

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 IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A(1)(a) 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 AFFECTED**

Land adjoining Cottenden Oast, Battenhurst Road, Stonegate, Ticehurst, East Sussex shown edged red on the attached plan ("the Land").

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, the material change of use of the Land from agriculture to a mixed use for agriculture and for the siting of a railway carriage with attached and associated timber decking, paved access slope and brick wall, the associated siting and use of timber and other buildings, and the installation of a water treatment unit, for residential purposes.

4. **REASONS FOR ISSUING THIS NOTICE**

- (i) It appears to the Council that the above breach of planning control has occurred within the last ten years.
- (ii) The unauthorised use of the Land, which lies within the High Weald National Landscape, is outside of a development boundary, as defined within the Ticehurst Neighbourhood Plan, and is considered to

significantly compromise the intrinsic rural character, together with the landscape and scenic beauty of the locality. The use and associated structures and uses are visually intrusive within this sensitive and protected landscape and are unjustified on normal planning grounds, in the absence of any known or proven agricultural or forestry justification or need, and there is no other applicable policy exception to allow such a residential use in an isolated and unsustainable countryside location. The unauthorised use is therefore considered contrary to Paragraphs 8, 84, 187 and 189 of the National Planning Policy Framework 2024; Policies EN1, EN3, OSS2, OSS3, OSS4, RA2, RA3 and TR3 of the Rother Local Plan Core Strategy 2014; Policies DEN1, DEN2, DEN4, DEN7, DIM2, and DGH12 of the Rother Development and Site Allocations Local Plan 2019 and Policies R1 & H1 of the Ticehurst Neighbourhood Plan 2018-2028.

- (iii) The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections to the use.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Stop using the Land or any part thereof for residential purposes.
- (ii) Remove the railway carriage from the Land.
- (iii) Demolish, dismantle and remove the timber decking, paved access slope and brick wall attached to and associated with the railway carriage from the Land.
- (iv) Demolish, dismantle and remove from the Land all timber buildings, and all internal alterations to buildings, to accommodate showers, saunas and toilet facilities, and all bases and / or footings on which those buildings are sited.
- (v) Demolish, dismantle and remove the water treatment unit from the Land
- (vi) Disconnect and remove all domestic, personal and residential goods and chattels and disconnect all electricity and water supplies and appliances from the Land
- (vii) Remove from the Land all materials, rubble, rubbish, debris, tools and equipment arising from compliance with the above requirements.

Time for compliance: six months after this notice takes effect

6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 13th June 2025 unless an appeal is made against it beforehand.

Dated: 8th May 2025

Signed: _____

Planning - Development Manager

Authorised signatory

On behalf of Rother District Council

Town Hall

Bexhill on Sea

East Sussex

TN39 3JX

Contact Officer:

Telephone:

Email:

ANNEX

1. THE RIGHT OF APPEAL

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the Enforcement Notice. Unless an appeal is made, as described below, the enforcement notice will take effect on the date referred to in paragraph 6 of the Enforcement Notice and you must then ensure that the required steps, for which you may be held responsible, are taken within the period(s) specified in the Enforcement Notice.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you want to appeal against the Enforcement Notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before the date specified in paragraph 6 of the Enforcement Notice.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £1176.

Payment should be made by BACS (quoting reference ENF/70/25/TIC) to the following account:

Sort code : 30-80-12 Account number : 11649668
Account name : Rother District Council

Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the Enforcement Notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

2. LIST OF PERSONS SERVED WITH THIS NOTICE

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Plan: Enforcement

File: ENF/70/25/TIC

Scale: 1:2500

N.G. Ref: TQ6728SE