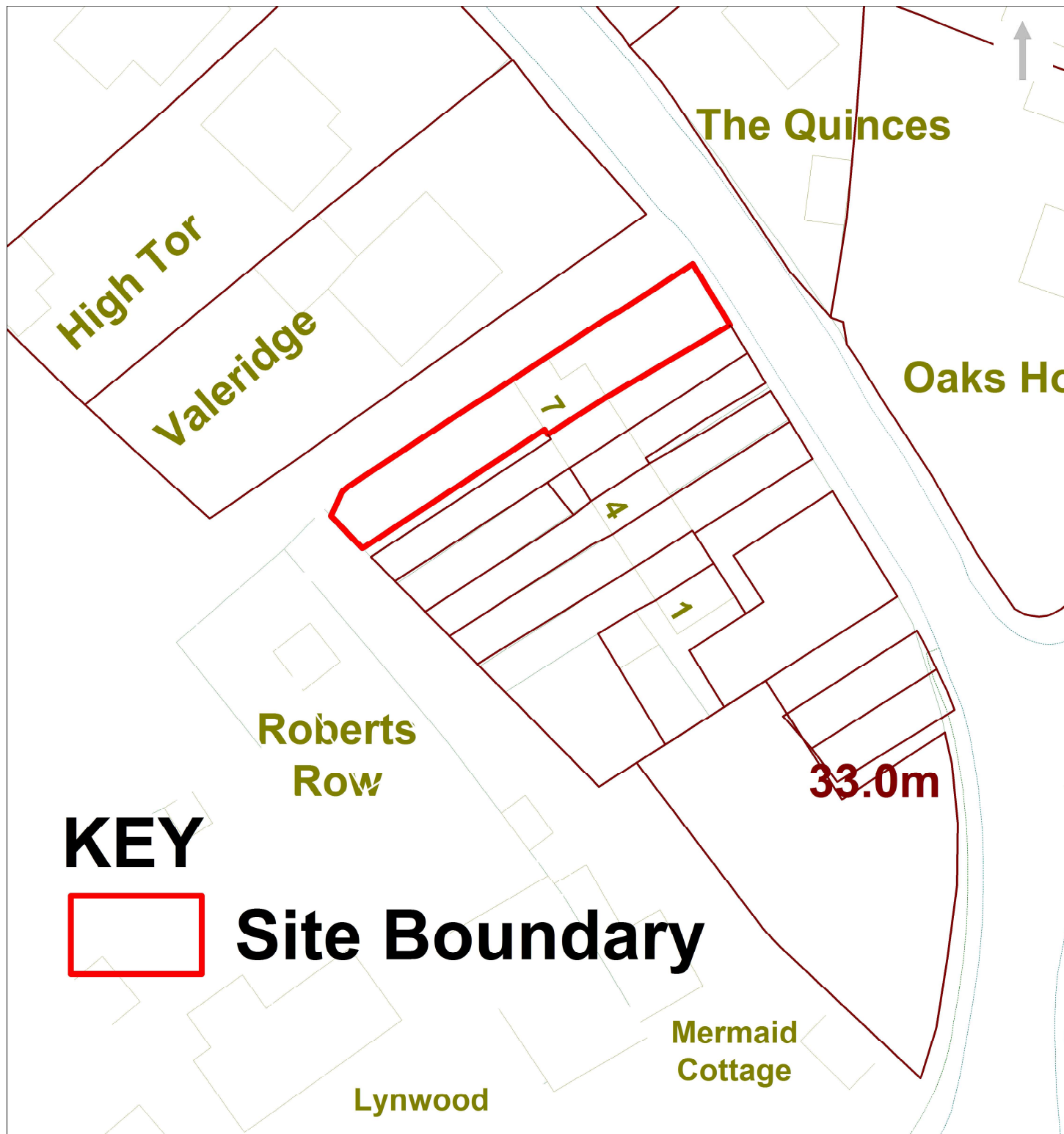
If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the Enforcement Notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

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Plan: Enforcement

File: ENF/214/24/BEC

Scale: 1:500

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