

# 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 Plots 10C1 & Plot 10C2, Beech House Farm, Beech House Lane, Salehurst, East Sussex shown edged red on plans A and B attached and comprised in Title Numbers ESX297452 and ESX297345 ("the Land").

### **3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL – MATERIAL CHANGE OF USE**

Without planning permission the change of use of the Land from agricultural use to a mixed use comprising of agricultural use and the stationing and storage of a caravan for recreational leisure use unconnected with the agricultural use of the Land ("the Unauthorised Change of Use").

### **5. REASONS FOR ISSUING THIS NOTICE**

- i) It appears to the Council that the above breach of planning control has occurred within the ten years.
- ii) The Unauthorised Change of Use represents an unnecessary and unjustified material change of use of the Land in the countryside and High Weald Area of Outstanding Natural Beauty ("High Weald AONB").
- iii) The Unauthorised Change of Use and the associated non-agricultural paraphernalia are considered to unacceptably compromise the character of the countryside and woodland, landscape features of the High Weald AONB.
- iv) The Unauthorised Change of Use is considered to be contrary to Policies OSS4 (iii), RA2(ii)&(iii), RA3 (i)&(v), and EN1 (i)((v)&(viii), EN3 (i)& EN5 (i),(ii)&(viii) of the Rother Local Plan Core Strategy 2014, Policies DEN1, DEN2 of the Development and Site Allocations Local Plan (DaSA) Dec 2019 and paragraph 176 of the National Planning Policy Framework (July 2021).

v) The Land is subject to The Rother District Council (Beech House Lane, Salehurst, East Sussex) Article 4 Direction 1999 dated 4<sup>th</sup> August 1999 and approved by the Secretary of State for the Environment, Transport and the Regions on 21<sup>st</sup> January 2000 ("the Article 4 Direction") that removed some permitted development rights.

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

- i) Cease the use of the Land for the stationing and storage of a caravan unconnected to the agricultural use of the Land in the approximate position shown edged and hatched in blue on the attached plan marked Plan B.
- ii) Remove the caravan from the Land in its entirety.
- iii) Remove from the Land all items and paraphernalia associated with the Unauthorised Change of Use and unconnected with the agricultural use of the Land, including, but not limited to, the timber decking in its entirety, as shown in the approximate position edged and hatched in red on the attached plan marked Plan B, and the created drainage pit, as shown in the approximate position coloured black on the attached plan marked Plan B.
- iv) Take up and remove from the Land all drainage/sewage pipes that have been laid in or on that part of the Land shown in the approximate position coloured black on the attached plan marked Plan B being works associated with the Unauthorised Change of Use and then infill the pits with soil to match the level of the Land immediately adjacent.
- v) Remove from the Land all other waste and materials in compliance with steps i) - iv) above.
- vi) Restore the Land to its former condition before the Unauthorised Change of Use took place.

## 7. **TIME FOR COMPLIANCE**

Three Months after this notice takes effect.

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

This notice takes effect on 22<sup>nd</sup> December 2021 unless an appeal is made against it beforehand.

Dated: 8<sup>th</sup> November 2021

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

Ref: MKN361

## **ANNEX**

### **YOUR RIGHT OF APPEAL**

You can appeal 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.

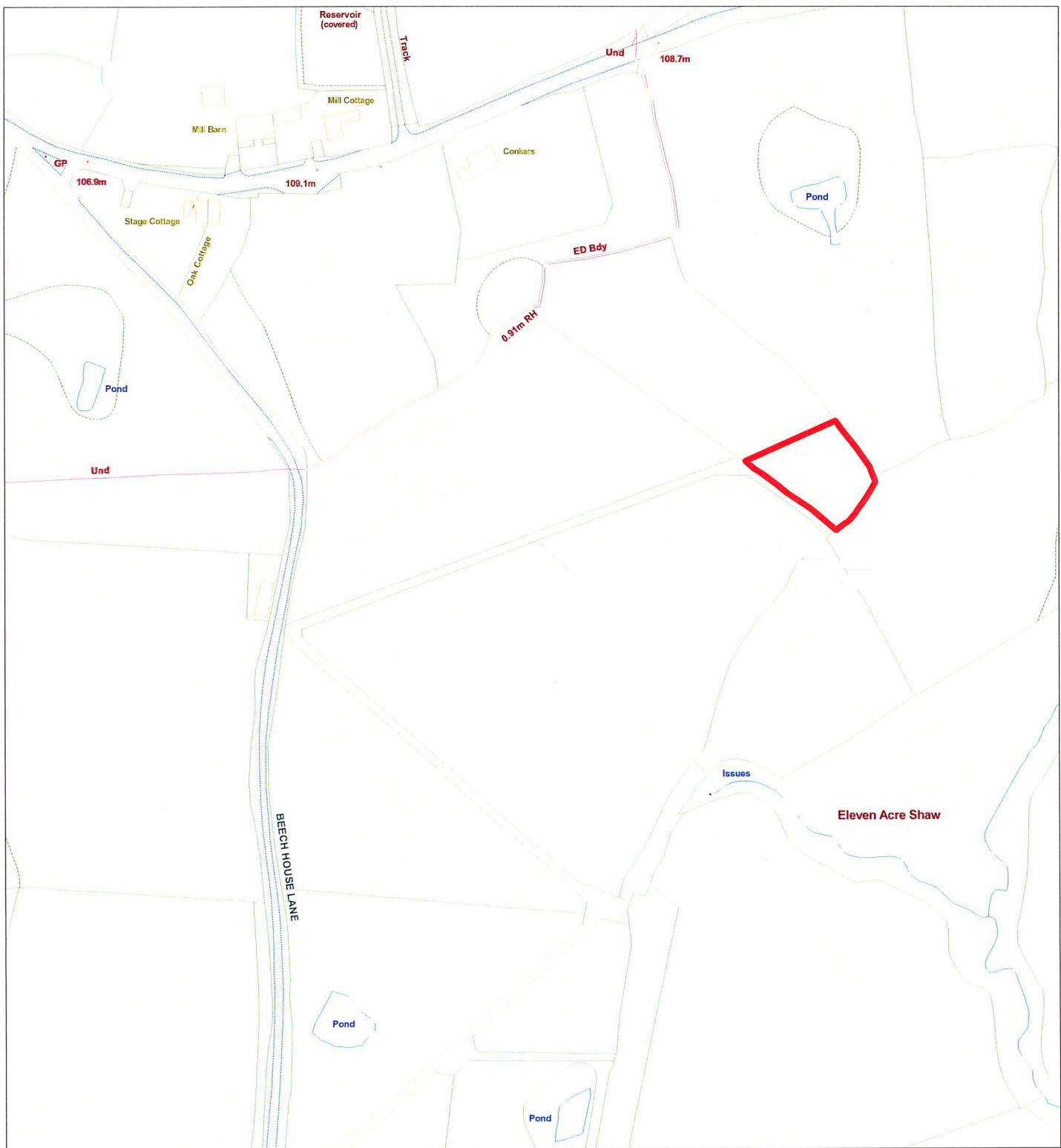
If you want to appeal you can do it:

