

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

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 Yew Tree Farm, London Road, Hurst Green, East Sussex shown edged red on the attached plan

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL – MATERIAL CHANGE OF USE

Without planning permission a material change of use of the land from use from agricultural purposes to the stationing of a Shepherds Hut for residential use.

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 site lies outside any Development Boundary as defined in the Rother District local plan (2006) where any new development is strictly controlled. Policy HG5 of the local plan (2006) notes that additional residential mobile homes will not be permitted outside development boundaries unless the development would accord with policies HG6 or HG10 or would result in a significant improvement in the appearance of the existing mobile home site. The mobile home is not on a gypsy site and policy HG10 resists new dwellings in the countryside unless the proposal meets strict criteria including (iii) it is essential for the running of an enterprise which must be in a countryside location. The applicant has not demonstrated that the residential use of a shepherds hut is essential for the running of an enterprise or that any criteria in policy HG10 are met. A residential use in this countryside location does not respect the agricultural rural character of the locality, contrary to policy GD1 (iv) of the local plan (2006).

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

Cease the use of the Shepherds Hut for residential purposes

7. TIME FOR COMPLIANCE

Six months after this notice takes effect.

8. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 5 May 2014 unless an appeal is made against it beforehand.

Dated: 27 March 2014

Signed:

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

Ref: MKN063

ANNEX

YOUR RIGHT OF APPEAL

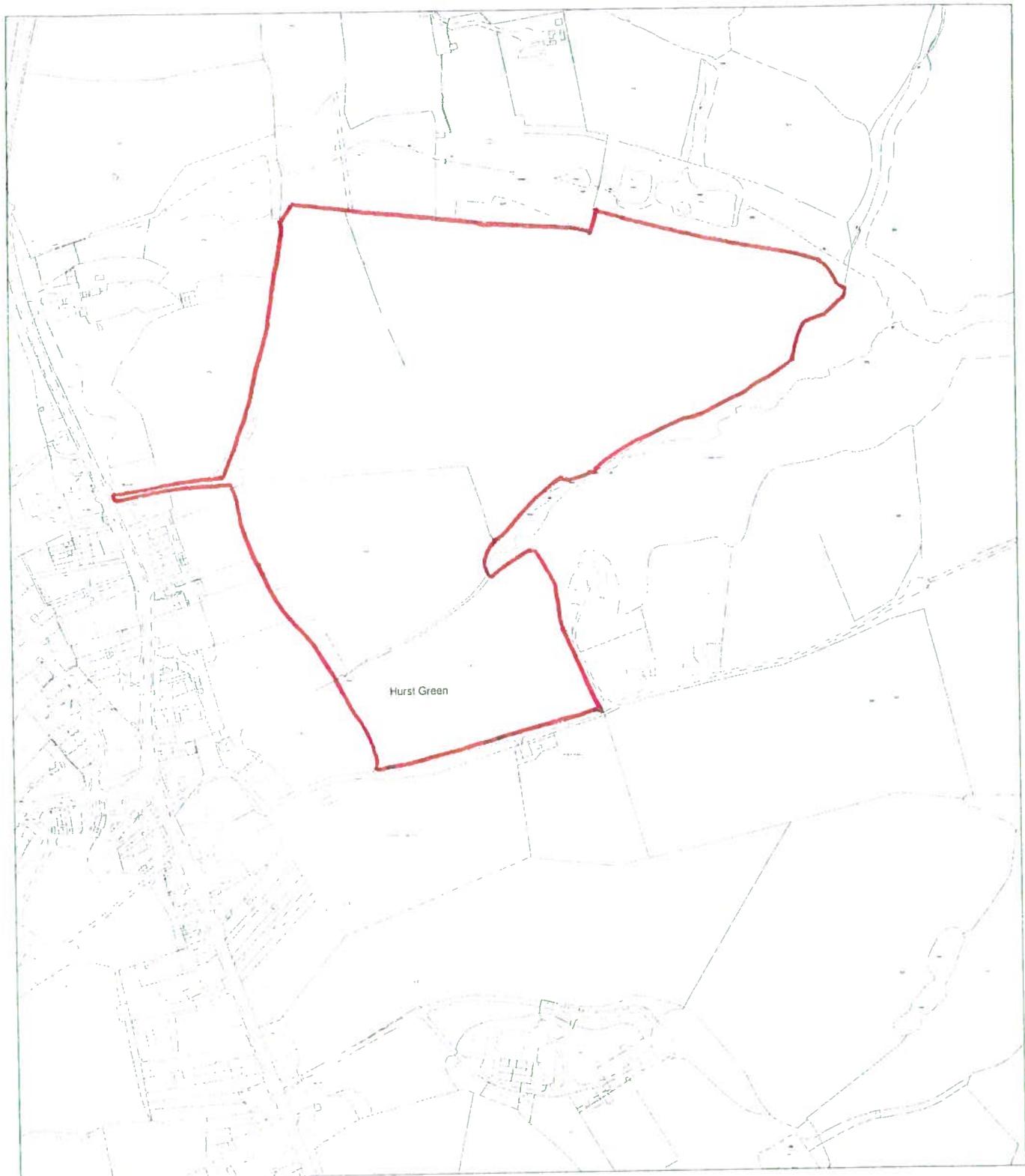
You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date specified in paragraph 7 of the notice. The attached leaflet details how an appeal can be made.

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



Plan: Enforcement
File: ENF/HUG/2013/243
Scale: 1:5000
N.G. Ref: TQ7327