

**ENFORCEMENT NOTICE**  
(Material Change of Use)

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**SOUTH DOWNS NATIONAL PARK AUTHORITY**

**TOWN AND COUNTRY PLANNING ACT 1990**  
(AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1995)

To :



**Issued by : South Downs National Park Authority**

**1. THIS IS A FORMAL NOTICE** which is issued by the South Downs National Park Authority ("the SDNPA"), because it appears 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. The Authority considers 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 East of Sandpit Plantation Eartham Lane Eartham West Sussex shown edged black on the attached plan

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

Without planning permission the material change of use of the land from agriculture to a mixed use of agriculture and for rage buggy trials of speed and practising for such events and related rage buggy activities including leisure use and tuition for such events and the stationing on the land of a green metal container for storage of items relating to the activity.



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

**The area of land edged in black on the attached plan being used for the purposes of rage buggy trials of speed and practising for such events and related rage buggy activities including leisure use and tuition for such events and the stationing on the land of a green metal container for storage of items relating to the activity as described in paragraph 3 above. The SDNPA considers this new use to be a material change in the use of the land which requires planning permission. The SDNPA is not aware of any planning permission currently in force for the use of the land as rage buggy trials of speed and practising for such events and related rage buggy activities including leisure use and tuition for such events.**

The SDNPA first became aware that land shown edged in black on the attached plan was being used for the purposes of rage buggy trials of speed and practising for such events and related rage buggy activities including leisure use and tuition for such events on 1<sup>st</sup> April 2012. It appears to the SDNPA that the above breach of planning control has occurred within the last ten years. The SDNPA does not therefore consider that this Material Change of use is immune from planning enforcement action.

The SDPNA considers that this development is unacceptable for the following reasons:

i) The unauthorised use of the land for the use of rage buggy trials of speed and practising for such events and related rage buggy activities including leisure use and tuition for such events is not an appropriate use of the land, which is a rural area within the South Downs National Park

ii) It is having a detrimental impact on the tranquillity, and natural beauty of the SDNP. Therefore it is considered that the use conflicts with policies R2, R8, RE1 and RE12 of the Chichester Local Plan first review 1999 and GEN 3, GEN 27 of the Arun District Local Plan 2003, and Paragraph 115 of the National Planning Policy Framework March 2012.

iii) The use of the land has had a detrimental impact on the amenities of occupiers of adjacent residential properties from noise and dust contrary to policies R8 and RE12 of the Chichester Local Plan and Gen 32 of the Arun District Local Plan 2003.

(iv) The metal container is an incongruous feature which has a detrimental impact on the character and appearance of the natural beauty of the SDNP which is not justified for agricultural purposes and is therefore contrary to policies R2, R8, RE1 and RE12 of the Chichester Local Plan first review 1999 and GEN 3, GEN 27 of the Arun District Local Plan 2003, and Paragraph 115 of the National Planning Policy Framework March 2012.

The SDNPA do not consider that planning permission should be given, because planning conditions could not overcome these objections.

The full text of all relevant policies are attached as Annex 4 to this notice.

For the reasons set out in paragraph 4 above the SDNPA consider it expedient to issue this enforcement notice.

#### **5. WHAT YOU ARE REQUIRED TO DO**

i) Cease the use of the land and the green metal container for any purpose other than agriculture except for a period of not more than 28 days in total in any



calendar year, of which not more than 14 days in total shall relate to activities of trials of speed and practising for such events.

- ii) Remove the green metal container and its contents from the land when it is not in use for agricultural purposes.

#### **6. TIME FOR COMPLIANCE**

4 weeks after this notice takes effect.

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

This notice takes effect on 10<sup>th</sup> May 2013, unless an appeal is made against it beforehand.

#### **8. TOWN AND COUNTRY PLANNING [ENVIRONMENTAL IMPACT ASSESSMENT] [ENGLAND AND WALES] REGULATIONS 1999**

The SDNPA considers that the development is not EIA development. If the development the subject of this notice were to be granted planning permission, an environmental statement would not be required.

**Date : 03/04/13**

**Signed :**

A solid black rectangular box redacting the signature of the Director of Planning.

