

## **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 ("the Council")

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A(1)(a) 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 AFFECTED**

Land at Chestnut Wood, Udimore Road, Udimore, East Sussex shown edged red on the attached plan ("the Land").

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, the formation and laying out of a means of access ("the Access") including the removal of hedgerow, and the installation of a timber field gate and posts, and the laying of gravel and aggregate in the approximate position shown coloured green on the attached plan.

4. **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. The unauthorised development was substantially completed less than four years ago.
- (ii) The unauthorised development on the Land, which lies within the formally designated High Weald National Landscape within a designated area of Ancient Woodland is considered to create an unacceptable, inappropriate, harmful and intrusive feature within this protected area, and to be contrary to Paragraphs

180, 182 and 186 of the National Planning Policy Framework 2023; Policies OSS4, RA, EN1 and EN5 of the Rother Core Strategy Local Plan 2014; and Policies DEN1, DEN2 and DEN4 of the Rother Development and Site Allocations Local Plan 2019.

- (iii) The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections to the use.

## 5. WHAT YOU ARE REQUIRED TO DO

- a. Break up and remove all gravel, aggregate and materials imported on to the Land to create the Access.
- b. Demolish, dismantle and remove the timber field gate and posts, including postbox, dustbins, solar lighting and other associated paraphernalia from the Land.
- c. Permanently stop up the Access to vehicular use by re-instating the grass, woodland and vegetation previously located on the Land, to a depth from the highway of not less than 1.5 metres at any point and a width adjacent to the highway of 20 metres.
- d. Cover with top soil and seed with grass seed the areas where the imported materials have been removed and the grass, woodland and vegetation has been re-instated, to marry in with the contours of adjacent undisturbed land.
- d. Remove from the Land all rubble, rubbish, debris, materials, tools and equipment arising from compliance with requirements a to d above.
- e. Reinstatate the hedgerow along the original boundary to the Land by planting a 6 plants per linear metre of approximately :-

60% Hawthorn ( <i>Crataegus monogyna</i> )	17
15% Blackthorn ( <i>Prunus spinosa</i> )	4
5% Hazel ( <i>Corylus avellana</i> )	4
5% Field Maple ( <i>Acer campestre</i> )	4
5% Hornbeam ( <i>Carpinus betula</i> )	4
5% Holly ( <i>Ilex Aquifolium</i> ) shade tolerant so good under hedgerow trees	3

Using transplants 45-60cm tall or whips 60-90cm tall as appropriate to the species, evenly spaced at a density of double staggered row notch planted 0.33 meters apart at 0.33 metre centres, and using individual

Tubex tree shelters of an appropriate size, stacked and secured or stock fencing around all new trees, incorporating rabbit proof wire at the base to protect against deer and rabbit damage, and all whips to be young trees with feathered growth, 0.6-1.2m high conforming to BS3936:Part 1:1992 and to be less than 2 years old and all clearly labelled with botanical name.

Time for compliance: six months after this notice takes effect

**6. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **6th September 2024** unless an appeal is made against it beforehand.

Dated: **9th August 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:

## **ANNEX**

### **1. THE RIGHT OF APPEAL**

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the Enforcement Notice. Unless an appeal is made, as described below, the enforcement notice will take effect on the date referred to in paragraph 6 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 Enforcement 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 6 of the Enforcement Notice.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £468.

Payment should be made by BACS (quoting reference ENF/221/23/UDI) to the following account:

Sort code : 30-80-12

Account number : 11649668

Account name : Rother District Council

Joint appellants need only pay one set of fees.

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.

## **2. LIST OF PERSONS SERVED WITH THIS NOTICE**

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Plan: Enforcement

File: ENF/221/23/UDI

Scale: 1:1250

N.G. Ref: TQ8519SW