

**ENFORCEMENT NOTICE - MATERIAL CHANGE OF USE AND
OPERATIONAL DEVELOPMENT**



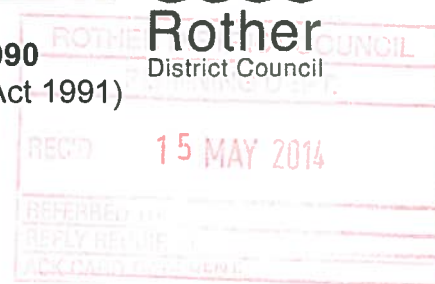
Rother
District Council

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 New Cross Farm, Mill Lane, Peasmarsh, 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 shown hatched on the plan from agriculture to a mixed use of agriculture and recreation.

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

The creation of a tennis court shown hatched on the land.

5. REASONS FOR ISSUING THIS NOTICE

- i) It appears to the Council that the breach of planning control relating to a material change of use has occurred within the last ten years.
- ii) It appears that the breach of planning control relating to operational development has occurred within the last four years.
- iii) The development has introduced domestic recreational activity into the rural scene and the tennis court is situated adjacent to a public footpath. For these reasons the development and use is harmful to and does not preserve the natural beauty of the landscape and countryside of the High Weald Area of Outstanding Natural Beauty. The proposal is therefore contrary to Policies DS1 (vi), (ix), GD1 (iv), (v) of the Rother District Local Plan (2006), Policies RA3 (v) and EN1 (i) of the Rother District Local Plan – Core Strategy and paragraph 115 of the NPPF.
- iv) 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

- i) Remove the tennis court from the land, including all materials used in its construction
- ii) Remove all resultant debris from the land as a result of requirement (i)
- iii) Cover the area with topsoil and seed with grass
- iv) Cease the use of the land for recreational purposes.

7. TIME FOR COMPLIANCE

Three months after this notice takes effect.

8. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 23 June 2014 unless an appeal is made against it beforehand.

Dated: 12 May 2014

Signed:

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

Ref: MKN054

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

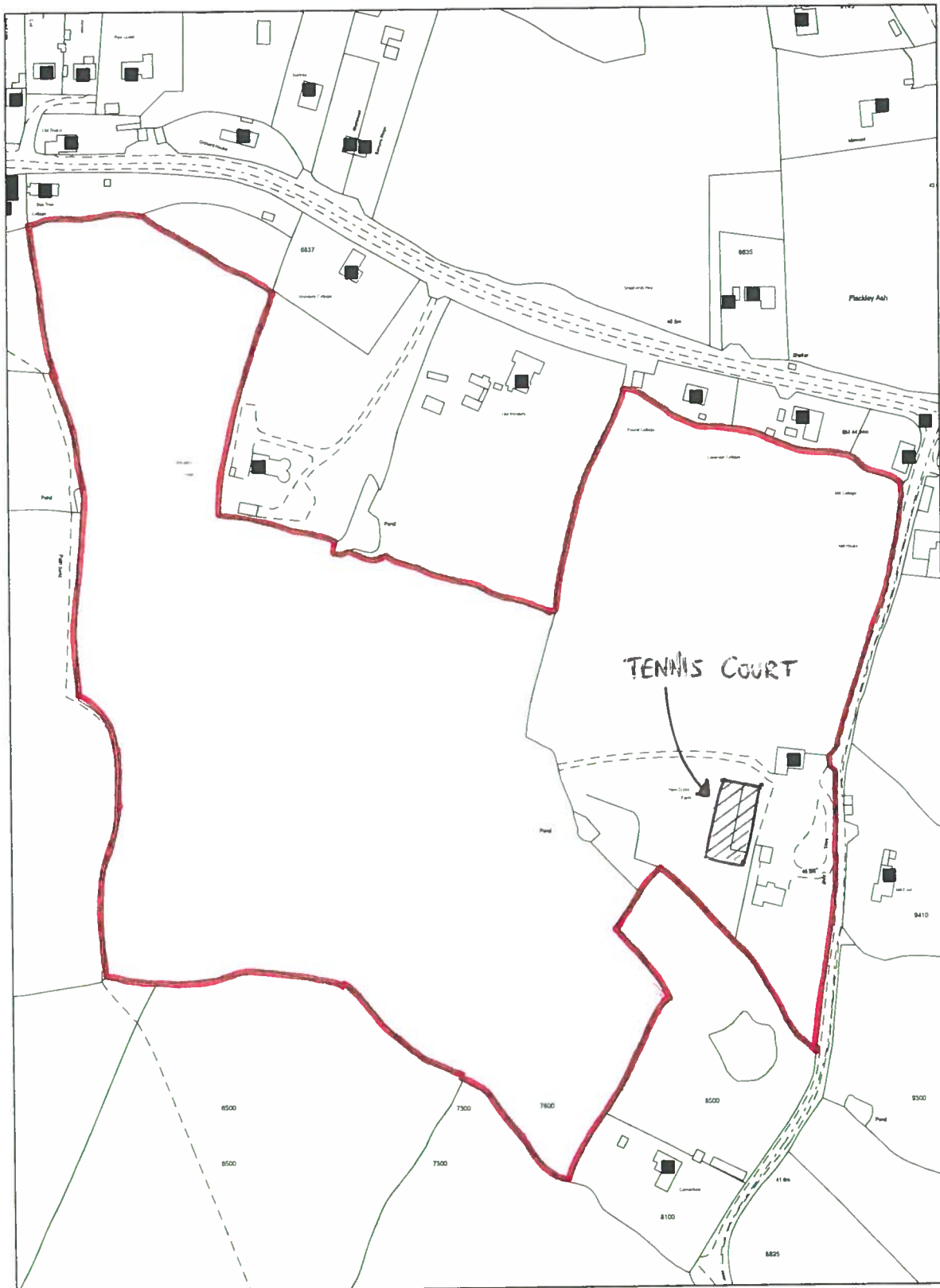
If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council

SITE PLAN PEASMARSH

SITE PLAN PEASMARSH

ENF/PEA/2012/242

NEW CROSS FARM



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Not To Scale