

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN & COUNTRY PLANNING ACT 1990 (as amended by the Planning and Compensation Act 1991)

Operational Development

ENFORCEMENT NOTICE

Issued by: the South Downs National Park Authority

1. **THIS NOTICE** is issued by the South Downs National Park Authority (“SDNPA”) 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 known as South Down Gun Club Ltd, Muntham Farm (also known as Cobden Farm), Findon, West Sussex, BN140RQ Grid Reference TQ10045 10889 shown edged red on the attached plan (referred to as “the Site”).

3. THE BREACHES OF PLANNING CONTROL

The carrying out of operational development, explicitly the importation and depositing of waste materials to undertake an engineering operation without the required planning permission, to create extensive bunds and banks on the Site.

4. REASONS FOR ISSUING THIS NOTICE

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

The importation and depositing of materials to change the existing land contours conflicts with the National Park purposes and duty to conserve and enhance the natural beauty, wildlife and cultural heritage of the Park, and to promote opportunities for the understanding and enjoyment of its special qualities (as found in section 5 of the National Parks and Access to the Countryside Act 1949).

The bunds are easily visible from the local Rights of Way network, specifically bridleway 2092 and, although sinuous in shape, they are not sympathetic to the field pattern and create an unnatural extension to the landscape curtilage around the building.

The SDNPA is of the opinion that that the operations undertaken cannot be considered minor operations, under Class A, Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England)Order 2015 (GPDO).Ewen Developments v SSE (1980) JPL404, established that battered earth embankments such as the ones the subject of this Notice whilst having some function of enclosure, were nevertheless not within this class of permitted development. This position was further supported by the recent appeal decision APP/Y9507/X/13/2202668 (Grazing Land, North East Of Flyover, Steyning Road, Shoreham-by-sea, BN43 5FH).

The importation and depositing of waste material to create soil bunds as a first line of defence from entry to the site via four wheel drive vehicles is not considered to be within Schedule 2 Part 2 Class A of the GPDO as it refers to a “gate, fence, wall or other means of enclosure”. It is considered the bunds are substantial engineering works and therefore require express planning permission. Furthermore it is considered the bunds would offer little in the way of enhanced protection from intruders in the way gates, fences or walls would do.

The enforcement notice is necessary to prevent further work and visual impact that is contrary to the West Sussex Waste Local Plan April 2014. The on-going work is contrary to policies: W1 Need for Waste Management Policies, Policy, W8 Recovery of Operations involving the Depositing of Inert Waste, W9 Disposal of Waste to Land, W11 Character, W13 Protected Landscapes and W18 Transport.

The enforcement notice is necessary to prevent further work and visual impact that is contrary to the Horsham District Local Plan 2007, the on-going work is contrary to policies: CP1 Landscape & Townscape Character, CP15 Rural Strategy, DC1 Countryside protection and Enhancement, DC2 Landscape Character.

The enforcement notice is necessary to prevent further work and visual and environmental impact that is contrary to the Arun District Local Plan 2003, saved policies 27th September 2007. The works carried out are contrary to policy AREA9 Areas of Outstanding Natural Beauty.

5. WHAT YOU ARE REQUIRED TO DO

- 1. Cease all importation of waste material to the Site.**
- 2. Remove the section of bund marked in the area hatched green by spread the imported material in the bunds marked in the area hatched green on the attached plan to a depth no greater than 240mm above the original ground level (that being the levels before the bund was constructed) across the whole area hatched green on the attached plan.**
- 3. Cultivate the top 150mm of material in the area hatched green on the attached plan to a fine tilth removing all stones and debris over 25mm in diameter.**
- 4. Remove any excess material from the Site.**
- 5. Sow the entire area from where the bund was removed and the entire area where the material was spread with grass seed.**

6. TIME FOR COMPLIANCE

- 1. Within 5 days of the Enforcement Notice taking effect**

2. **Within 3 months of the Enforcement Notice taking effect**
3. **Within 3 months of the Enforcement Notice taking effect**
4. **Within 6 months of the Enforcement Notice taking effect**
5. **Within 6 months of the Enforcement Notice taking effect**

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **3rd June 2015**, unless an appeal is made against it beforehand.

Dated:

5th May 2015

Signed:

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

Tim Slaney

Director of Planning

South Downs National Park Authority

on behalf of: South Downs National Park Authority
South Downs Centre,
North Street,
Midhurst,
West Sussex,
GU29 9DH

Annex 1

"YOUR RIGHT OF APPEAL"

You can appeal against this notice, but if you decide that you want to appeal you must ensure that you send your appeal (s) 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 7 of the Enforcement Notice.

