



telephone 01273 471600
email Jennifer.baxter@lewes.gov.uk
my ref SDNP/16/00462/COU
your ref
date 9 June 2017

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY



Town and Country Planning Act, 1990 - Sections 172 and 173
Enforcement Notice
Re: Land at Wootton Farm, Novington Lane, East Chiltington

The Council has issued an Enforcement Notice relating to the above land.

The Notice is attached with this letter.

Unless an appeal is made to the Planning Inspectorate, as described below, the Notice will take effect on **10 July 2017** and you must then ensure that the required steps, for which you may be held responsible, are taken within the period specified in the Notice.

Please read the enclosed Explanatory Notes enclosed with this letter.

Included within these notes is information relating to the Notice served on you.

If you wish to appeal against the Notice, you should first carefully read the Explanatory Notes and ensure that your appeal arrives at the Planning Inspectorate before the date given above as the date when the Notice takes effect.

Yours sincerely



Jennifer Baxter
Senior Planning Enforcement Officer

Enclosures

Enforcement Notice including Plan

Explanatory Notes

Copy Sections 171A, 171B and 172 to 177 of the TCPA 1990

The Planning Inspectorate Information Sheet

Full name: Enforcement notice: material change of use without planning permission.

ENFORCEMENT NOTICE

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (TCPA 1990)

Issued by: Lewes District Council on behalf of the South Downs National Park Authority (“the Council”)

1. ENFORCEMENT NOTICE

THIS IS A FORMAL NOTICE issued by the Council because it appears that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the TCPA 1990, at the Land described below. 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 Wootton Farm, Novington Lane, East Chiltington shown edged red on the attached plan excluding the land outlined and hatched in black registered under separate title number – ESX150323 “the Land”).

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

Without planning permission, the material change of use of the land from agricultural use to residential by the siting of a mobile home for use as a residential dwelling, in the approximate position marked with green hatching 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 ten years.

- The land is situated in countryside designated as a National Park. The proposed retention of the mobile home would therefore be harmful to the natural beauty of the landscape and detract from the setting and appearance of the countryside and the National Park, contrary to Policies CT1 & ST3 of the Lewes District Local Plan, CP10 of the Joint Core Strategy and the statutory purposes of the SDNP which are:

- a) To conserve and enhance the natural beauty, wildlife and cultural heritage of the area
 - b) To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
- The Council is of the opinion that the use of a mobile home as a residential dwelling in this location is a material change of use and represents an unwarranted intrusion into the countryside designated as a National Park. The Council considers that planning permission should not be given, because planning conditions could not overcome these objections to the development.
 - On 21 December 2016 the Council refused an application for retrospective planning permission for the 'Proposed retention of siting a mobile home for residential use by manager of livery' for the reasons stated above.

5. WHAT YOU ARE REQUIRED TO DO

You must:

- (i) Cease the use of the land for the siting of a mobile home as a residential dwelling.
- (ii) Remove the mobile home from the land, along with any materials and debris resulting from its removal.

6. TIME FOR COMPLIANCE

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

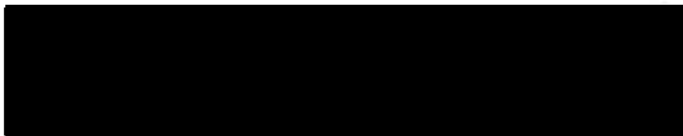
- (i) 3 months from the date this notice takes effect.
- (ii) 4 months from the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 10 July 2017 unless an appeal is made against it beforehand.

