



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 Sowdens Gate 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, change of use of the Land from forestry to a mixed use for forestry and for leisure and recreation purposes, including the associated erection of timber and metal structures and buildings.

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 unauthorised use of 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, RA2 and EN1 of the Rother Core Strategy Local Plan 2014; Policies DEN1, DEN2 and DEN4 of the Rother Development and Site Allocations Local Plan 2019, and the adopted High Weald AONB Management Plan 2024 – 2029.

- 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

- (i) Stop using the Land for leisure and recreation purposes.
- (ii) Demolish, dismantle and remove all timber and metal structures and buildings constructed on the Land to facilitate the said unauthorised use
- (iii) Break up and remove all/any footings and bases on which the buildings are sited, and all/any services connected to the unauthorised buildings from the Land.
- (iv) Remove from the Land all domestic and residential goods and paraphernalia associated with the said unauthorised use
- (v) Remove from the Land all materials, rubble, rubbish, debris, tools, machinery and equipment arising from compliance with the above requirements.

Time for compliance: three 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 £924.

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.

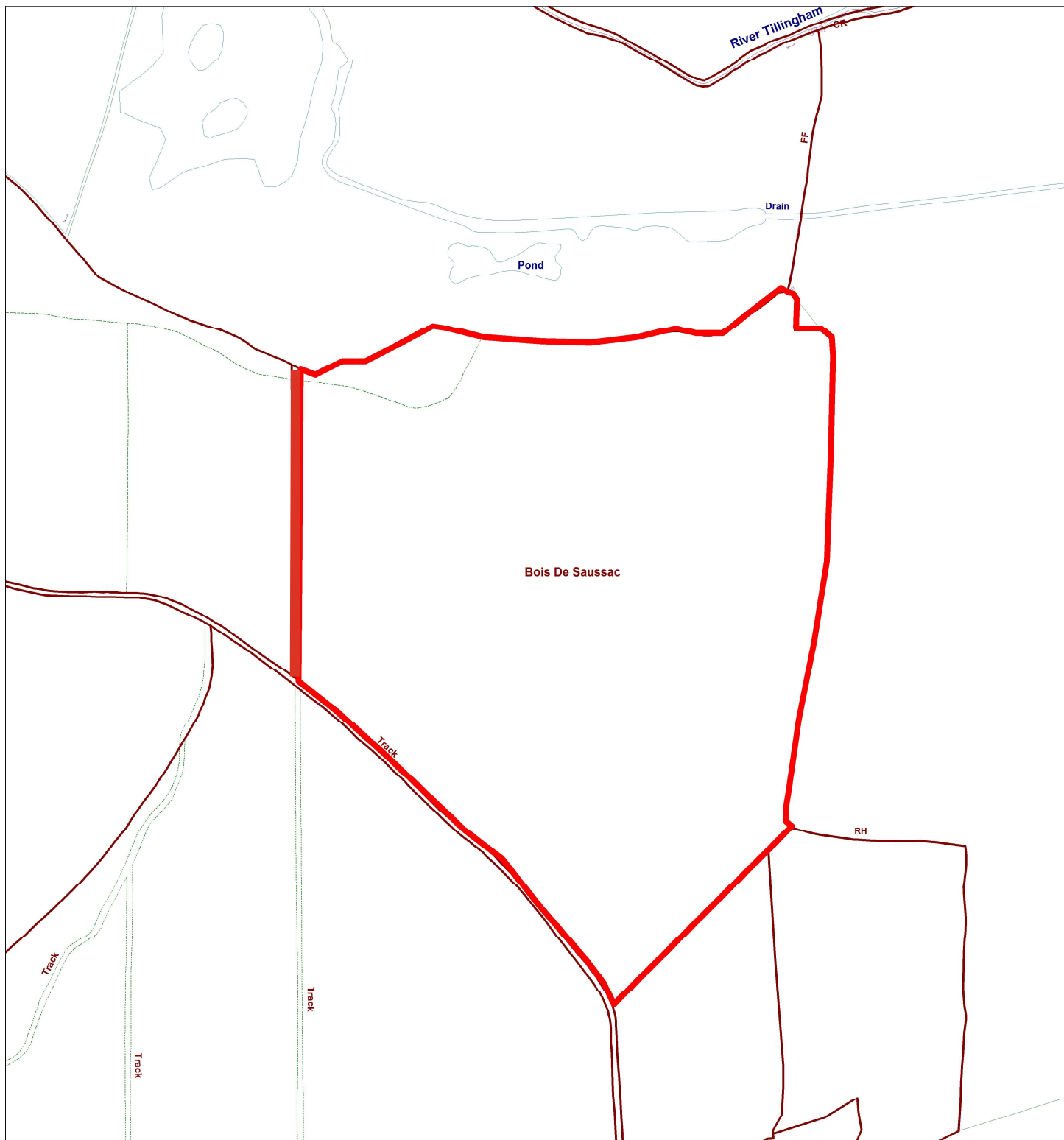
2. LIST OF PERSONS SERVED WITH THIS NOTICE

This copy has been produced specifically to supply an individual with authority information. No further copies may be made.

Reproduced from the Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office. Crown copyright.

Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Rother District Council Licence No 100018643 2010.



Plan: Enforcement

File: ENF/221/23/UDI Site 2

Scale: 1:2500

N.G. Ref: TQ8519NW