

Important - this communication affects your property

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

ENFORCEMENT NOTICE

ISSUED BY: ROTHER DISTRICT COUNCIL ("the Council")

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A(1)(a) of the above Act, at the land described below. The Council 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 AFFECTED**

Land north of Park Lane, Battle, East Sussex shown edged red on the attached plan ("the Land").

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, change of use of the Land from agriculture to a use as a car park for use by local business for the parking of staff and visiting client vehicles including the clearing and levelling of the Land and planting of non-native species hedging.

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 unauthorised use of the Land, which lies within the formally designated High Weald National Landscape, within the Battle Conservation Area and the setting of nearby Listed Buildings, the Scheduled Monument Battle Abbey and registered historic park and garden, and within an Archaeological Notification Area, is considered to introduce a utilitarian and urbanising feature into the landscape, causing unacceptable harm to the character and appearance of the site and surrounding area, failing to conserve or enhance the landscape character and scenic beauty of this protected area, and

giving rise to highway safety concerns. It is therefore considered to be contrary to Paragraphs 189 and 207 of the National Planning Policy Framework 2024; Policies OSS4, BA1, EN1, EN2, EN3, EN5, CO6, TR3 and TR4 of the Rother Core Strategy Local Plan 2014; Policies DHG11, DHG12, DEN1, DEN2 and DEN4 of the Rother Development and Site Allocations Local Plan 2019; and Policies IN3, EN2, EN3, EN4 and EN5 of the Battle Neighbourhood plan 2019-2028.

- iii) The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections to the use.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Stop using the Land as a car park.

Time for compliance: 28 days after this notice takes effect

- (ii) Remove all vehicles, materials, paraphernalia and debris associated with the said unauthorised use from the Land
- (iii) Break up and remove from the Land any imported surfacing, sub-base, parking-related materials, markers, barriers, signage or other items brought onto the Land associated with the said unauthorised use.
- (iv) Dig out and remove all non-native boundary planting from the Land
- (v) Regrade and restore the Land to its condition and levels existing prior to the car park works taking place, removing or redistributing spoil, bunding, or banks to marry in with the contours of adjacent undisturbed ground.

Time for compliance: 3 months after this notice takes effect

- (vi) Cover the reinstated area of the car park with grass seed
- (vii) Reinstatement of the vegetation removed to facilitate the car park by planting a native mix including species of Oak (*Quercus robur*), Hornbeam (*Carpinus betulus*), Field Maple (*Acer campestre*), Hazel (*Corylus avellana*), Hawthorn (*Crataegus monogyna*), Blackthorn (*Prunus spinosa*) and Holly (*Ilex aquifolium*) at a minimum density of 1100 stems per hectare (or equivalent spacing of approximately 3m centres), in the approximate positions shown coloured green on the attached plan. All planting is to include suitable protection from native animals. Planting shall be maintained for a period of 5 years from the date of planting. Any trees or shrubs which die, are removed, or become seriously damaged or diseased within this period shall be replaced in the next planting season with others of similar size and species

- (viii) Remove from the Land all materials, rubble, rubbish, debris, tools, machinery and equipment arising from compliance with the above requirements from the Land.

Time for compliance: 6 months after this notice takes effect

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 28th July 2026 unless an appeal is made against it beforehand.

Dated: 25th June 2026

Signed:

Head of Planning
Authorised signatory
On behalf of Rother District Council
Town Hall
Bexhill on Sea
East Sussex
TN39 3JX

Contact Officer:
Telephone: 01323 812121
Email:

ANNEX

1. THE RIGHT OF APPEAL

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the Enforcement Notice. Unless an appeal is made, as described below, the enforcement notice will take effect on the date referred to in paragraph 6 of the Enforcement Notice and you must then ensure that the required steps, for which you may be held responsible, are taken within the period(s) specified in the Enforcement Notice.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you want to appeal against the Enforcement Notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before the date specified in paragraph 6 of the Enforcement Notice.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £1220.

Payment should be made by BACS (quoting reference ENF/0051/26) to the following account:

Sort code : 30-80-12 Account number : 11649668
Account name : Rother District Council

Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the Enforcement Notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

2. LIST OF PERSONS SERVED WITH THIS NOTICE

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Plan: Enforcement

File: ENF/0051/26

Scale at A4: 1:1000

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