Dated: 9 June 2017

Signed:



on

Lewes District Council, on behalf of the South Downs National Park Authority

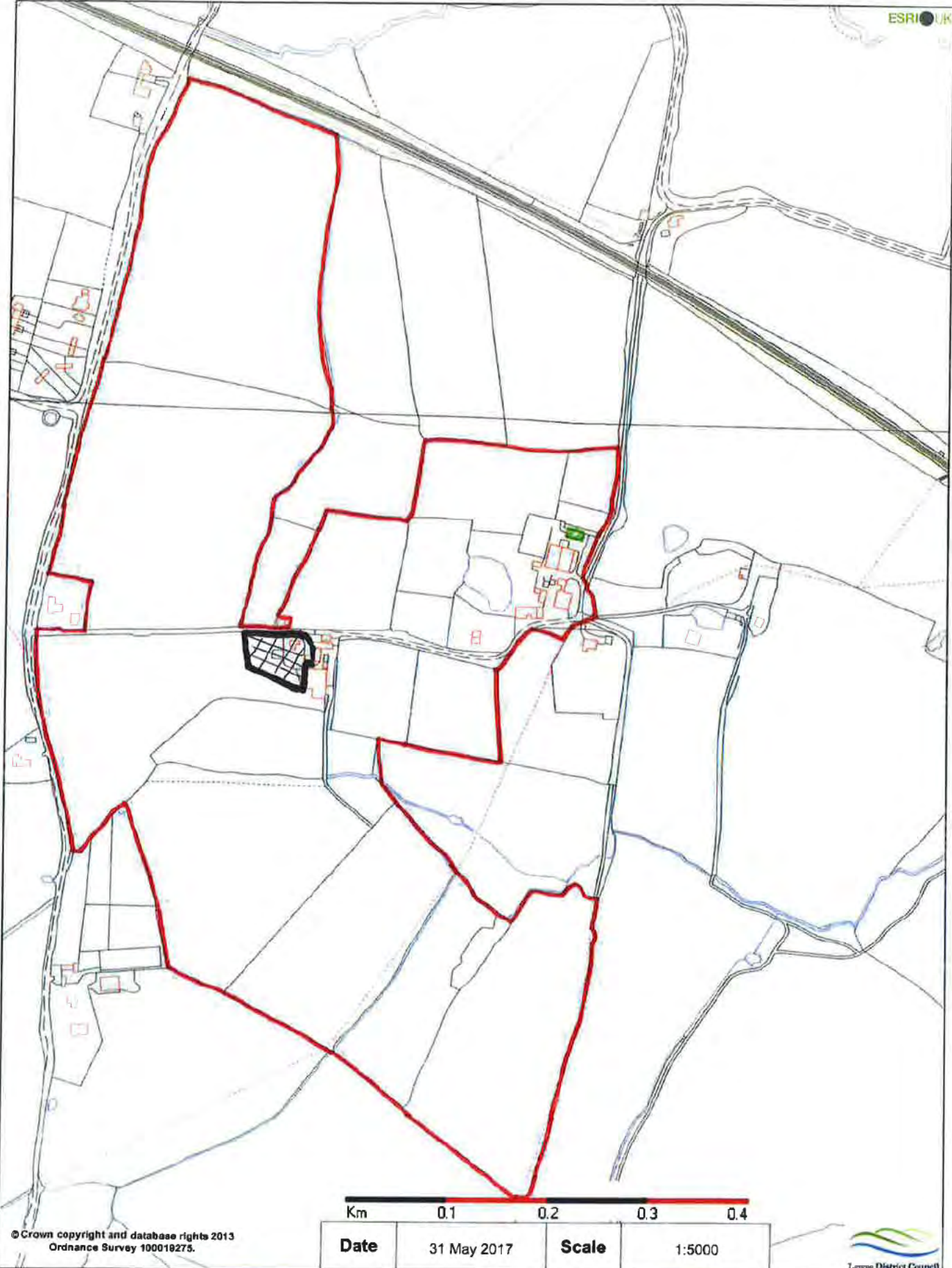
of

Nominated officer: Jennifer Baxter

Telephone number: 01273 471600

Wootton Farm, Novington Lane

ESRI UK



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Ordnance Survey 100019275.

Km 0.1 0.2 0.3 0.4			
Date	31 May 2017	Scale	1:5000





ANNEX

Lewes District Council, on behalf of the South Downs National Park Authority has issued an enforcement notice relating to land at Wootton Farm, Novington Lane, East Chilington 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).
- 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.

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 £385.00 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 **OR** National Assembly] 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:



Owner/Occupier of the mobile home

