

## 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 and property at 20 Coastguard Cottages, Coastguard Square, Rye Harbour, 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 the erection of a balcony at the rear of the property.

### **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.

By reason of its depth and width, the floor area of the balcony created has provided additional living space, including the provision of facilities suitable for entertainment, with the potential to introduce noise and disturbance to adjacent properties, as well as unacceptable overlooking. Due to the depth of the balcony, there are visible sightlines into neighbouring properties rear windows when looking back from the edge of the balcony, and the potential for overlooking is considered unacceptable and contrary to Policy GD1 (ii) of the Rother District Local Plan (2006) and Policy OSS5 (ii) of the Rother District Local Plan Core Strategy.

The balcony is excessive in size and width and represents a bulky addition on the rear elevation on the property, highly visible from the river bank. It is out of character with other balconies on the terrace and the adjacent terrace and is detrimental to the visual amenities of the locality. The proposal does not comply with 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.

## 6. WHAT YOU ARE REQUIRED TO DO

Dismantle the balcony structure and remove all resultant materials from the land.

## 7. TIME FOR COMPLIANCE

Two Months after this notice takes effect.

## 8. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 29 May 2014 unless an appeal is made against it beforehand.

Dated: 15 April 2014

Signed: .....

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

Ref: MKN065

## 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](http://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](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/ICK/2013/447  
Scale: 1:1000  
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