

**ENFORCEMENT NOTICE - OPERATIONAL DEVELOPMENT AND  
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 1 & 2 Lambers Cottages, Battle Hill, Battle, East Sussex shown edged red on the attached plan ("the Land").

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

Without planning permission –

- i) The siting of a mobile log cabin/chalet within the curtilage of a listed building which has been adapted in a way that it now holds sufficient permanence requiring planning permission (the "Chalet Unit") shown in the approximate position cross hatched and marked OPD1 on the attached plan.
- ii) The erection of an ancillary office outbuilding within the curtilage of a listed building (the "Office Outbuilding") shown in the approximate position hatched red and marked OPD2 on the attached plan.

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

Without planning permission the change of use of the Land within the curtilage of a residential dwelling for the siting of a mobile log cabin/chalet ("the Chalet Unit") used as a separate residential unit unconnected with the main dwelling house.

**5. REASONS FOR ISSUING THIS NOTICE**

- i) It appears to the Council that the above breach of planning control has occurred within the last four years in respect to 3 (Operational Development) above and four years in respect of 3 (Material Change of Use) above.

- ii) The use of the Chalet Unit as a dwelling and the change of use of the land does not meet the strict criteria of and would conflict with the Rother Local Plan Core Strategy Policies OSS4 (ii) & (iii), EN3, EN1 (i), (iv) & (v) and the NPPF.
- iii) The developments have occurred within the curtilage of a listed building which do not preserve the setting or architectural and historical interest of the listed host cottage or the larger terrace of listed buildings thus failing to accord with Policy EN2 (iii) and the NPPF.
- iv) It is important to ensure that the breach does not continue to the point of immunity. The development of these outbuildings causes unacceptable harm to the host property as a property of specific historical interest.

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

- i) Disconnect the Chalet Unit from the services and remove all wires and pipework associated.
- ii) Dismantle the remove from the land the Chalet Unit and all associated development including the decking and steps area.
- iii) Dismantle and remove from the land the Office Outbuilding.
- iv) Remove any materials from the land accumulated as a result of complying with i), ii) and iii) above.
- v) Cease the use of the land for residential purposes not ancillary to the use of the main dwelling.
- vi) Remove all subsequent domestic materials items and chattels from the land which are associated with the Chalet Unit and Office Outbuilding and not used in connection with the enjoyment of the host dwellinghouse (1 & 2 Lamberts Cottages).

## **7. TIME FOR COMPLIANCE**

Twelve Months after this notice takes effect.

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

This notice takes effect on 30 April 2018 unless an appeal is made against it beforehand.

Dated: 20<sup>th</sup> March 2018

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

Ref: MKN242

## **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](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.

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OP01

  
OP02

Plan: Enforcement  
File:  
Scale: 1:1000  
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