

## **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 Fryatts Way, Bexhill, East Sussex shown edged red on plan on the attached plan and, for the avoidance of doubt, registered under Land Registry Title number ESX104107 ("the Land")

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

Without planning permission, the erection of a fence adjacent to a Highway in excess of one metre in height as shown in the approximate position coloured in blue on the attached plan ("the Fence") and the siting of a metal shipping container as shown in the approximate position coloured in green ("the Container"), together hereinafter referred to as "the Unauthorised Development".

#### **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 proposed development by reason of its proximity to the neighbouring dwellings, just 1.2m away from the dwellings to either side and on the curtilage, results in adverse living conditions for the occupiers with an increase in noise, smell and pests such as flies that result from the use. The location between residential properties on a residential street is wholly inappropriate and unacceptable.
- (iii) The Fence is overbearing and out of character in the street scene and surrounding area. It is at odds with the open fronted lawned gardens seen on Fryatts Way. These impacts are compounded by the Container, which is an obtrusive addition and is also out of character and inappropriate in a residential area.

As such the unauthorised development referred to in ii) and iii) above are contrary to Policy OSS4 of the Rother Local Plan Core Strategy, and Policy DCO2 of the Development and Site Allocation Local Plan, and the Council does not consider that planning permission should be granted, and that planning conditions would not overcome the objection to the use. It is therefore considered appropriate and reasonable to take Enforcement action.

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

1) Remove the Container (as shown on the attached plan in solid green) from the Land.

2) Either:

- i) Remove the Fence from the Land; or
- ii) Reduce the height of the Fence (as identified on the attached plan in blue) to a height not exceeding one metre above ground level.

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

Four months from the date upon which this Notice comes in effect

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

This notice takes effect on 28<sup>st</sup> November 2022 unless an appeal is made against it beforehand.

Dated: 27<sup>th</sup> October 2022

Signed: .....

**Director of Place and Climate Change**

Authorised signatory

On behalf of:

Rother District Council

Town Hall

Bexhill on Sea

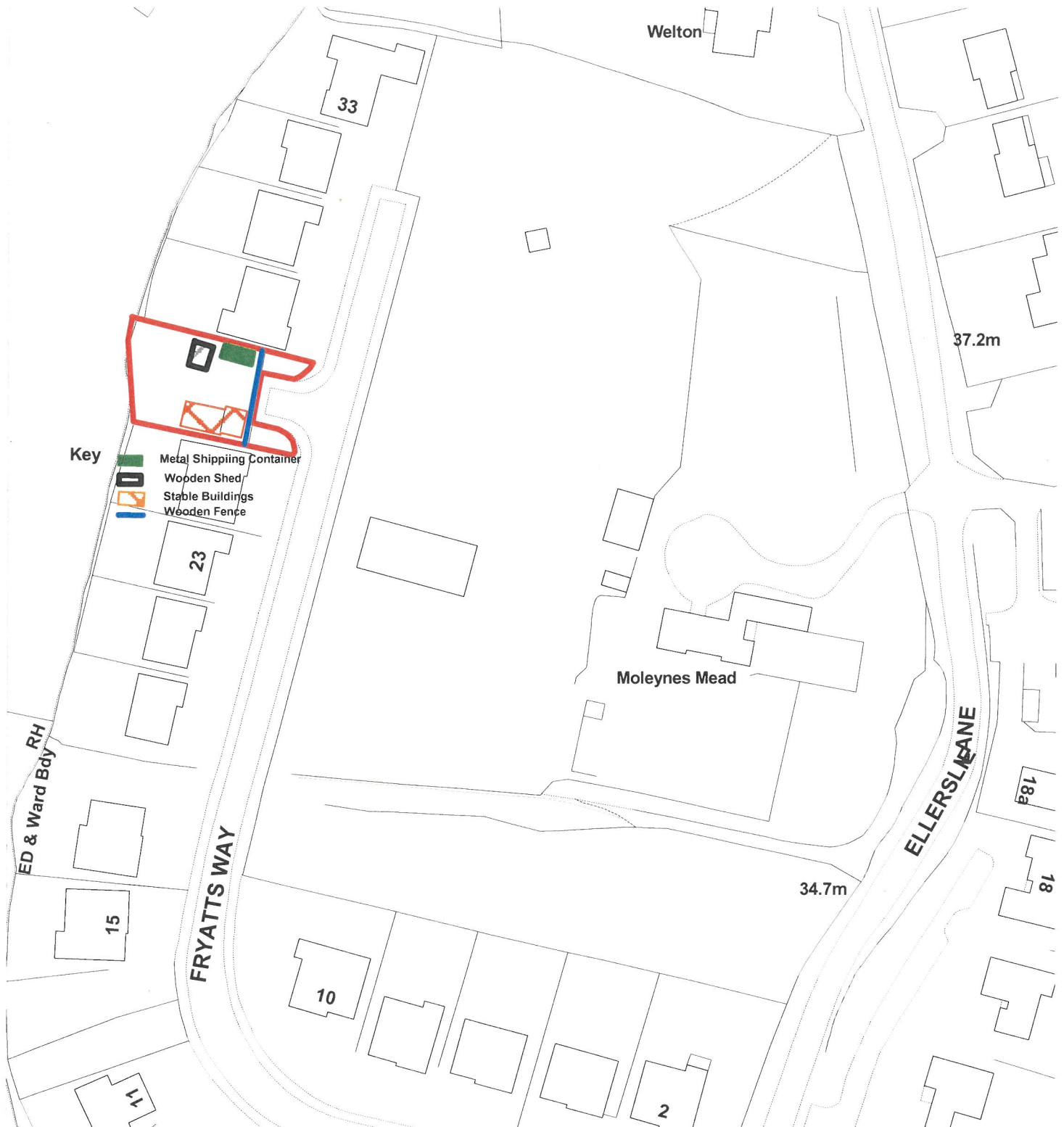
East Sussex

TN39 3JX

Contact Officer:

Telephone:

Email:



Plan: Enforcement

File: ENF/81/21/BEX

Scale: 1:1000

N.G. Ref: TQ7208NE



Plan: Enforcement

File: ENF/81/21/BEX

Scale: 1:500

N.G. Ref: TQ7208NE