

ENFORCEMENT NOTICE - OPERATIONAL DEVELOPMENT



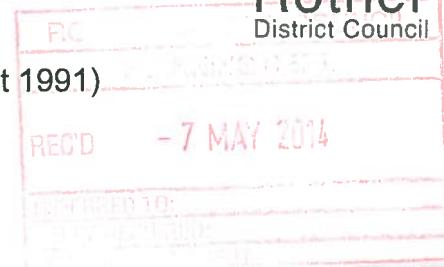
IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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 Andersons Wood, Lakehurst Lane, Woods Corner, Ashburnham, 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:

- i) the laying of crushed concrete and limestone chips on 200 metres of existing forestry track the approximate position shown coloured brown on the plan
- ii) the laying of a culvert underneath the surfaced track the approximate position shown coloured brown on the plan

5. 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 site lies within an area of designated ancient woodland. It also lies within the High Weald Area of Outstanding Natural Beauty. The development that has been carried out has impacted on the significance of the woodland floor beneath, which is part of the ancient woodland ecosystem. It has not been demonstrated that there is an overriding justification for the development that would outweigh the harm to ancient woodland habitat. The development is therefore contrary to national planning policy in Paragraphs 115 and 118 of the National Planning Policy Framework; Policy GD1 (v) (vii) of the Rother District Council Local Plan (2006); and Policy EN1 (i) (vi) of the Rother District Local Plan – Core Strategy.

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 from the land the crushed concrete and limestone chips and other imported materials, used to surface the 200m of forest track and the turning areas
- ii. Remove the imported materials used to construct the culvert, and
- iii. Restore the land to its condition prior to when the breach of planning control took place (that is a forest path with compressed earth).

7. TIME FOR COMPLIANCE

Three months after this notice takes effect.

8. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 14 June 2014 unless an appeal is made against it beforehand.

Dated: 29 April 2014

Signed:

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

Ref: MKN062

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.

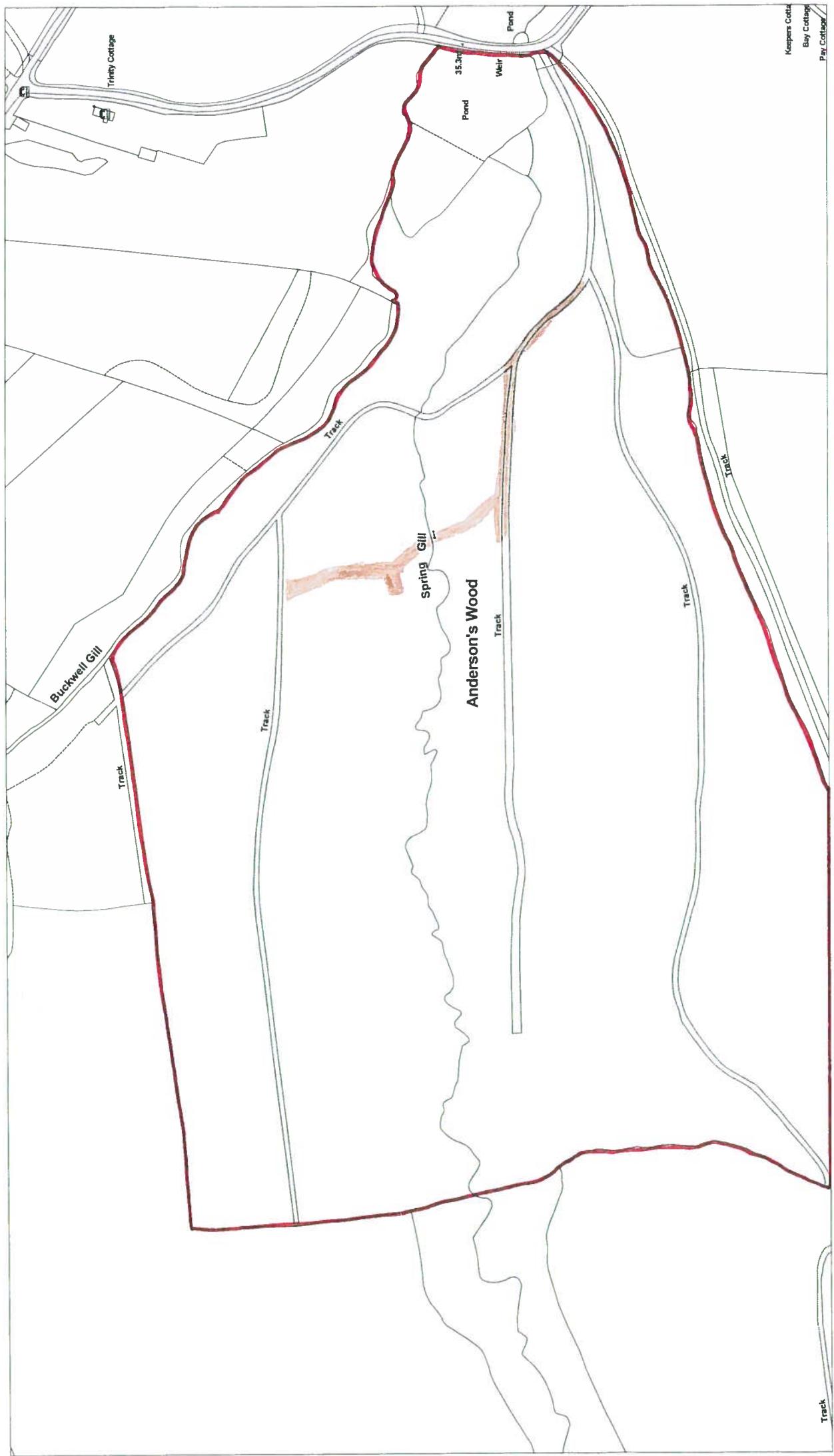
If you want to appeal you can do it:

- online at the Planning Casework Service area of the Planning Portal www.planningportal.gov.uk/pcs), or
- by getting enforcement appeal forms by phoning on 0303 444 5000 or by emailing 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:

File:

Date: 29/04/2014

Tim Hickling MRTPI MCMII, Head of Planning, Town Hall, Bexhill on Sea, East Sussex TN39 3JX

Scale: 1:2500

N.G. Ref: TQ68117SW