

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990 (TCPA 1990)**

**ENFORCEMENT NOTICE**

**OPERATIONAL DEVELOPMENT**

**Issued by: LEWES DISTRICT COUNCIL** (the Council) acting on behalf of the **SOUTH DOWNS NATIONAL PARK AUTHORITY** (The SDNPA)

**1. ENFORCEMENT NOTICE**

**This is a formal notice** issued by the Council on behalf of the SDNPA because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the TCPA 1990, at the Land. It is considered expedient to issue this notice, having regard to the provisions of the development plan and to all 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 32 Cross Way, Lewes, East Sussex BN7 1NE, shown edged red on the attached plan for the purposes of identification only (the Land).

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

Without planning permission, the erection of a shed in the front garden of the above premises in the approximate position outlined in black on the attached plan.

**4. REASONS FOR ISSUING THIS NOTICE**

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

The unauthorised shed, by virtue of its prominent position in the front garden is an incongruous feature in the street scene. It is out of keeping with the character of the area, is detrimental to the amenity of neighbouring properties and results in an unacceptable loss of public views and spaces between and around the buildings in the locality contrary to policies ST3 of the Lewes District Local Plan, The Partnership Management Plan, South Downs National Park (2014-2019) and the National Planning Policy Framework.

The Council consider that planning permission should not be granted, because planning conditions could not overcome these objections to the development.

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

You must:

(i) Remove the shed from the front garden at the premises, and leave the land to a clean and tidy condition.

**6. TIME FOR COMPLIANCE**

The periods for compliance with the steps set out in paragraph 5 are:

(i) 4 (four) weeks from the date this notice takes effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **26<sup>th</sup> October 2015**, unless an appeal is made against it beforehand.

Dated: *21st September 2015*

Signed: 

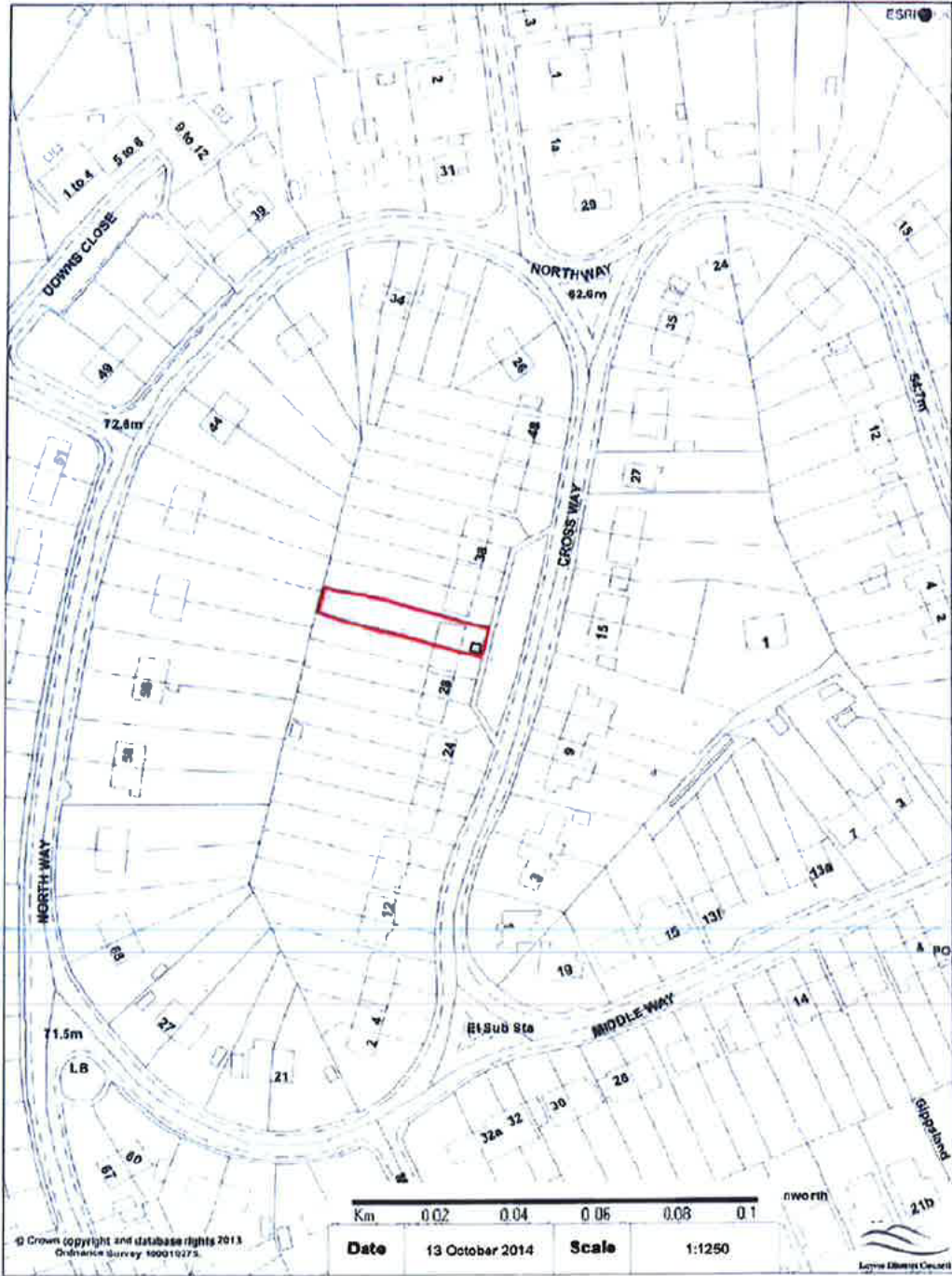
on behalf of Lewes District Council: Southover House, Lewes, BN7 1AB.