**Tim Slaney  
Director of Planning**

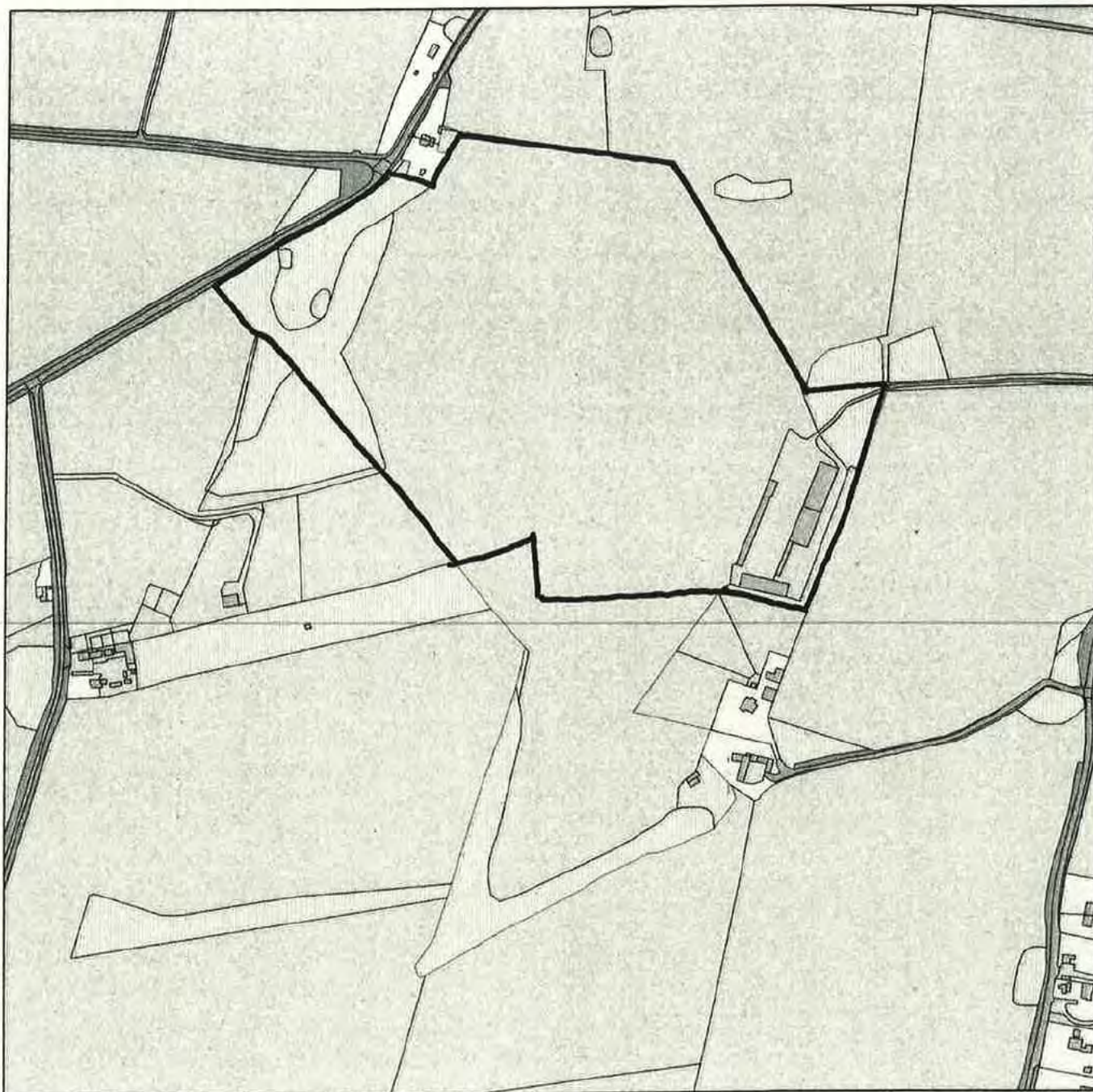


# Material Change of Use

## Land East of Sandpit Plantation Eartham



GIS by ESRI (UK)



Scale : 1:5116

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<b>Organisation</b>	South Downs National Park
<b>Department</b>	Development Management
<b>Comments</b>	Land Registry-Plots 2&3 Park Farm Eartham
<b>Date</b>	03 April 2013
<b>SLA Number</b>	Not Set