



**ENFORCEMENT NOTICE - MATERIAL CHANGE OF USE AND 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 adjacent to A259 Royal Military Road, Winchelsea, 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 the change of use of the land to a use for the parking of motor vehicles.

**4. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL – OPERATIONAL DEVELOPMENT**

Without planning permission the creation of a hardsurface on the land

**5. REASONS FOR ISSUING THIS NOTICE**

- I. It appears to the Council that the breach of planning control in respect of 3 above has occurred within the last ten years and within the last four years in respect of 4 above.
- II. The development involves a new use outside the Development Boundary and outside the established built-up area of Winchelsea and is wholly separated from the commercial garage use to which it related. There is no evidence to demonstrate that the development requires a countryside location. Therefore, the proposal conflicts with Policy DS4 of the Rother District Local Plan 2006.
- III. The installation of a new hard surface together with the use of the site for the parking of motor vehicles is seen as a separate use beyond the end of the village and this has an adverse effect on the rural landscape within the High Weald AONB, introducing an inappropriate urbanising feature and also having an adverse effect of the more open landscape setting of Winchelsea Conservation Area, thereby conflicting with Policies GD1 (iv & v, viii) and TR3

(xi & xii) of the Rother District Local Plan 2006 and Policy OSS5 (iii) of the Rother District Proposed Submission Core Strategy 2011.

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) Discontinue the use of the land for the parking of motor vehicles and remove all vehicles associated with that use from the land
- (ii) Remove the hard surface that was laid and completed in October 2012 and remove the resultant materials from the land, replace with topsoil to a depth of 100mm and seed with grass.

## 7. TIME FOR COMPLIANCE

Six months after this notice takes effect.

## 8. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 19 August 2013 unless an appeal is made against it beforehand.

Dated: 9 July 2013

Signed: .....

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

Ref: MKN011

## 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 Secretary of State before the date specified in paragraph 7 of the notice. The enclosed booklet "Enforcement Appeals - A Guide to Procedure" sets out your rights. You may use the enclosed appeal forms:

- (a) One is for you to send to the Secretary of State if you decide to appeal, together with a copy of this enforcement notice;
- (b) The second copy of the appeal form and the notice should be sent to the Council;
- (c) The third copy is for your own records.

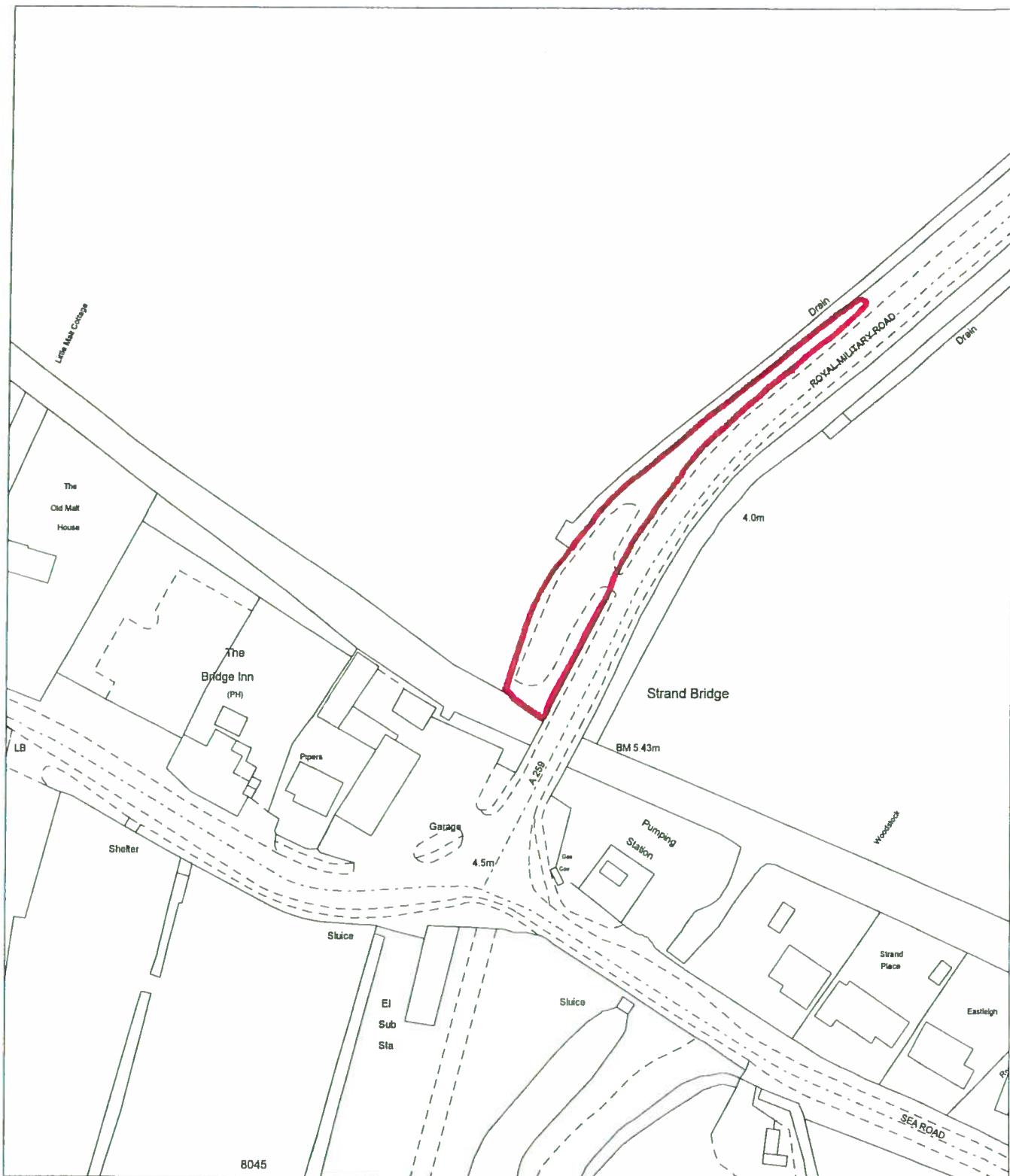
You can submit an appeal online at

<http://www.planningportal.gov.uk/england/genpub/en/1102936775943.html>

**Please note that a separate appeal form must be completed for each individual person or organisation.**

## **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/ICK/2012/409  
Scale: 1:1250  
N.G. Ref: TQ9017NE