

# ENFORCEMENT NOTICE - OPERATIONAL DEVELOPMENT AND 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 Big Wood, east of London Road, Battle, 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 –

- i) the carrying out of engineering operations on the Land by the creation of an engineered track and hardstanding area on existing bare earth track on agricultural land including the importation of materials and shown in the approximate position hatched blue on the attached plan ("the Unauthorised Development");
- ii) the change of use of the Land from agriculture to a mixed use of agriculture and the storage of two (2) x shipping containers (as shown in the approximate positions by black squares on the attached plan) and storage of building materials and plant machinery, all unconnected with 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 breaches of planning control has occurred within the last four years in respect to 3 i) above and within the last ten years in respect of 3 ii) above.
- ii) The Unauthorised Development is not reasonably required for the purposes of agriculture but are to facilitate the Unauthorised Change of Use. The Unauthorised Development of the Land causes harm to the character and appearance of the rural area and in turn the landscape value of the High Weald Area of Outstanding Natural Beauty. The Unauthorised Development conflicts with policies OSS4 (iii), RA2 (iii) (viii), RA3 (v), and EN1 (i) of the Rother Local Plan Core Strategy ("Core Strategy"), policies DEN1 and DEN2 of the Rother District Council Development and Site

Allocations Local Plan (“DaSA”) and paragraph 172 of the National Planning Policy Framework (“NPPF”).

- iii) The Unauthorised Change of Use on the Land represents a visual intrusion in a rural countryside setting which harms the character and appearance of the High Weald Area of Outstanding Natural Beauty. The Unauthorised Change of Use is contrary to policies OSS4 (iii), RA2 (viii), RA3 (v) and EN1 (i) (v) of the Core Strategy, policies DEN1 and DEN2 of the DaSA and paragraphs 170 and 172 of the NPPF.

## 5. WHAT YOU ARE REQUIRED TO DO

- i) Break up and remove the Unauthorised Development from the Land including the removal of all imported materials, which includes but is not limited to hardcore, rubble, planings and membrane material used to create the Unauthorised Development.
- ii) Cover with topsoil the areas from where the Unauthorised Development has been removed to marry in with the contours of the adjacent undisturbed land.
- iii) Cease the Unauthorised Change of Use and remove from the Land the two (2) x shipping containers, the plant machinery and all stored building materials, all unconnected with the agricultural use of the Land.
- iv) Remove from the Land all other materials, rubbish, tools and equipment arising from compliance with steps 5 i), ii) and iii) above.

## 6. TIME FOR COMPLIANCE

Three Months after this notice takes effect.

## 7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 8<sup>th</sup> June 2021 unless an appeal is made against it beforehand.

Dated: 28<sup>th</sup> April 2021

Signed: .....

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

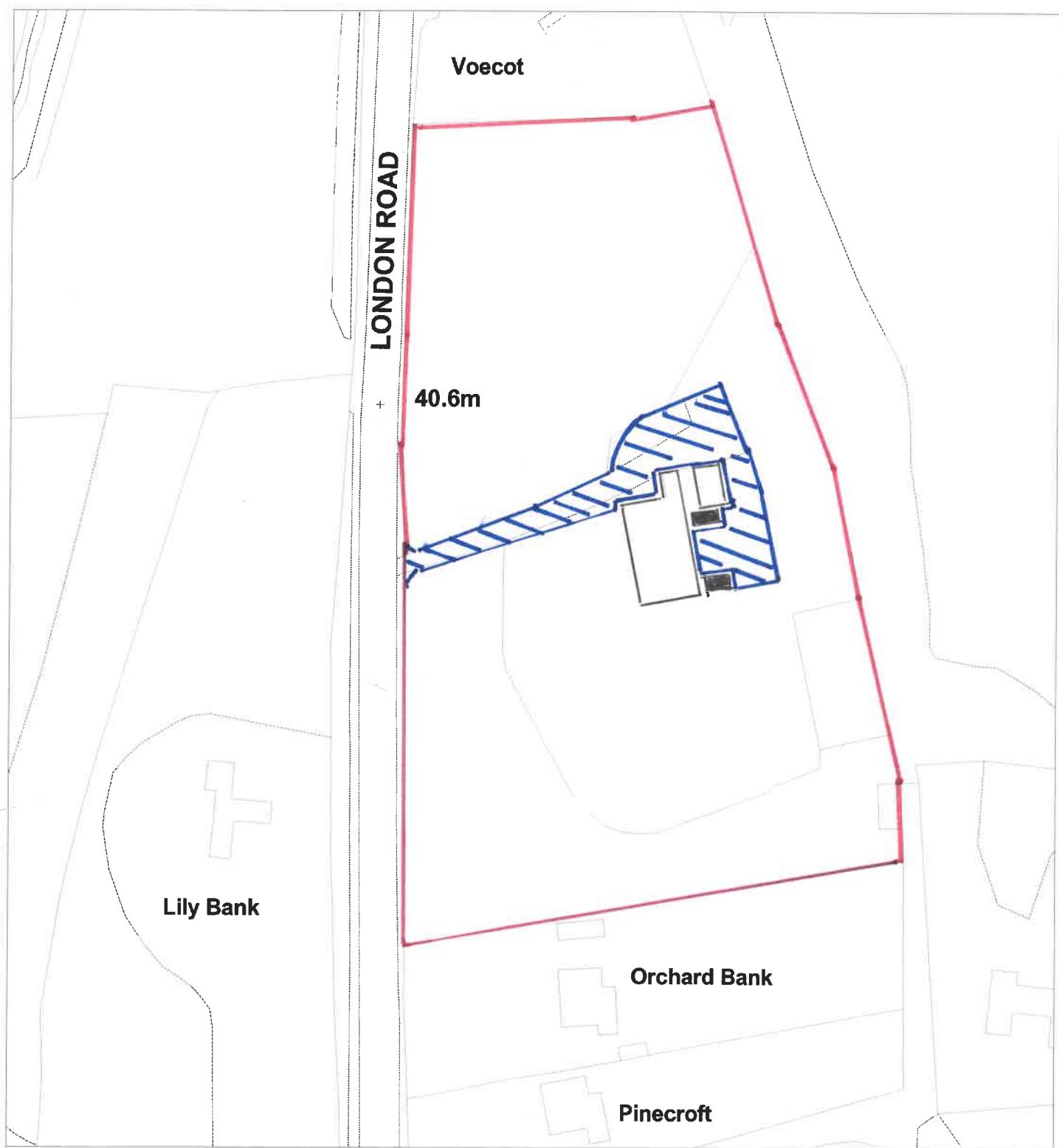
If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the notice. Failure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

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HARD SURFACED  
AREA. (APPROXIMATE POSITION).



SHIPPING CONTAINER X2  
(APPROXIMATE POSITIONS)

Plan: Enforcement

File: ENF/285/20/BAT

Scale: 1:1000

N.G. Ref: TQ7417SE