

# ENFORCEMENT NOTICE - OPERATIONAL DEVELOPMENT



## 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 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 THIS NOTICE RELATES

Land at 25 Senlac Gardens, Battle, shown edged red on the attached plan ('the Land')

### 3. MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission the erection of a solid wooden fence, shown for identification purposes by a green line on the attached plan, of approximately 1.82 metres in height from the ground level adjacent to the highway (the "Fence").

### 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.
- ii) It is recognised that boundary treatments play an important role in defining the character and appearance of a locality and close board fences are harsh and suburbanising features within any street scene or landscape. The Fence by reason of its height, length and proximity to the road, and which replaces a natural hedge, is a highly visible and incongruous feature in this location. The Fence does not respect and detracts from the historic and rural character and appearance of the area on the rural approaches to the historic town of Battle and fails to protect or enhance the local townscape or landscape quality of the High Weald Area of Outstanding Natural Beauty (AONB). As such, the Fence would be contrary to the Rother Local Plan Core Strategy, Policies OSS4, EN1, EN2 and EN3 and Policies DHG9, DHG11, DEN1 and DEN2 of the Rother Development and Site Allocations Local Plan and paragraph 130 and 172 of the National Planning Policy Framework.

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

- i) a) Remove the Fence from the Land; or  
b) reduce the height of the Fence to a height not exceeding 1 metre from the ground level.
- ii) Remove all other waste and materials from the Land arising from compliance with the step above (5(i)).

## **6. TIME FOR COMPLIANCE**

Four months after this notice takes effect.

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

This notice takes effect on 28<sup>th</sup> April 2021 unless an appeal is made against it beforehand.

Dated: 11<sup>th</sup> March 2021

Signed: .....

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

Ref: MKN356 (25 Senlac Gardens)

## **ANNEXE**

## **THE RIGHT OF APPEAL**

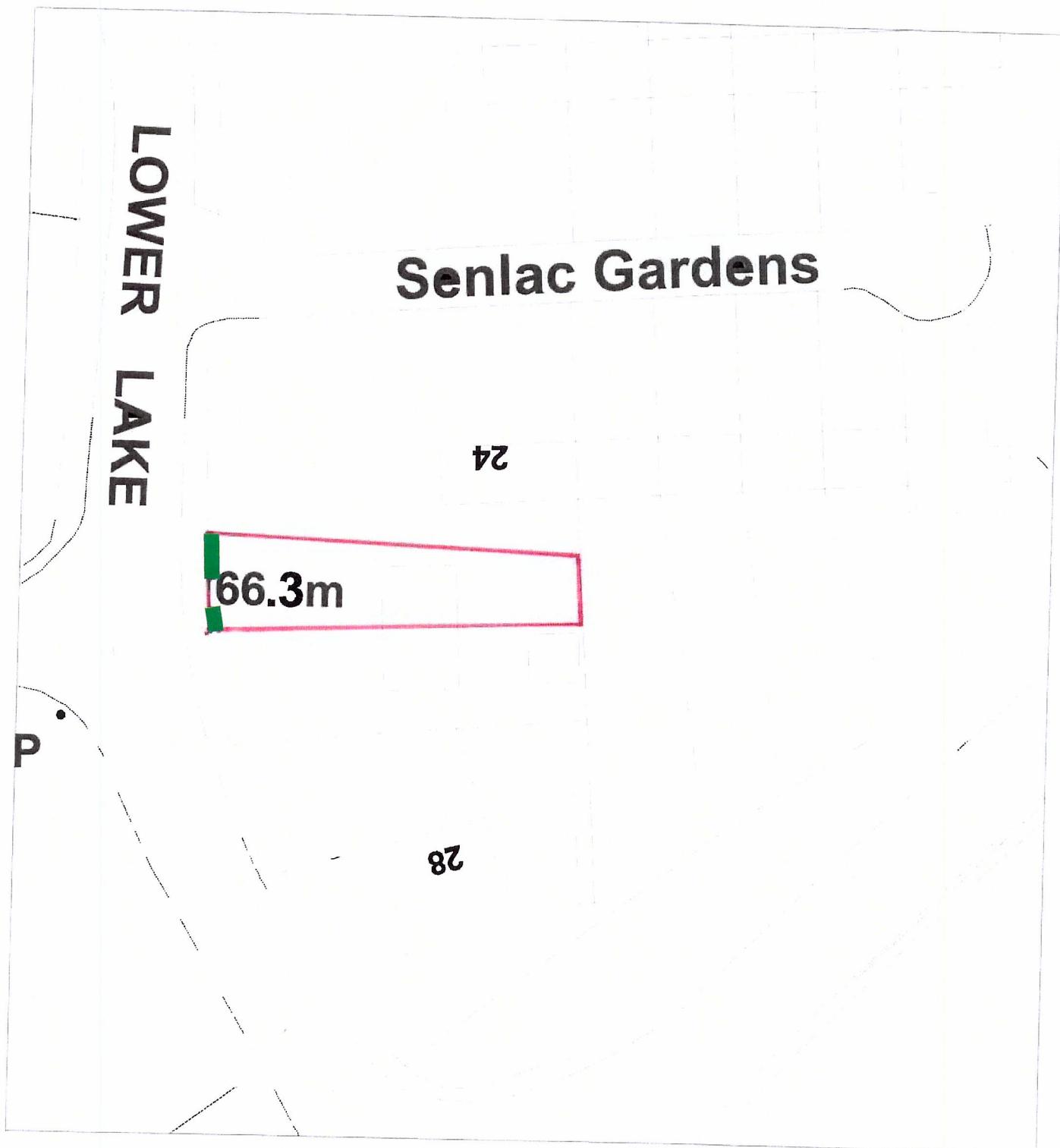
An appeal can be made against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date specified in paragraph 7 of the notice. The attached leaflet and covering letter details how an appeal can be made.

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 an appeal is not lodged 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.



Plan: Enforcement

File: ENF/236/19/BAT

Scale: 1:500

N.G. Ref: TQ7515SW