

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 Telegraph Point, Coldharbour Farm Estate, Battle Road, Brightling, East Sussex shown edged red on the attached plan.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Under Application ref RR/2012/1595/P planning permission was granted for the siting of Traveller mobile home together with utility shed and associated services subject to conditions. One of those conditions was:-

2. When the land ceases to be occupied by George Lovering for residential purposes, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought onto the premises in connection with the said use shall be removed and the land shall be restored to its former condition.

It appears that the above condition has not been complied with because George Lovering no longer occupies the land for residential purposes, but the caravan, buildings, structures, materials and equipment remain on the premises in breach of the above condition.

4. REASONS FOR ISSUING THIS NOTICE

- (i) It appears to the Council that the above breach of planning control occurred within the last ten years.
- (ii) Planning permission for the stationing and use of a traveller mobile home on the site was granted to Mrs J Helliwell in exceptional circumstances to meet the personal needs of the applicant's father that existed at that time. The change in circumstances means that there is no overriding planning justification for the retention of the mobile home, caravans, buildings, structures, materials and equipment brought onto the

premises in connection with the residential use that would outweigh the recognised harm to the character and appearance of the High Weald Area of Outstanding Natural Beauty, the lack of sustainability arising from the remoteness of the site and the likely heavy dependence on the motor vehicle by site occupants to access local facilities. The application proposal is contrary to Policy HG6 of the Rother District Local Plan (2006) and Policy LHN6 of the Rother district Local Plan – Core Strategy. It also fails to accord with the government's National Planning Policy Framework paragraph 115 (Areas of Outstanding Natural Beauty) and the government's 'Planning policy for traveller sites' (paras 11, 21 and 23 relating to sustainable locations).

5. WHAT YOU ARE REQUIRED TO DO

Cease the use of the land for the stationing and habitation of a traveller mobile home and remove from the land all caravans, buildings, structures, materials and equipment brought onto the land in connection with that use together with any resulting debris.

6. TIME FOR COMPLIANCE

One year after this notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 20 October 2014 unless an appeal is made against it beforehand.

Dated: 9 September 2014

Signed:

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

Ref: MKN081

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.

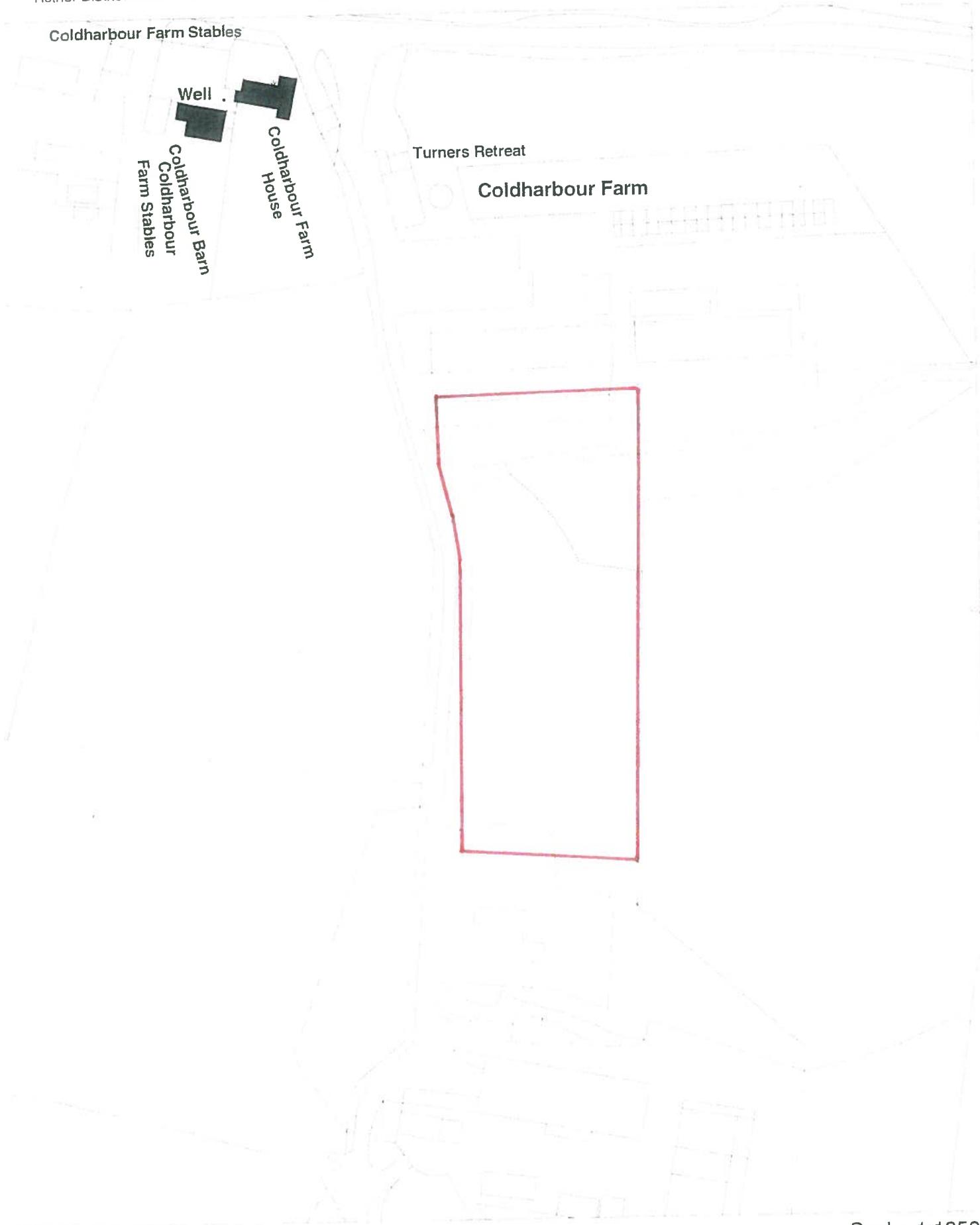
If you want to appeal you can do it:

- 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



Site Plan

File: ENF/66/14/DAL Date: 13/08/2014

Tim Hickling MRTPI MCMI, Head of Planning, Town Hall, Bexhill on Sea, East
Sussex TN39 3JX

Scale: 1:1250
N.G. Ref: TQ68