

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 to the rear of Fir Tree Cottage, Netherfield Hill, 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, the material change of use of the Land from agricultural use to a mixed use of agriculture and the stationing of caravans for residential purposes ("the Unauthorised Change of Use") together with associated works.

4. REASONS FOR ISSUING THIS NOTICE

- i) It appears to the Council that the breach of planning control in respect of paragraph 3 above has occurred within the last ten years.
- ii) The Land is within the countryside outside any defined development boundary, as defined in saved Policy DS3 of the Rother District Local Plan (2006). The Unauthorised Change of Use and the associated works have been assessed against the Council's policies for Gypsies & Travellers; together with the Government's Planning Policy for Traveller Sites ("PPTS"). The Council's requirement (under Policy LHN5 of the Rother Local Plan Core Strategy 2014 ("Core Strategy")) to identify a further six permanent pitches to be provided between 2016 and 2028 to meet the identified need has been satisfied by the sites allocated under Policies GYP1 and BEX3 of the Rother District Council Development and Site Allocations Local Plan ("DaSA"). The Land is not an allocated site and being outside areas allocated in the development plan, does not accord with paragraph 25 of the PPTS. The Unauthorised Change of Use of the Land as a Gypsy & Traveller site causes harm to the character and appearance of the rural area, and the proposal conflicts with Policies OSS4 (iii), RA2 (iii) (viii), RA3 (v), LHN6 (ii), and EN1 (i) of the Core Strategy, Policies DEN1 and DEN2 of the DaSA, saved Policy DS3 of the Rother District Local Plan (2006) and paragraph 172 of the National Planning Policy Framework (February 2019) ("NPPF").

- iii) The Unauthorised Change of Use and associated works represent a visual intrusion of caravans, vehicles and other external domestic paraphernalia in a rural, countryside setting which considerably harms the character and appearance of the High Weald Area of Outstanding Natural Beauty, contrary to Policies OSS4 (iii), BA1 (i), RA2 (viii), RA3 (v), EN1 (i) (v) and LHN6 (ii) of the Core Strategy, Policies DEN1 and DEN2 of the DaSA, paragraphs 170 and 172 of the NPPF and Policy H, paragraph 25 of the PPTS.
- iv) The Land lies within an unsustainable countryside location where occupiers of the Unauthorised Change of Use are highly reliant on private motor vehicles and are not able to make the fullest possible use of public transport, walking and cycling to access local services and facilities. The Unauthorised Change of Use is contrary to Policies PC1, OSS3 (v), SRM1 (vii), LHN6 (iii) and TR3 of the Core Strategy and paragraph 8 of the NPPF which seek to minimise the need to travel and to support the transition to a low carbon future.
- v) The Unauthorised Change of Use is located within 15m of an ancient woodland, contrary to standing advice produced by the Forestry Commission and Natural England. The Unauthorised Change of Use results in the deterioration of an irreplaceable habitat, an ancient woodland, by way of increased disturbance, lighting from the caravans, compaction of the ground where the caravans would be stored and the uncertainty surrounding how foul and surface water drainage would be dealt with. Additionally, the impact of the Unauthorised Change of Use on protected species has not been assessed and therefore it has not been satisfactorily demonstrated that it would not be harmful to them and as Paragraph 175 of the NPPF directs no wholly exceptional reasons or a suitable compensation strategy has been provided. Therefore, the Unauthorised Change of Use conflicts with Policies EN1 (vi) and EN5 (viii) (ix) of the Core Strategy, Policy DEN4 (ii) of the DaSA together with standing advice produced by the Forestry Commission and Natural England relating to ancient woodlands.

5. WHAT YOU ARE REQUIRED TO DO

- i) Cease the use of the Land for the stationing of caravans for residential purposes.
- ii) Remove from the Land the caravans in their entirety, which shall include all wires and pipes connected to the caravans.
- iii) Remove from the Land all other domestic paraphernalia connected to or associated with the Unauthorised Change of Use including, but not limited to vehicles, wheelie bins, external steps to the caravans, gas canisters and children's play equipment.
- iv) Break up and remove from the Land the loose gravel used to create the hard surfacing, in the area shown in the approximate position coloured blue on the attached plan, being works associated with the Unauthorised Change of Use, and then seed such area with grass.
- v) Take up and remove from the Land the sewerage package treatment plant, in the area shown in the approximate position coloured pink on the attached plan, together with any connections from it, being works associated with the Unauthorised Change of Use, and then fill in such area with soil to match the level of that part of the Land immediately adjacent to the south of that area to allow for natural regeneration.

