

## 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 3 Hillbury Gardens, Ticehurst, TN5 7AT East Sussex as 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 timber building, as shown in the approximate position coloured blue on the attached plan, ("the Building") forward of the principal elevation of the dwelling on the Land.

#### **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) The Land faces onto the High Street at Ticehurst the main road, the majority of properties in the area have neat open plan front gardens and drive ways with no outbuildings forward of the front elevation.
- iii) The Building, to the front of the principal elevation of the dwelling on the Land, is a harsh and intrusive feature, out of keeping with the character of Hillbury Gardens and the High Street, where frontages are open plan with some on plot parking and gardens. The historic core of the village and its conservation area lie to the east while to the west is the increasingly verdant rural character of the countryside typical within the High Weald Area of Outstanding Natural Beauty ("High Weald AONB").
- iv) The Building is out of keeping and considered to harm the visual amenity of the area, detracting from the character and appearance of the semi-rural locality, street-scene and character of the village within the High Weald AONB.

- v) The Building, therefore, is considered to be contrary to policies OSS4 (iii), RA1 (i), EN1 (i), EN2 (i) and EN3 (i) of the Rother Local Plan Core Strategy 2014; Policies DEN1, DEN2 and DHG9 (vii) of the Rother Development and Site Allocations Local Plan (DaSA), Policies R1 and H5 of the Ticehurst Neighbourhood Plan; and Paragraphs 130, 174 & 176 of the National Planning Policy Framework (2021).

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

- (i) Dismantle and remove the Building in its entirety from the Land.
- (ii) Restore the area of the Land in the approximate position shown edged in blue on the attached plan to its former condition to match the rest of the Land surrounding this area or laid to grass.
- (iii) Remove all other materials and debris from the Land arising from complying with steps (i) – (ii) above.

## **6. TIME FOR COMPLIANCE**

Four months after this notice takes effect.

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

This notice takes effect on 23 March 2022 unless an appeal is made against it beforehand.

Dated: 9 February 2022

Signed: .....

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

Ref: MKN367

## 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 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

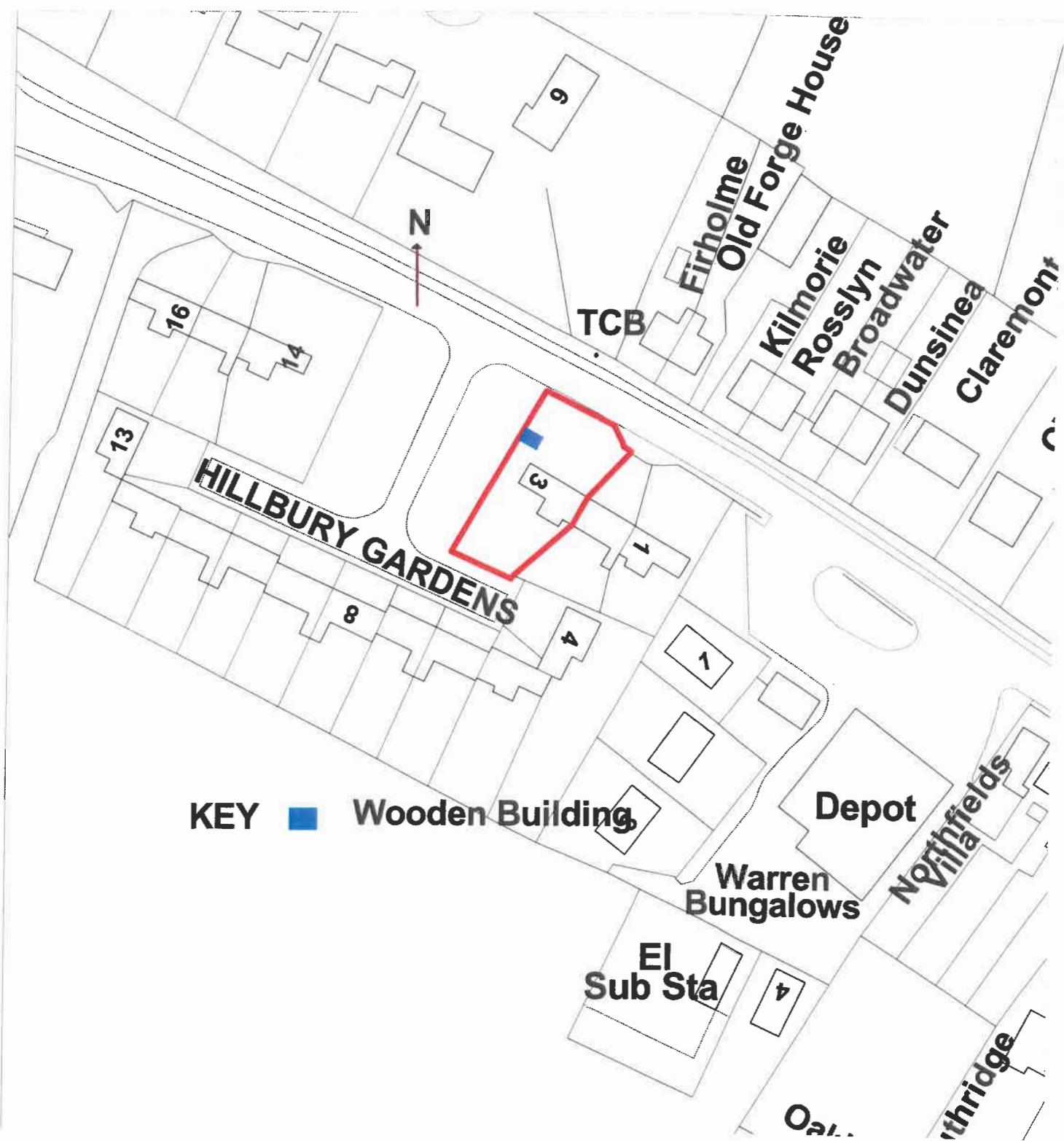
If an appeal is not lodged against this enforcement notice, it will take effect on the date specified in paragraph 7 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

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Plan: Enforcement

File: ENF/81/21/BEX

Scale: 1:1000

N.G. Ref: TQ6830SE