

## **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 at Walters Wood, To the East side of John's Cross, Mountfield, East Sussex (LAND REGISTRY REF; ESX235476) as shown edged red on the attached plan ("the Land").

#### **3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL:**

Without planning permission, and within the last four years, operational development, comprising;

- (i) The erection of a gate over 1 metre high on the land adjacent to the highway.
- (ii) The carrying out of engineering operations on the Land by the creation of an engineered track and two areas of hardstanding on an existing bare earth track and agricultural land including the importation of materials.
- (iii) The erection of a steel frame structure on the land (Incomplete Building 1).
- (iv) The erection of a metal and material building on the Land which is open fronted but closed on three sides, (formed from metal shipping containers) and enclosed with a large barrel shaped roof structure consisting of curved metal struts covered with material open to elements on two sides), (Building 2).
- (v) The construction and erection of a metal wood kiln drying building on the land (Building 3).

#### **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) The operational development that has taken place is considered to unacceptably compromise the intrinsic rural character of the locality, the countryside, and the scenic beauty of the landscape features of the High Weald Area of Outstanding Natural Beauty (AONB).
- (iii) Any lawful use of the site is forestry/agriculture. The forestry activity on the site generated by the 2.5ha of ancient woodland would only last for short periods of

time over the course of a year. Other such woodlands in the district are managed without the need for buildings to support this activity. Once the onsite wood has been coppiced, it would not be recut for several years. As such, any permanent buildings/structures would not be justified for forestry reasons. The laying of such heavy-duty tracks and hard surfaced areas are excessive for this level of activity. The Owner have already applied to the Forestry Commission for a felling license and the limited works approved in the license area substantially completed. As the woodland is ancient woodland, any further works beyond what has already taken place would be limited.

- (iv) There is no extant agricultural enterprise/ unit operating from the land that would justify the operational development that have already taken place.
- (v) The Council does not consider that planning permission should be given for the Operational Development because planning conditions could not overcome these objections. None of these uses of the land have extant planning permission or benefit from GPDO rights.
- (vi) As such, the evidenced operational development is contrary to Policies OSS3, OSS4, RA2 (viii), RA3 (i) EN1 (i) & (vi) of the Local Plan 2014 and the following policy of the Development and Site Allocations Local Plan (DaSA): adopted December 2019: DEN1, DEN2, DEN7 Policies of the High Weald AONB Management Plan and Sections 174 & 176 of the National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG), are also material considerations.

## **5. WHAT YOU ARE REQUIRED TO DO:**

- I. Remove the installed gate on the land adjacent to the highway and replace with a gate no more than 1 metre in height. As shown in the approximate position marked in green on the attached plan.
- II. Break up and remove from the land the imported hardsurfacing material used to create the hardsurfaced areas created on the land. Dispose of all the deposited material through the correct waste disposal methods. Copies of the completed Environment Agency Duty of Care Waste Transfer Note is to be sent to the Council. The hardsurfaced areas are shown in the approximate positions hatched in blue on the attached plan.
- III. Cover with topsoil the areas where the hardsurfaced areas have been removed and return those areas of the land to its levels before the unauthorised development took place and reseed those areas of the land with mixed grass seeds.
- IV. Break up and remove for the land the imported hardsurfacing material used to create the hardsurfaced track running through the land. Dispose of all the deposited material through the correct waste disposal methods. Copies of the completed Environment Agency Duty of Care Waste Transfer Note is to be sent to the Council. The engineered track is shown in the approximate position attached in purple on the attached plan.
- V. Cover with topsoil the areas of land where the hardsurfaced track has been removed and reprofile those areas of the land to the ground level it was before the unauthorised development took place and reseed these areas of the land with mixed grass seed.

- VI. Dismantle and remove from the land all the materials used to construct Incomplete Building 1. As shown in the approximate position attached in black on the attached plan.
- VII. Cover with earth and topsoil the area of land where Incomplete Building 1 has been removed and reprofile that area of land to the ground level it was before the unauthorised development took place.
- VIII. Dismantle and remove from the land all the materials used to construct Building 2. As shown in the approximate position marked in yellow border on the attached plan.
- IX. Dismantle and remove from the land all the materials used to construct Incomplete Building 3. As shown in the approximate position marked in orange border on the attached plan.

## **6. TIME FOR COMPLIANCE:**

12 Months from the day this Notice takes effect

## **7. WHEN THIS NOTICE TAKES EFFECT:**

This notice takes effect on **28th April 2022** unless an appeal is made against it beforehand.

Dated: **16th March 2022**

Signed: .....

**Director of Place and Climate Change**

Authorised signatory

On behalf of:

Rother District Council

Town Hall

Bexhill on Sea

East Sussex

TN39 3JX

Contact Officer:

Telephone:

Email:

Reference      **ENF/69/18/MOU**

## **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](mailto: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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