6. TIME FOR COMPLIANCE

Twelve months after this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 19th October 2020 unless an appeal is made against it beforehand.

Dated: 10th September 2020

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

Ref: MKN355

ANNEX

THE RIGHT OF APPEAL

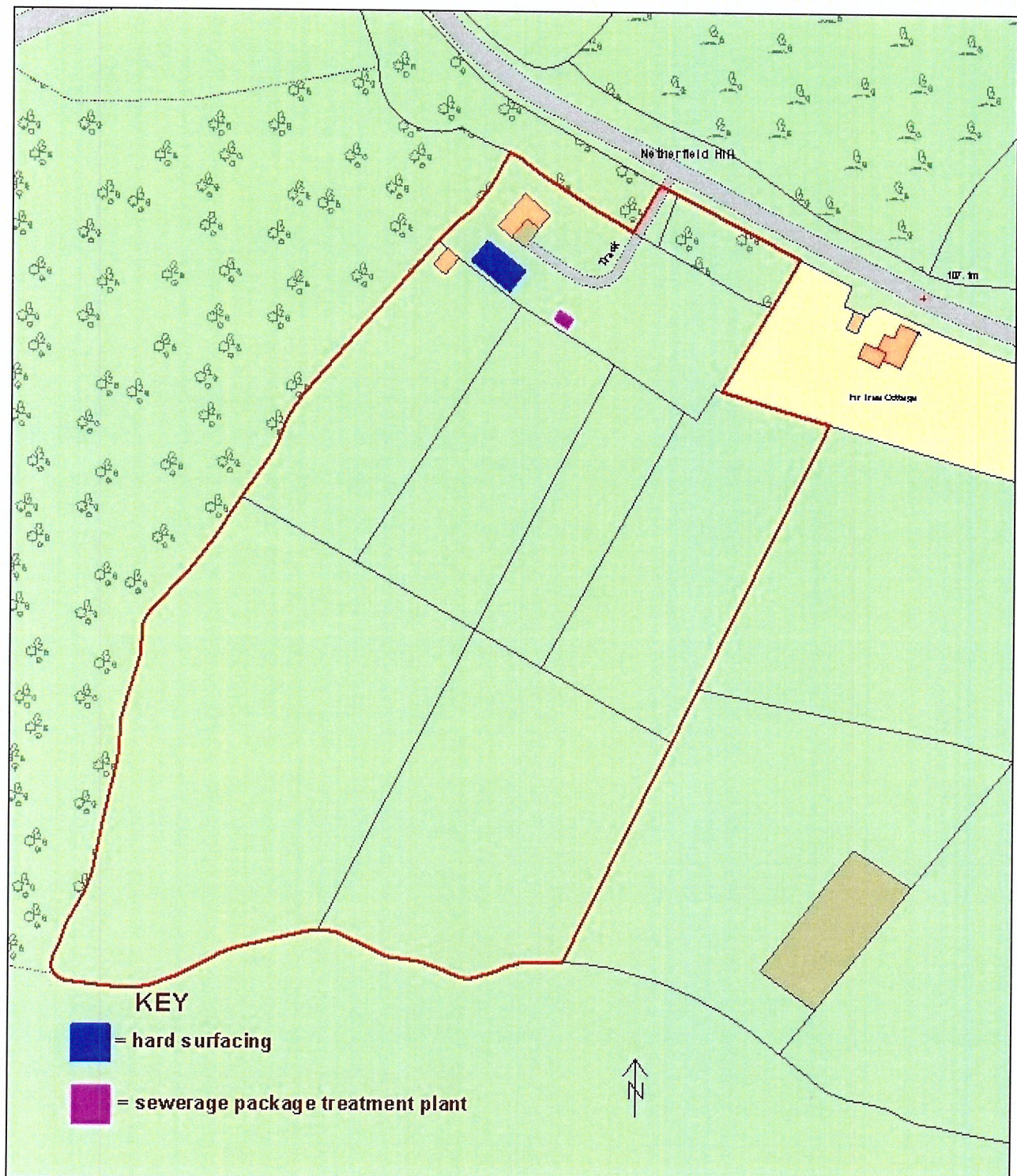
An appeal can be made against this Notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date specified in paragraph 7 of the Notice. The attached leaflet details how an appeal can be made.

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.qsi.gov.uk

WHAT HAPPENS IF YOU DO NOT APPEAL

If an appeal is not made 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/58/20/BAT
Scale: 1:1500
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