

# ENFORCEMENT NOTICE - 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 ("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 THE NOTICE RELATES

Land at Fern Hill, Brightling Road, Brightling, East Sussex shown edged red on the attached plan ("the Land")

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

Without planning permission the material change of use of the Land from agricultural to a mixed use of agricultural and the storage of building materials and the parking/storage of a vehicle and a caravan, all of which are unconnected to the agricultural use of the Land ("the Unauthorised Change of Use").

### 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 Change of Use of the Land does not benefit from planning permission and is inappropriate within this location. The Unauthorised Change of Use has caused significant harm to the character and appearance of the countryside within the High Weald Area of Outstanding Natural Beauty close to Ancient Woodland and directly visible from a public footpath. As such, the Unauthorised Change of Use does not protect or enhance the Land and is contrary to Policies OSS4, RA2, RA3 and EN1 of the Rother District Local Plan 2006 and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan Proposed Submission – October 2018 and paragraphs 170, 172 and 180 of the National Planning Policy Framework.
- (iii) The Council does not consider that planning permission should be given for the Unauthorised Change of Use because planning conditions could not overcome these objections. There is a principal objection and as such it is considered expedient to take enforcement action.

## 5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the Unauthorised Change of Use of the Land.
- (ii) Remove from the Land the vehicle that is unconnected to the agricultural use of the Land.
- (iii) Remove from the Land the caravan that is unconnected to the agricultural use of the Land.
- (iv) Remove from the Land all building materials that are unconnected to the agricultural use of the Land.
- (v) Restore the Land to its former condition before the Unauthorised Change of Use took place.
- (vi) Remove all other materials and debris from the Land as a result of Steps 5. (ii) - (v) above.

## 6. TIME FOR COMPLIANCE

Three Months after this notice takes effect.

## 7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 12<sup>th</sup> July 2019 unless an appeal is made against it beforehand.

Dated: 3<sup>rd</sup> June 2019

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

Ref: MKN306

## ANNEX

### THE RIGHT OF APPEAL

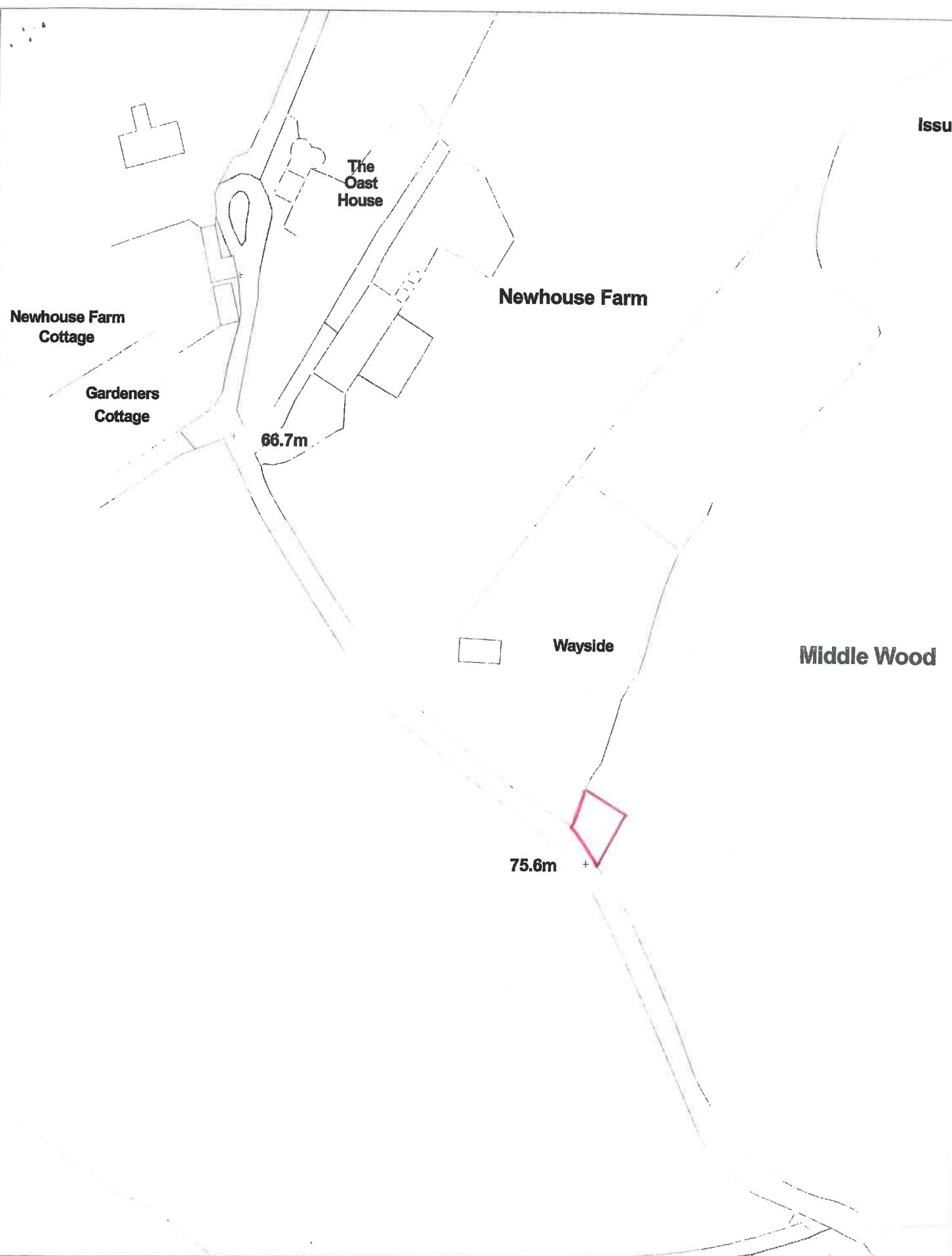
An appeal can be made against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date specified in paragraph 7 of the notice. The attached leaflet details how an appeal can be made.

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 made 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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