

ENFORCEMENT NOTICE - FAILURE TO COMPLY WITH CONDITIONS

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

1. THIS NOTICE is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (b) 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 26 Kings Avenue, Rye, East Sussex shown edged red on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Under Application ref RR/2015/1238/P dated 9 July 2015 planning permission was granted for a first floor side extension, subject to conditions:-

2. The development hereby permitted shall be carried out in accordance with the plans as submitted as part of the original application.

It appears that the above condition has not been complied with because the southern elevation of the approved extension has been constructed without the pitched element and not in accordance with the plans submitted with the original planning application RR/2015/1238/P.

4. **REASONS FOR ISSUING THIS NOTICE**

- (i) It appears to the Council that the above breach of planning control occurred within the last 4 years.
- (ii) The first floor side extension has been constructed, and is not in accordance with the plans approved under planning RR/2015/1238/P. The first floor side extension is visible from the roadside, resulting in an unsightly addition to the dwelling at first floor level, and detracts from the appearance of the property and the character and appearance of the locality. For these reasons the extension as built conflicts with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

5. WHAT YOU ARE REQUIRED TO DO

Either

(i) Remove the first floor side extension together with all resulting rubble and debris from the land and make good the roof slope with tiles to match in materials, colour and texture to those used in the existing building.

OR

(ii) Alter the first floor side extension so that it complies with the drawings approved under planning permission reference RR/2015/1238/P.

6. TIME FOR COMPLIANCE

Eight Months after this notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 27 February 2017 unless an appeal is made against it beforehand.

Dated: 6 January 2017

Signed:

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

Ref: MKN194

ANNEX

YOUR RIGHT OF APPEAL

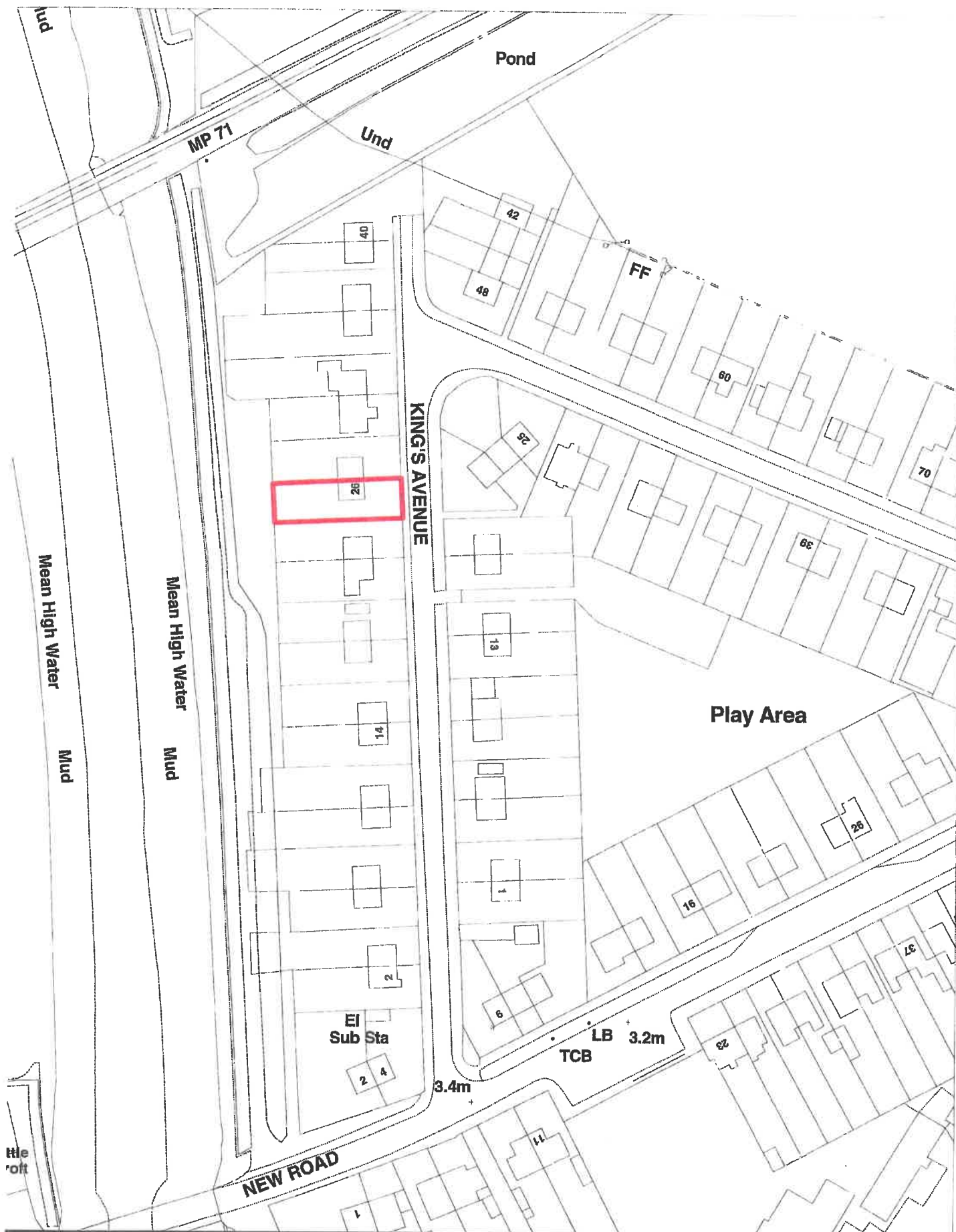
You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date specified in paragraph 7 of the notice. The attached leaflet details how an appeal can be made.

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

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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