

# **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 Rosebud Farm, Quickbourne Lane, Northiam, East Sussex shown edged red on the attached plan

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

Without planning permission a material change of use of the land from agriculture to a mixed use comprising agriculture and use of the land for the stationing and human habitation of a mobile home.

#### **4. REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years.

The development introduced a new residential use on the countryside contrary to Policy HG10 of the Rother District Local Plan which contains a strong presumption against residential use unless it meets one of the exemptions described. Permission was refused in December 2012 for a residential mobile home because it had not been demonstrated that it was essential for the running of an agricultural enterprise or that the business is financially sound. On this basis, the continued stationing of a mobile home for human habitation is contrary to this policy.

It is also contrary to Policy HG5 which advises that residential caravans will not be permitted outside of the development boundaries unless the proposal accords within Policy HG10.

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**

Discontinue the use of the land for human habitation and remove the mobile home from the land.

## **6. TIME FOR COMPLIANCE**

Six months after this notice takes effect.

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

This notice takes effect on 12 August 2013 unless an appeal is made against it beforehand.

Dated: 26<sup>th</sup> June 2013

Signed: .....

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

Ref: MKN010

## **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 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.

This copy has been produced specifically to supply an individual with authority information. No further copies may be made.

Reproduced from the Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office. Crown copyright.

Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Rother District Council Licence No 100018643 2010.



Plan: Enforcement

File: ENF/NOR/2012/284

Scale: 1:2500

N.G. Ref: TQ8325SW