

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 (b) 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

Premises at Units 32-37 Vinehall Farm, Whatlington Road, Whatlington, East Sussex shown edged red on the attached plan.

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

On 17 August 1989 planning permission was granted for the change of use of agricultural buildings to light industrial (B1) use subject to conditions. One of those conditions was that the premises shall be used for the purposes stated in the application only and not otherwise. It appears to the Council that the condition has not been complied with because the premises have been used for metal working purposes, a use falling within Class B2 (general industrial) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

4. REASONS FOR ISSUING THIS NOTICE

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

(ii) The change of use of the premises to a B2 use has had an unacceptable effect on residential amenity of the occupiers of Vinehall Manor, due to the level and characteristics of the noise generated by the industrial activities. The site is not appropriate for the current use due to its proximity to the residential property, the physical properties of the building itself and the nature of the business operations which include the storage and handling of metal outside the building. The insulation works to the building that have been undertaken by the applicant together with changes to working practices that have been implemented have not reduced noise effects to an acceptable level. The use therefore is contrary to Policy GD1 (ii) of the Rother District Local Plan (2006) and Policy OSS5 (ii) of the Rother District Local Plan – Core Strategy.

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(ii) The change of use to a B2 use by reason of its character and the operations involved has had an adverse effect on the character of the High Weald Area of Outstanding Natural Beauty due to noise. The use is therefore contrary to Policy GD1 (v) of the Rother District Local Plan (2006) and Policy EN1 of the Rother District Local Plan – Core Strategy.

The Council does 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 premises for metal working purposes, a use falling within Use Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

6. TIME FOR COMPLIANCE

Six months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 30 November 2013 unless an appeal is made against it beforehand.

Dated: 14 October 2013

Signed:

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

Ref: KEN/9/8/1350

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:

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- 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 0117 372 6372 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/WHA/2011/72

Scale: 1:1000

N.G. Ref: TQ7520SE