

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 east of Beech House Lane Salehurst East Sussex 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 log cabin and toilet structure on the Land ("the Unauthorised Development").

4. REASONS FOR ISSUING THIS NOTICE

- 1) It appears to the Council that the above breach of planning control has occurred within the last four years.
- 2) The size of the Land, as a woodland parcel, and the woodland management activities thereon are small in scale. It has not been demonstrated that there is any forestry need for the Unauthorised Development and it is therefore not justified as a matter of principle and so is contrary to Policies RA2 (ii) and RA3 (i) of the Rother Local Plan Core Strategy,
- 3) The Unauthorised Development represents an unnecessary and unjustified development in the countryside and High Weald Area of Outstanding Natural Beauty (AONB). Therefore, the Unauthorised Development, whilst not clearly visible from outside of the Land, is considered to unacceptably compromise the character of the countryside and ancient woodland, a landscape feature of the High Weald AONB. As such the Unauthorised Development is harmful to the intrinsic rural character and appearance of the locality and the landscape and scenic beauty of the High Weald AONB contrary to Policies OSS4 (iii), RA3 (vii) and EN1 (i) and (vi) of the Rother District Local Plan Core Strategy and paragraph 172 of the National Planning Policy Framework.

- 4) The Unauthorised Development results in permanent loss of Ancient Woodland and its irreplaceable habitats. No case has been made that this loss is outweighed by the benefits of the Unauthorised Development for exceptional reasons. Therefore, it is contrary to Policy EN5 (viii) of the Rother Local Plan Core Strategy and paragraph 175 of the National Planning Policy Framework.
- 5) The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections to the Unauthorised Development.

5. WHAT YOU ARE REQUIRED TO DO

- i) Dismantle and remove from the Land the wooden log cabin in the approximate position shown coloured blue on the attached plan;
- ii) Dismantle and remove from the Land the wooden toilet structure in the approximate position shown coloured yellow on the attached plan;
- iii) Remove from the Land all domestic paraphernalia in connection with the Unauthorised Development including, but not limited to, the tent and zip wire components, seats, benches and swings.
- iv) Remove all other waste and materials from the Land from complying with steps 1 and 2 above and return the Land to its former condition before the breach took place.

6. TIME FOR COMPLIANCE

Three months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 10 June 2019 unless an appeal is made against it beforehand.

Dated: 30th April 2019

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

Ref: MKN296

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

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.

