

ENFORCEMENT NOTICE - FAILURE TO COMPLY WITH A CONDITION

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 (b) 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 Civetta, Grangewood, Battery Hill, Fairlight, East Sussex shown edged red on the attached plan.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Under Application ref RR/2011/2242/P planning permission was granted on 2 February 2012 for conversion of an existing double garage and store to provide habitable Annexe accommodation, subject to conditions. One of those was:-:

2. The converted garage hereby permitted shall only be used for ancillary residential accommodation in association with the existing dwelling ('Civetta') and shall not be used as a separate dwelling unit. The annexe use of the building shall be restricted to a person who is a member of the family occupying the dwelling (as defined by Section 186 of the Housing Act 1985 or in any provision equivalent to any re-enactment of that Act).

It appears to the Council that the condition has not been complied with because the building is being used as a permanent dwelling whilst the main dwelling 'Civetta' is being offered as holiday let accommodation.

4. REASONS FOR ISSUING THIS NOTICE

- (i) It appears to the Council that the above breach of planning control occurred within the last 4 four years.
- (ii) In the interests of protecting the character of the area and to preclude the creation of a new dwelling within the countryside in accordance with Policies GD1, HG8 and HG10 of the Rother District Local Plan.

5. WHAT YOU ARE REQUIRED TO DO

Cease the use of the annexe as a separate dwelling unit. Restrict the use of the annexe to residential accommodation in association with the existing dwelling (Civetta).

6. TIME FOR COMPLIANCE

Three Months after this notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 3rd December 2013 unless an appeal is made against it beforehand.

Dated: 21 October 2013

Signed:

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

Ref: MKN031

ANNEX

YOUR RIGHT OF APPEAL

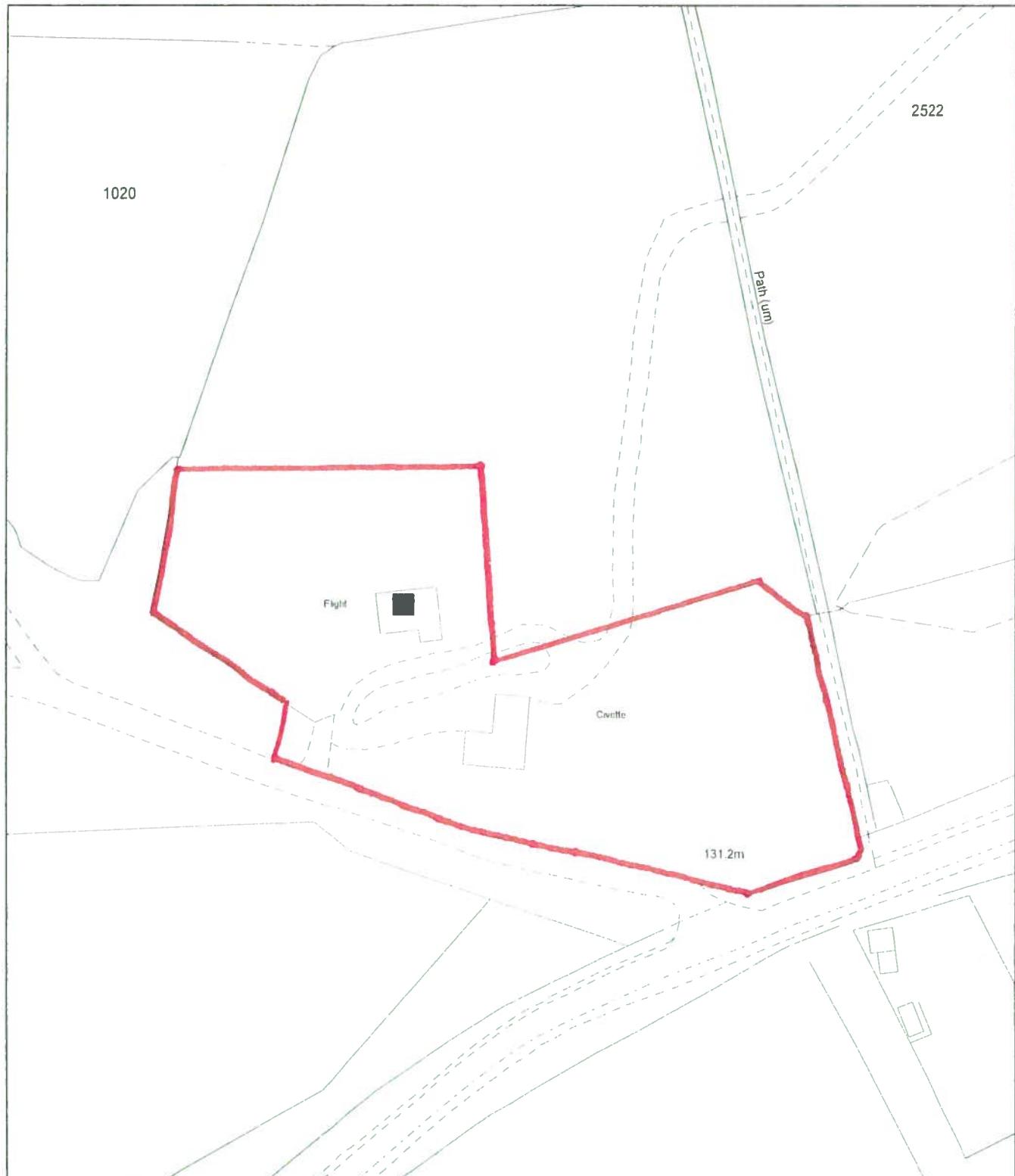
You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date specified in paragraph 7 of the notice. The attached leaflet details how an appeal can be made.

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 0117 372 6372 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



Plan: Enforcement
File: ENF/FAI/2013/213
Scale: 1:1000
N.G. Ref: TQ8612SW