

ENFORCEMENT NOTICE -**MATERIAL CHANGE OF USE**

3/45/16

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**

ROTHER DISTRICT COUNCIL	
PLANNING DEPT.	
REC'D	11 MAY 2016
REFUSED TO:	
REPLY REQUIRED:	
ACK (AED) DATE SENT:	

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 The Bell Inn, High Street, Burwash, East Sussex shown edged red on the attached plan

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

Without planning permission the material change of use of The Bell Inn from use as a public house with ancillary residential accommodation to use as a single dwelling house, within Class C3 of the Town and Country Planning (Use Classes) Order 1987 as amended.

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) Use of the building as a single dwellinghouse has not become immune from enforcement pursuant to section 171B of the Town and Country Planning Act 1990 because the conduct of the owners in relation to the application for the lawful development certificate under reference RR/2015/2887/O in particular the removal of domestic furniture from the ground floor and its replacement with pub tables and chairs (which had been stored in an outbuilding) and the subsequent replacement of the domestic furniture demonstrates positive deception towards matters integral to the planning process which the owners are unable to take advantage of pursuant to the decision of the Supreme Court in *Secretary of State for Communities and Local Government and Welwyn Hatfield BC* (2011).
- (iii) The loss of the public house would have an adverse impact on the provision of village community and tourist facilities and also the rural economy contrary to policies RA1 (iii) and EC3 of the Rother Local Plan (2014) – Core Strategy and paragraphs 28 and 70 of the Framework (NPPF).

- (iv) The loss of The Bell Inn as a commercial property in the village is not considered to preserve or enhance the character of the Burwash Conservation Area because it contributes to the erosion of activity and vibrancy on the High Street, which would have a negative impact on the character of the conservation area contrary to Policies EN2 and OSS4 (iii) of the Rother Local Plan (2014) – Core Strategy and the provisions of Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections.

5. WHAT YOU ARE REQUIRED TO DO

Cease the use of the ground floor bar, lounge and restaurant areas as residential accommodation and remove all items of domestic furniture including, without prejudice to the generality of the foregoing, lounge furniture and appliances, including two settees, three arm chairs, coffee table, television and TV stand.

6. TIME FOR COMPLIANCE

Two months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 15 June 2016 unless an appeal is made against it beforehand.

Dated: 4 May 2016

Signed:

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

Ref: MKN152

ANNEX

YOUR RIGHT OF APPEAL

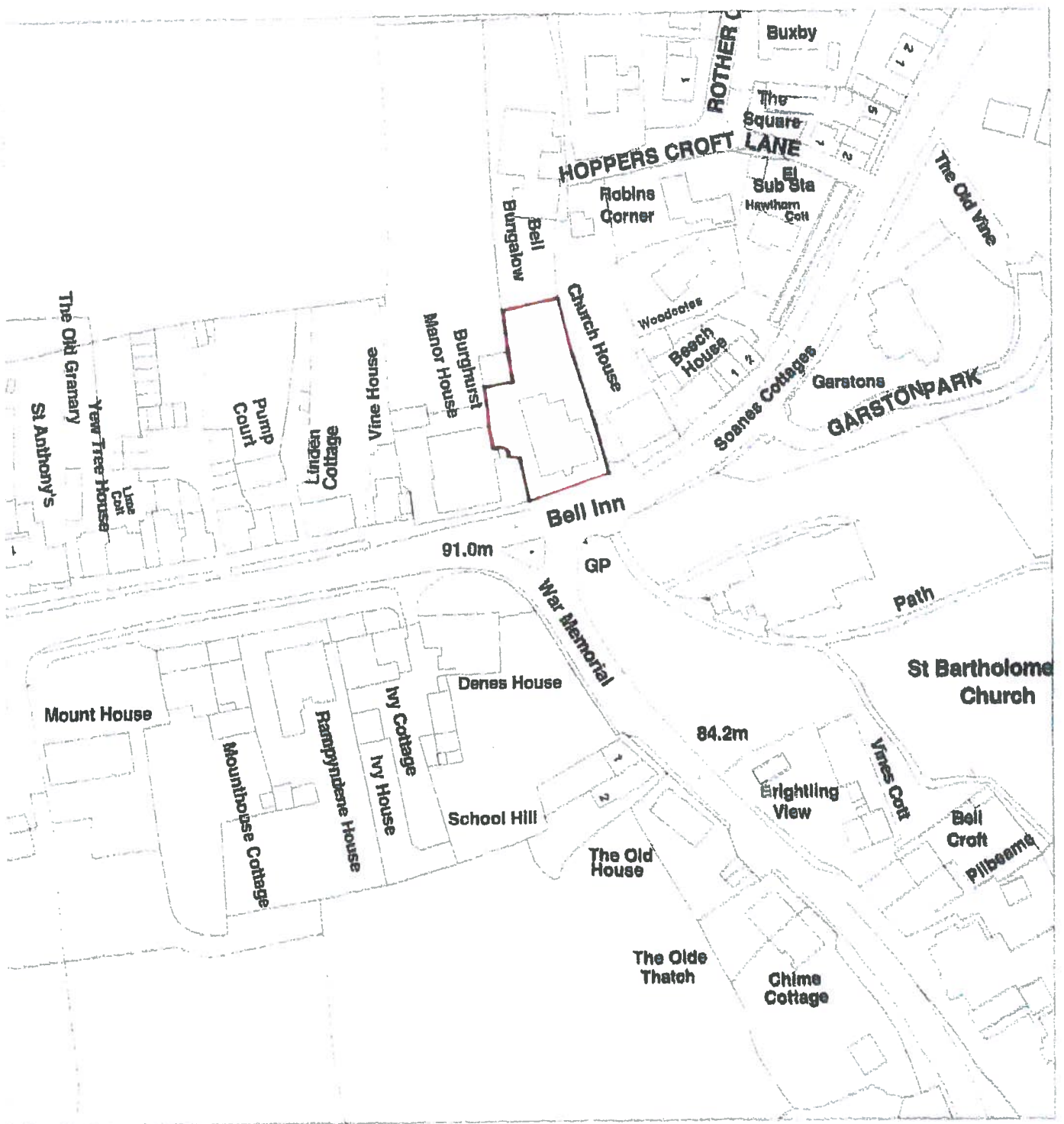
You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date specified in paragraph 7 of the notice. The attached leaflet details how an appeal can be made.

If you want to appeal you can do it:

- online at the Planning Casework Service area of the Planning Portal www.planningportal.gov.uk/pcs), 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



Plan: Enforcement

File: ENF/41/16/BUR

Scale: 1:1250

N.G. Ref: TQ6724NE