T: 01273 471 600

Nominated officer: Jennifer Baxter

Telephone number: 01273 484440/484439

# 32 Cross Way Lewes



## ANNEX

LEWES DISTRICT COUNCIL has issued an enforcement notice relating to land at Land at 32 Cross Way, Lewes, East Sussex BN7 1NE and you are served with a copy of that notice as you have an interest in the Land. Copies of the notice have also been served on the parties listed at the end of this Annex.

### YOUR RIGHT OF APPEAL

You can appeal against this enforcement notice, but any appeal must be **received** by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be delivered to the Planning Inspectorate) **before** the date specified in paragraph 7 of the notice.

If you want to appeal against this enforcement notice you can do it:

- Online at the Planning Casework Service area of the Planning Portal ([www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)).
- By getting enforcement appeal forms from the Planning Inspectorate on 0303 444 5000 or by e-mailing the Planning Inspectorate at [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk).

**You MUST make sure that PINS receive your appeal before the effective date on the enforcement notice.**

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:

- The name of the local planning authority.
- The site address.
- Your address.
- The effective date of the enforcement notice.

PINS MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.

The Planning Inspectorate's address and contact details are as follows:

The Planning Inspectorate

CST Room 3/13

Temple Quay House

2 The Square

BRISTOL BS1 6PN

Direct line: 0303 444 5000

Fax number: 0117 372 8782

Under section 174 of the TCPA 1990 you may appeal on one or more of the following grounds that:

- In respect of any breach of planning control which may have been 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.
- Those matters have not occurred.
- Those matters (if they have occurred) do not constitute a breach of planning control.
- 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.
- Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990.
- 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 such breach.
- Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 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 TCPA 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 **£172.00**. You should pay the fee to Lewes District Council.

If you decide to appeal, you should state in writing the grounds(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.

A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 are attached for your information.

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

**Persons served with a copy of this enforcement notice are as follows:**

[REDACTED]

Joint Registered Proprietor

[REDACTED]

Joint Registered Proprietor

[REDACTED]

Registered Chargeholder