Annex 2

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 notices and you will have to pay a fee. You should pay the fee to the South Downs National Park Authority made payable to the South Downs National Park Authority. 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.

Annex 3

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 of the notice 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 an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Annex 4

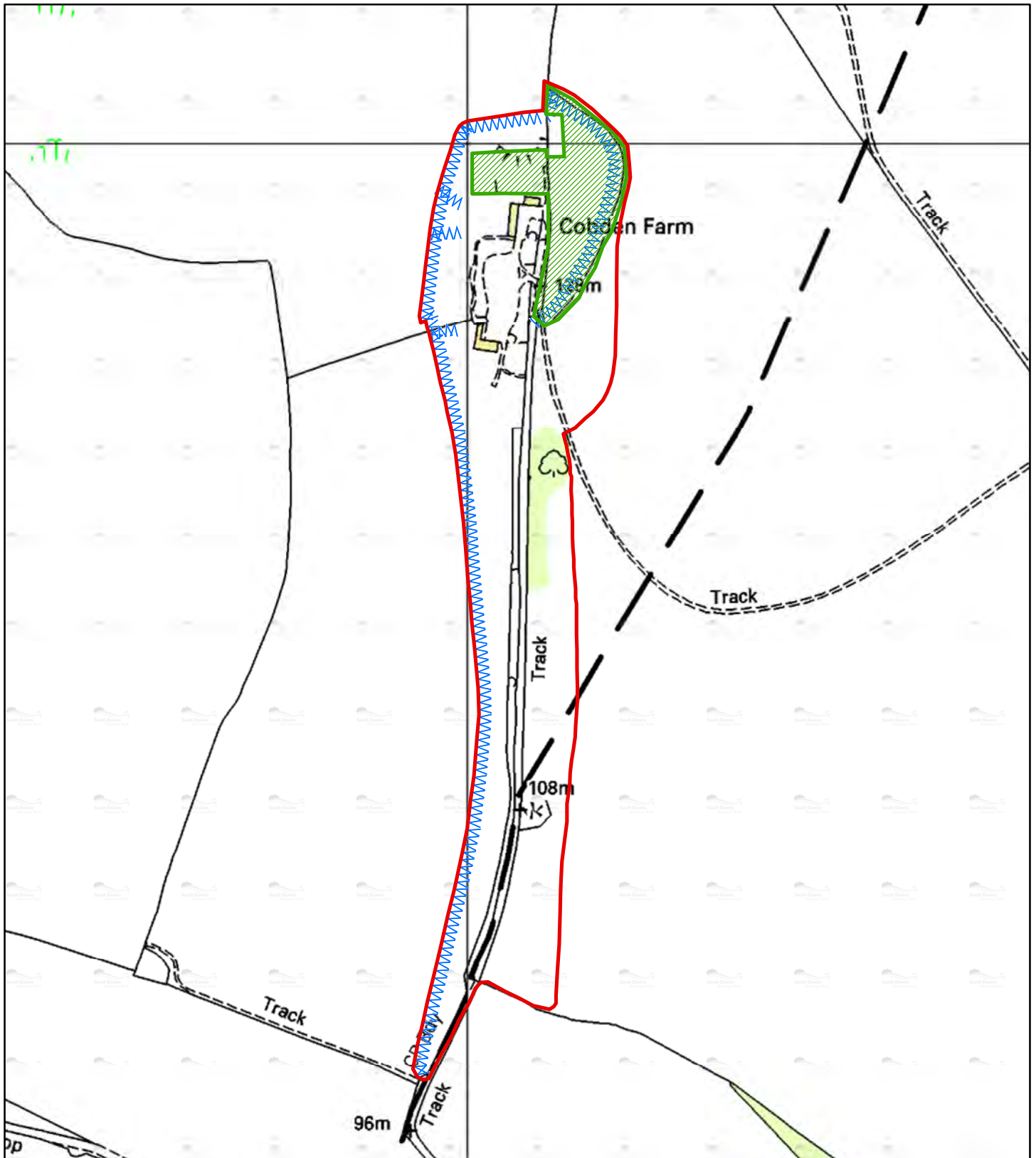
More detailed guidance on how to appeal against this notice, including information on possible fees payable, can be obtained from the Planning Inspectorate and the contact details are:

- on-line at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs); or
- by getting enforcement appeal forms by phoning the Planning Inspectorate on 0303 444 5000 or by emailing the Planning Inspectorate at enquiries@pins.gsi.gov.uk

Enforcement Plan

South Down Gun Club, Muntham Farm, Findon, West Sussex BN14 0RQ

Ref: SDNP/12/00107/UNAWKS



Legend

- Site Boundary
- Area from where bund is to be removed and material spread across
- Bund

Scale @ A4 5,000

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