

**ENFORCEMENT NOTICE - OPERATIONAL DEVELOPMENT AND 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

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 adjacent to Plot 6 Beech House Lane, Salehurst, East Sussex shown edged red on the attached plan

**3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL – OPERATIONAL DEVELOPMENT**

Without planning permission the erection of barbed wire mesh fencing and 2 gates around the boundary of the land as shown edged red on the attached plan.

**4. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL – MATERIAL CHANGE OF USE**

Without planning permission the change of use of the land to use for the keeping of horses, storage of vehicles, trailer and tent.

**5. REASONS FOR ISSUING THIS NOTICE**

1. It appears to the Council that the breach of planning control in respect of 3 above has occurred within the last four years and within the last ten years in respect of 4 above.
2. Planning permission is required as the Rother District Council (Beech House Lane, Salehurst) Article 4 Direction 1999 dated 4 August 1999 removes "Permitted Development" rights for amongst other matters, the erection of fencing. The land is situated within the High Weald Area of Outstanding Natural Beauty and the development detracts from the appearance of the landscape. The horses on the land are not used in connection with agriculture but in connection with a recreational use. The need for transportation is present and storage of vehicles and a trailer on the land together with a tent and animal feed has an adverse effect on the character of the AONB, contrary to Policy GD1 (iv, v, vi) of the Rother District Local Plan (2006) and Policies OSS5 (iii) and EN1 (i) of the Rother District Local Plan – Core Strategy.

3. The erection of the barbed wire mesh fencing and gates is unauthorised as no planning permission has been obtained for it.
4. The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections.

## 6. WHAT YOU ARE REQUIRED TO DO

- (i) Remove all fencing, 2 gates, barbed wire, and fence posts from the land and return the land to its condition prior to when the breach of planning control took place.
- (ii) Remove the trailer and all vehicles from the land
- (iii) Remove all feed and hay from the land used in connection with the unauthorised use of the keeping of horses.
- (iv) Remove the tent from the land and return the land to its condition prior to when the breach of planning control took place.
- (v) Cease the use of the land for the keeping of horses.

## 7. TIME FOR COMPLIANCE

Three months after this notice takes effect.

## 8. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 10<sup>th</sup> November 2014 unless an appeal is made against it beforehand.

Dated: 30<sup>th</sup> September 2014

Signed: .....

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

Ref: MKN080

## ANNEX

### YOUR RIGHT OF APPEAL

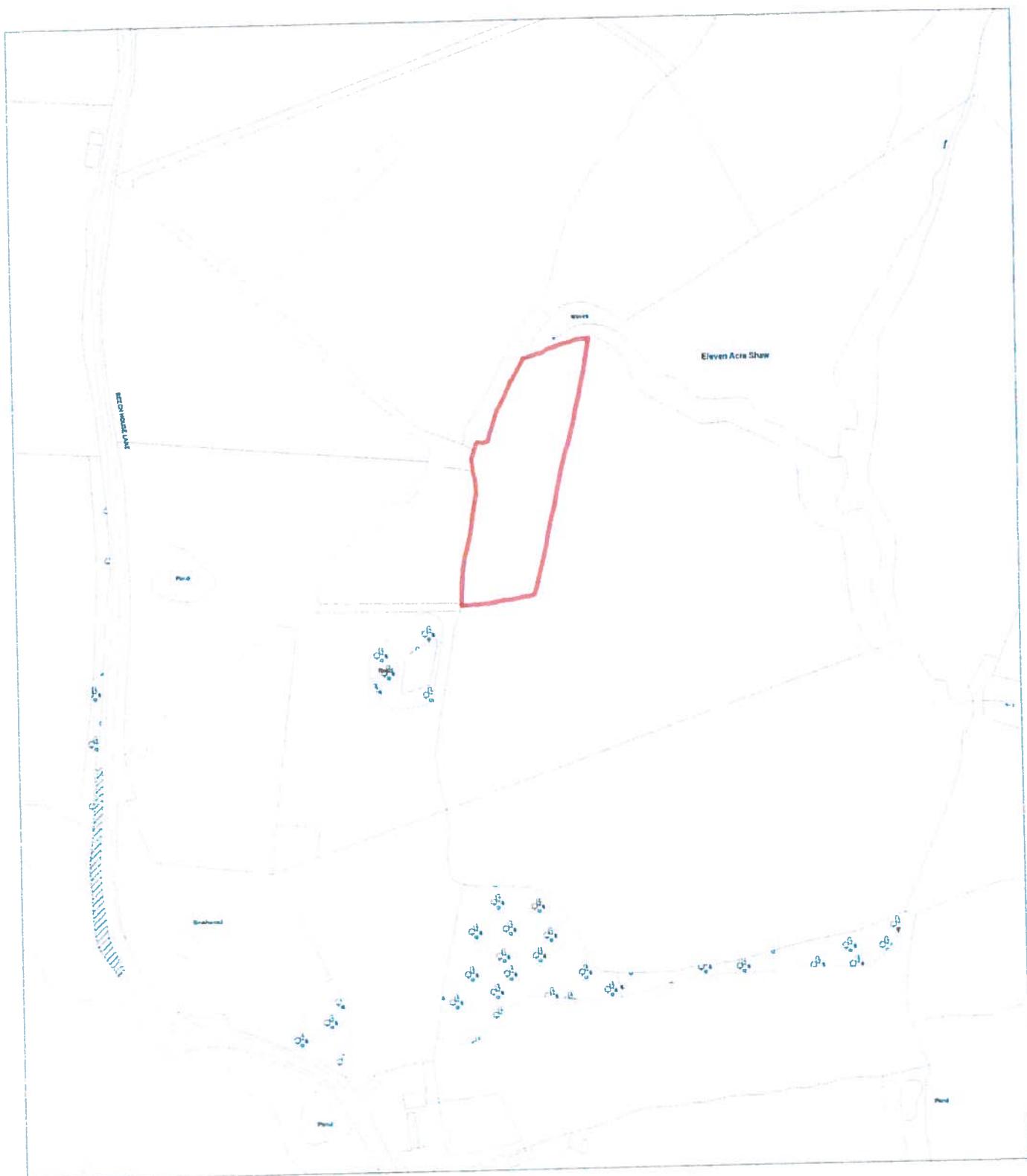
You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date specified in paragraph 7 of the notice. The attached leaflet details how an appeal can be made.

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](http://www.planningportal.gov.uk/pcs)), or
- by getting enforcement appeal forms by phoning on 0117 372 6372 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



Plan: Enforcement  
File:  
Scale: 1:2500  
N.G. Ref: TQ7425SW