

# **IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

### **Material Change of Use 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**

Without planning permission, the material change of use of the land hatched yellow on the attached plan from a shooting ground use to a mixed use of a shooting ground and the use for the importation and disposal of waste materials, namely waste soils and waste transfer station screening fines, in the form of extensive bunds and banks,

and;

without planning permission, the material change of use of the land hatched blue from agriculture to a mixed use of agriculture and the use for the importation and disposal of waste materials, namely waste soils and waste transfer station screening fines, in the form of extensive bunds and banks.

**4. REASONS FOR ISSUING THIS NOTICE**

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

The importation and depositing of waste 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 buildings. The vegetation growing on the bunds is not consistent with surrounding vegetation and this further accentuates the impact.

It is considered that the importation and depositing of waste materials, resulting in substantial engineering works, represents a change of the use and therefore requires express planning permission. The contents of the waste material used to construct the bund include screening fines which are not considered an inert waste and therefore cannot be used in construction projects. The waste material could potentially contain material that presents a risk to ground water. Therefore the breach of planning control is considered a waste activity resulting in an unauthorised change of use of the land.

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 work carried out is contrary to policies: W1: Need for Waste Management Policies, W9: Disposal of Waste to Land, W11: Character, W13: Protected Landscapes, W14: Biodiversity and Geodiversity, W16: Air, Soil, and Water, W18: Transport, and W19: Public Health and Amenity.

The enforcement notice is necessary to prevent further work and visual impact that is contrary to the Horsham District Local Development Framework Core Strategy 2007 (Policies CP1: Landscape & Townscape Character, CP15: Rural Strategy) and the Horsham District Local Development Framework General Development Control Policies 2007 (Policies DC1: Countryside protection and Enhancement, DC2: Landscape Character, DC9: Development Principles).

The enforcement notice is necessary to prevent on-going work and visual and environmental impact that is contrary to the Arun District Local Plan 2003, saved policies 27<sup>th</sup> September 2007. The material change of use is contrary to policies: GEN25: Water Resources, GEN26: Water Quality, GEN32: Noise Pollution, GEN32: Air Pollution, AREA9: Areas of Outstanding Natural Beauty, and AREA15: Sites of Local Importance for Nature Conservation.

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

- 1. Cease all importation of waste material to the site.**
- 2. Remove the whole of the bund as marked on the attached plan and all associated waste material from the site.**
- 3. Restore the area from where the bund was removed to its previous condition by sowing with grass seed.**

## **6. TIME FOR COMPLIANCE**

- 1. Within 5 days of the Enforcement Notice taking effect**
- 2. Within 12 months of the Enforcement Notice taking effect**
- 3. Within 16 months of the Enforcement Notice taking effect**

## 7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **16<sup>th</sup> September 2014**, unless an appeal is made against it beforehand.

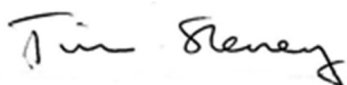
## 8. The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

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

Dated:

14<sup>th</sup> August 2014

Signed:



**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 of £36,660. 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

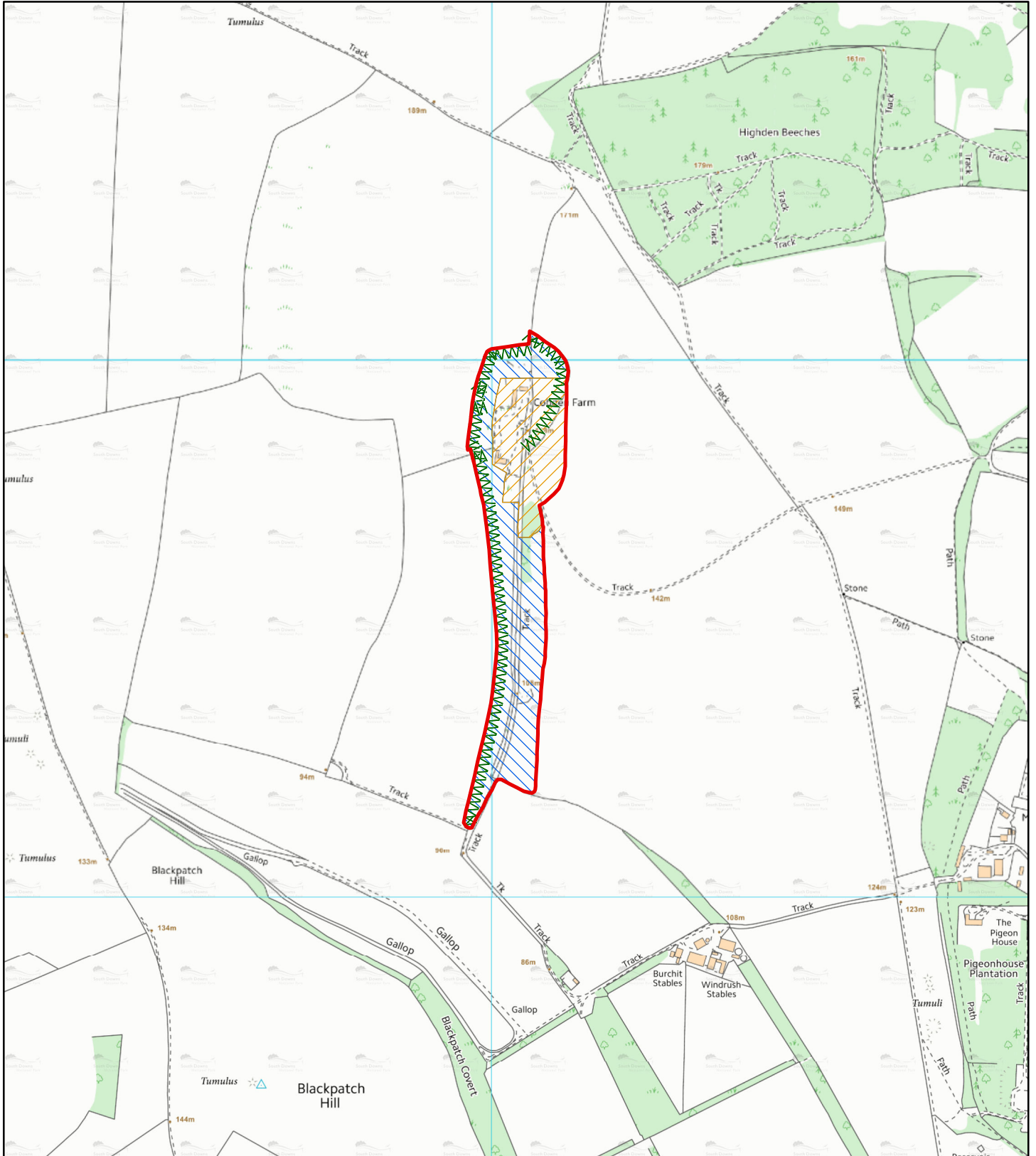
it, for which you may be held responsible, are taken within the period [s] specified in paragraph 6 of the notice. Failure to comply an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.





#### **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](http://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](mailto:enquiries@pins.gsi.gov.uk)

# Enforcement Plan



-  South Down Gun Club, Muntham Farm, Findon
-  Shooting ground use permitted under Planning Ref: SG/36/92
-  Other land leased by South Downs Gun Club
-  Bund

Scale @ A4 10,000