

## 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 Fryatts Way, Bexhill, East Sussex shown edged red on the attached plan and, 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 change of use of the Land from agricultural to an equestrian use ("the Unauthorised Change of Use").

**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 Change of Use 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 Unauthorised Change of Use does not include any information on the management of horse manure. Therefore, it has not been demonstrated that there would be no impact from horse waste in particular on neighbouring residential amenities but also in respect of leachate to the soil.

iv) The Unauthorised Change of Use does not make adequate provision for the safety and comfort of horses. The Land does not offer adequate space for the grazing and exercising of the horses in a predominantly residential area with no access to a bridleway system. The horses would need to be exercised away from the site and transported along the road which could be dangerous and cause traffic issues.

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:**

- i) Cease the Unauthorised Change of Use.
- ii) Remove from the Land the two wooden stable blocks (as shown edged in Orange hatch on the attached plan) in their entirety, which have been brought onto the Land and used in connection with the Unauthorised Change of Use.
- iii) Remove from the Land the wooden shed (as shown edged and hatched in black on the attached plan) in its entirety, which has been brought onto the Land and used in connection with the Unauthorised Change of Use.

**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:

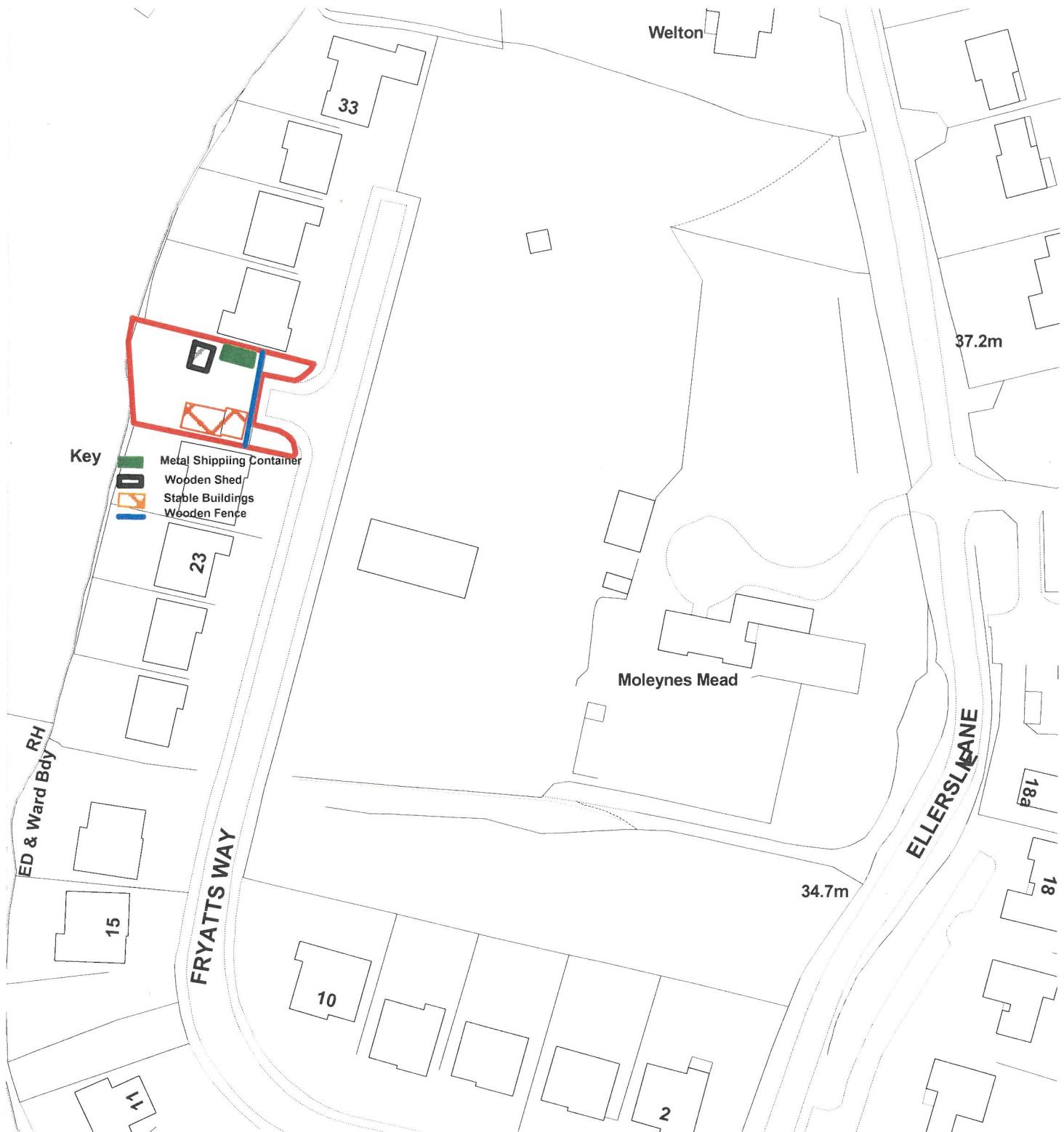
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Plan: Enforcement

File: ENF/81/21/BEX

Scale: 1:1000

N.G. Ref: TQ7208NE

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**Key**



- Metal Shipping Container
- Wooden Shed
- Stable Buildings
- Wooden Fence

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Plan: Enforcement

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Scale: 1:500

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