

## **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

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 Plot 8 Devilsden Wood, Pashley Road, Ticehurst, 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 a timber building on the land.

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

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

The excavation and construction of the building has caused harm to the sensitive ecological environment which is ancient woodland including trees, plants and wildlife and also the structure of the underlying soil, contrary to Policy EN5 (viii) of the Rother Local Plan Core Strategy. Furthermore while the building is concealed to some extent by the levels of the ground, it still appears as an intrusion in the woodland, contrary to Policy EN1 (i) and (vi) of the Core Strategy. There is no justification for the retention of the building in the woodland, it is not needed for agriculture or forestry purposes and its retention is contrary to Policy RA2 (iii) of the Core Strategy.

The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections.

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

- a) Dismantle and remove the timber building from the land.
- b) Remove all materials, rubbish and debris arising from complying with part a) above from the land.

## **6. TIME FOR COMPLIANCE**

Two months after this notice takes effect.

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

This notice takes effect on 1<sup>st</sup> October 2016 unless an appeal is made against it beforehand.

## **8. WITHDRAWAL OF ENFORCEMENT NOTICE**

The Enforcement Notice dated 20 July 2016 is hereby withdrawn pursuant to Section 173(9) of the above Act.

Dated: 9 August 2016

Signed: .....

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

Ref: MKN161

**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.

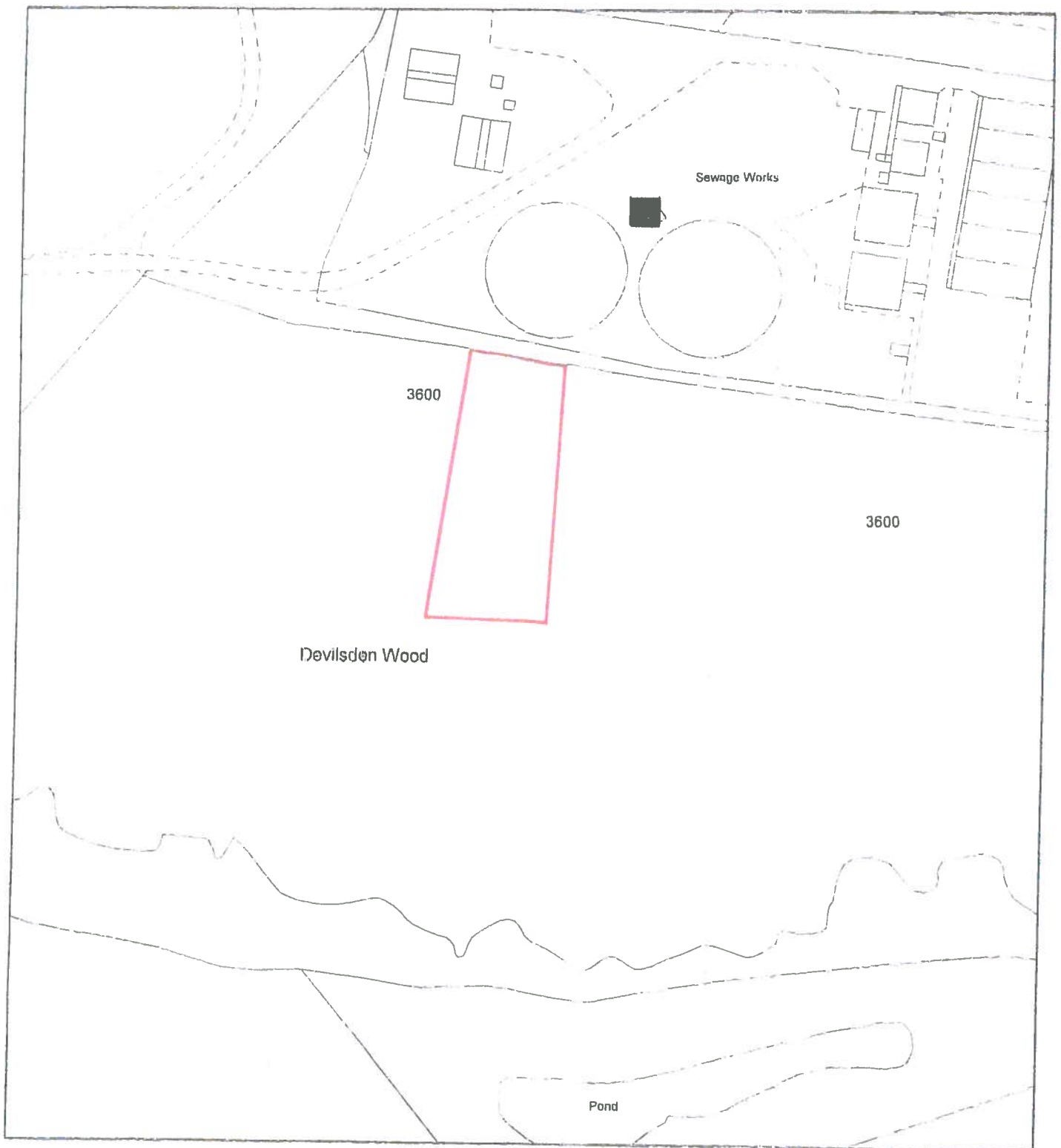
If you want to appeal you can do it:

- 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](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.

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Plan: Enforcement

File: Plot 8 Devilsden Wood

Scale: 1:1000

N.G. Ref: TQ7029NW