

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

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

Without planning permission:

- (i) the material change of use of the Land from agricultural / forestry use to mixed use comprising agricultural and forestry use of the Land, business use with the operation of a timber log box company from the land processing timber from this Land and imported timber from other sites,
- (ii) the material change of use of the Land to residential purposes , the stationing of a static caravan not being used in connection with agricultural purposes and the storage of various items for residential use, including but not limited to, vehicles, the materials used to create the external decking and veranda area ,personal possessions and children's play equipment brought on to the Land for the purpose of the unauthorised residential use.
- (iii) the material change of use for the storage of waste materials on the land.
- (iv) the material change of use for the storage of a Elddis Crusader touring caravan on the Land not being used in connection with agricultural purposes.

4. **REASONS FOR ISSUING THIS NOTICE:**

It appears to the Council that the above breach of planning control has occurred within the last 10 years.

- I. The material changes of use of the Land that have 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).

- II. The unauthorised use of the Land for the carrying out of a business for processing wood on the site is considered a material change of use of the Land as much of the timber will by necessity be brought onto the land from outside. The land on which the processing /timber wood production is on Ancient and Semi Natural Woodland as categorised by Natural England , whilst this has been the subject of recent works, undertaken with a restricted felling license issued by the Forestry Commission, the current business use results in a significant intensification of activity on the site. No buildings or business site existed on the site before the unauthorised development and material change of use took place.
- III. There is no extant agricultural enterprise/ unit operating from the land that would justify the material changes of use to the land that have already taken place.
- IV. The size of the agricultural land and the demonstrated management activities thereon are small in scale. It has not been demonstrated that there is any agricultural forestry need for the residential caravan, and it is therefore not justified as a matter of principle.
- V. As such, the evidenced material change of use 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.
- VI. The unauthorise material change of use of the Land for the importation and storage of waste materials is unacceptable as it is harmful to the landscape character of the locality, contrary to Policies WMP25 (a) & (d), WMP27 (a) & (b) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013..
- VII. The Council does not consider that planning permission should be given for the material changes of use because planning conditions could not overcome these objections. None of these uses of the land have extant planning permission or benefit from GPDO rights.

In view of the points at I - VII above The Council considers it expedient to take enforcement action

5. WHAT YOU ARE REQUIRED TO DO:

- (i) Cease the use of the Land for business use with the operation of a timber log box company from the land processing timber from this Land and imported timber from other sites.
- (ii) Remove from the Land all equipment, machinery storage products, and waste products not associated with the agricultural use of the Land.
- (iii) Cease the unauthorised residential use of the the static caravan as shown in an

approximate position and highlighted by a brown border on the attached plan and remove it from the Land , along with any debris resulting from its removal.

- (iv) Remove from the Land all other domestic paraphernalia connected to or associated with the unauthorised residential use including but not limited to, vehicles, the materials used to create the external decking and veranda area adjacent to the static caravan, personal possessions and children's play equipment.
- (v) Cease the use of the Land for the importation and storage of waste materials and remove all imported waste materials being stored on the land including, but not limited to, scrap metal, processed / treated timber, metal building materials, vehicle parts, skips, metal drums, corrugated roof sections (believed to contain asbestos) and tyres by using correct waste disposal methods (and send copies of the completed Environmental Agency Duty of Care Waste Transfer Note to the Council).
- (vi) Remove from the Land the Elddis Crusader touring caravan shown in approximate position highlighted in blue on the attached plan.
- (vii) Return the land to its former condition.

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:

REF ENF/69/18/MOU

**ANNEX:
YOUR RIGHT OF APPEAL:**

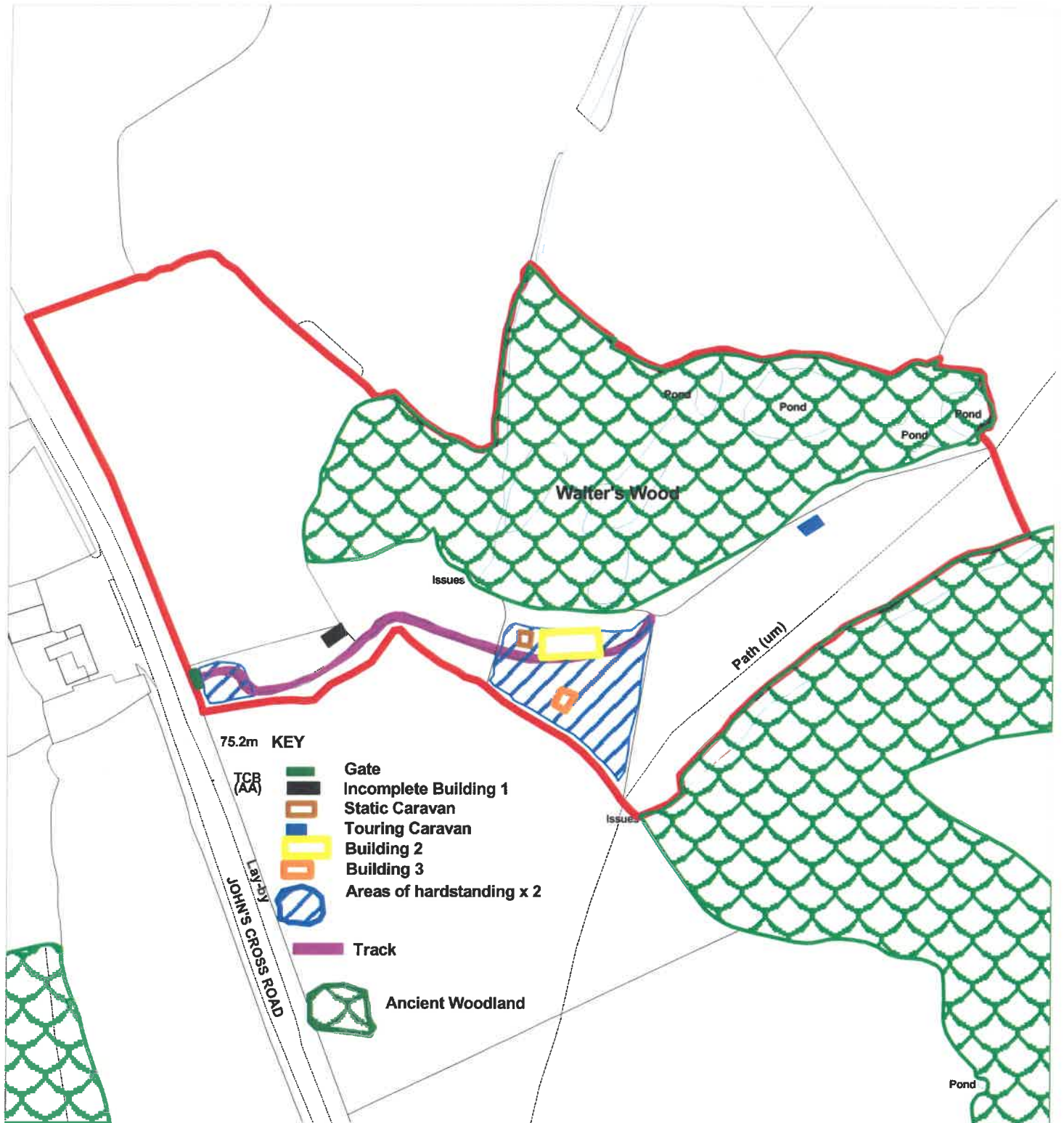
You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date specified in paragraph 7 of the notice. The attached leaflet details how an appeal can be made.

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

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/69/18/MOU

Scale: 1:2500

N.G. Ref: TQ7421NW