

## **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 THIS NOTICE RELATES**

Land at 55 Barnhorn Road, Bexhill on Sea, East Sussex shown edged red on the plan attached.

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

Without planning permission the erection of a fence in excess of 1m in height adjacent to a public highway used by vehicles and shown by a green line on the plan annexed.

#### **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.

By reason of the height and close proximity to the highway the fence forms an incongruous harsh feature detrimental to the appearance of the street scene. The fence detracts from the character and appearance of the area contrary to Policy GD1 (iv) of the Rother District Local Plan (2006) and Policy OSS5 (iii) 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 to the development.

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

Carry out either of the following steps:-

- 1) Dismantle the fence and remove the materials from the land or
- 2) Reduce the height of the fence panels and posts so that no part including the capping rail exceeds 1m in height above ground level. Remove excess materials from the land.

## **6. TIME FOR COMPLIANCE**

One month after this notice takes effect.

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

This notice takes effect on 1 August 2013 unless an appeal is made against it beforehand.

Dated: 12<sup>th</sup> June 2013

Signed: .....

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

Ref: MKN006

## **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: ENF/BEX/2012/404  
Scale: 1:1250  
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