- 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 you do not appeal 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 A**



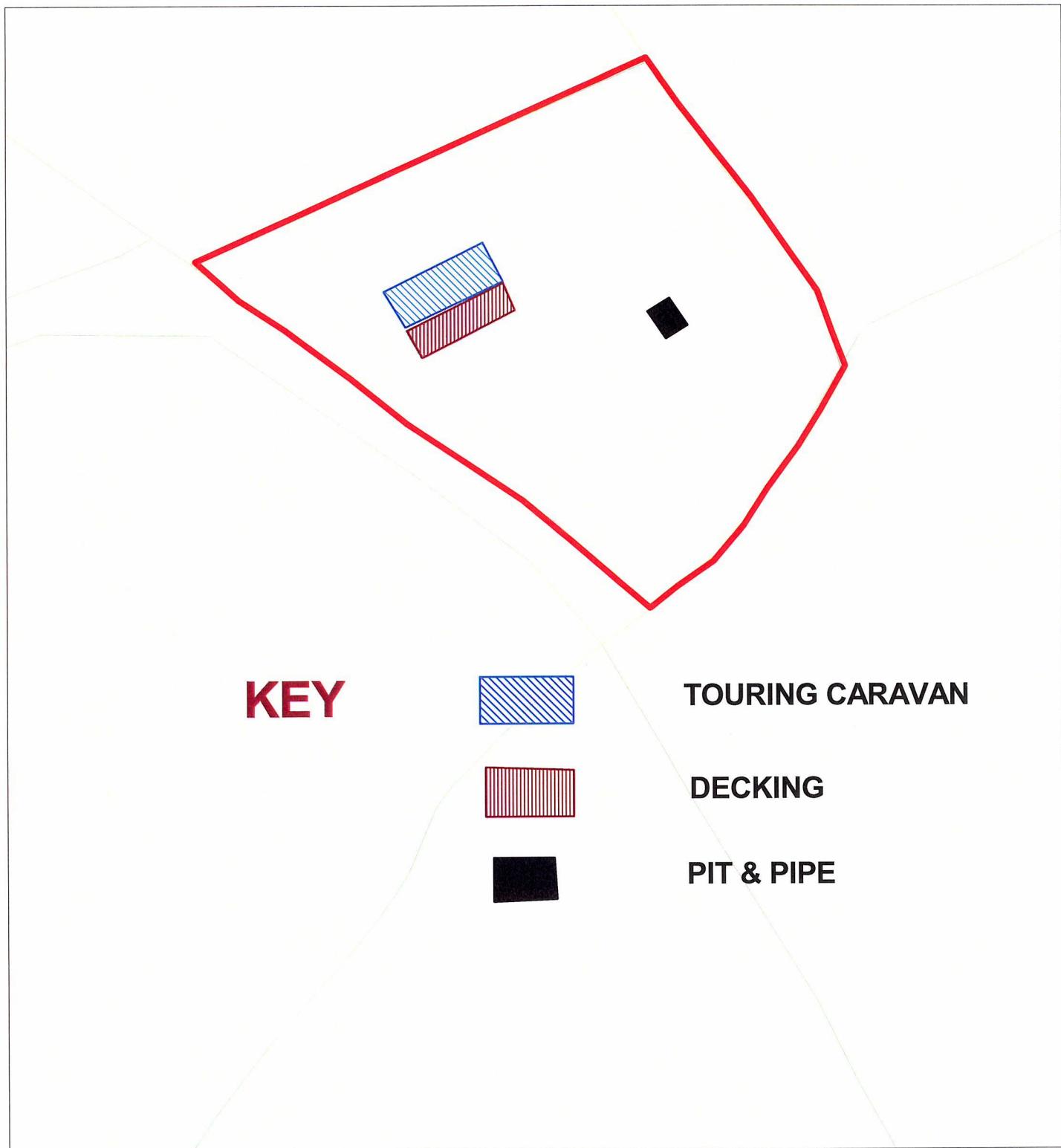
Plan: Enforcement

File: ENF/264/20/SAL

Scale: 1:2500

N.G. Ref: TQ7425SW

Services Directorate, Town Hall, Bexhill on Sea, East Sussex TN39 3JX



Plan: Enforcement

File: ENF/264/20/SAL

Scale: 1:500

N.G. Ref: TQ7425NW

Services Directorate, Town Hall, Bexhill on Sea, East Sussex TN39 3JX