



Lewes District Council



South Downs
National Park Authority

ENFORCEMENT NOTICE

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 1991)

TO :



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

1. **THIS IS A FORMAL NOTICE** which is issued by Lewes District Council, on behalf of 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 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 at Iford Farm, The Street, Iford, BN7 3EU, shown edged in red on the attached plan (the land).

3. **THE BREACH OF PLANNING CONTROL ALLEGED WITHOUT PLANNING PERMISSION**

Without planning permission, the material change of use of the Land from agriculture to a mixed use of the land for agriculture and for the shooting of game birds (including partridge and pheasant) for sport in the shooting season (1 September – 1 February), with the shooting of game birds for sport in the shooting season taking place in excess of that permitted under Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This Order currently permits the temporary use of Land for no more than 28 days in total in any calendar year.

Southover House, Southover Road, Lewes, BN7 1AB

Tel: 01273 471600 Email: planning@lewes.gov.uk

4. THE REASON FOR ISSUING THE NOTICE

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

It is considered that the use of the Land for the activity of shooting for sporting purposes over and above the permitted 28 days per calendar year, causes noise and disturbance and it is at odds with the enjoyment of the natural beauty and special qualities of the national park by the public. The activity is therefore contrary to the provisions of the National Planning Policy Framework (para.115), Core Policy 10 of the Lewes DC Joint Core Strategy and emerging Policies SD1: (Sustainable Development) and SD7: (Relative Tranquillity) of the South Downs Local Plan.

5. WHAT YOU ARE REQUIRED TO DO

You must –

- (i) Cease the use of the Land or any part of the Land for the shooting of game birds for sporting purposes in excess of that permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or by other express permission.

6. TIME FOR COMPLIANCE

The period for compliance with the requirement of the Notice is:

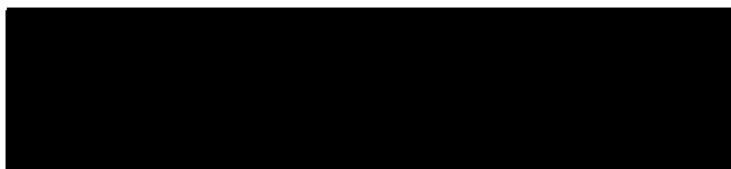
- (i) Two months from the date this notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 12 September 2018 unless an appeal is made against it beforehand.

Date: 14 August 2018

Signed:



ANNEX 1

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate acting on behalf of the Secretary of State before the date specified in paragraph 7 of the notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal

<http://www.planningportal.gov.uk/uploads/pins/eninfosheet.pdf>

ANNEX 2

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 Authority.

ANNEX 3

GUIDANCE NOTES

The following sections of the Town and Country Planning Act 1990 are relevant to Enforcement

Notices:

S171A – Expressions used in connection with enforcement

S171B – Time limits

S172 – Issue of an Enforcement Notice

172A – Assurance as regards prosecution for person served with a notice

S173 – Contents and effect of Notice

S173A – Variation and Withdrawal of Notice

S174 – Appeal against a Notice

S175 – Appeal – supplementary provisions

S176 – General provisions relating to the determination of appeals

S177 – Grant/modification of planning permission on appeals against Notices.

Lodging an Appeal

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 notice and you will have to pay a fee of £462.00 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 4

LIST OF ALL RELEVANT POLICIES

National Planning Policy Framework (para.115),
Core Policy 10 of the Lewes DC Joint Core Strategy
Emerging Policies SD1: (Sustainable Development) and SD7: (Relative Tranquillity) of the South Downs Local Plan.

ANNEX 5

GUIDANCE NOTES ON HOW TO MAKE AN APPEAL

Printed copies attached

1.Planning Inspectorate – Making your appeal - How to Complete Your Enforcement Appeal Form - England (May 2016)

2.Planning Inspectorate – Procedural Guidance – Enforcement Notice Appeals - England (March 2016)

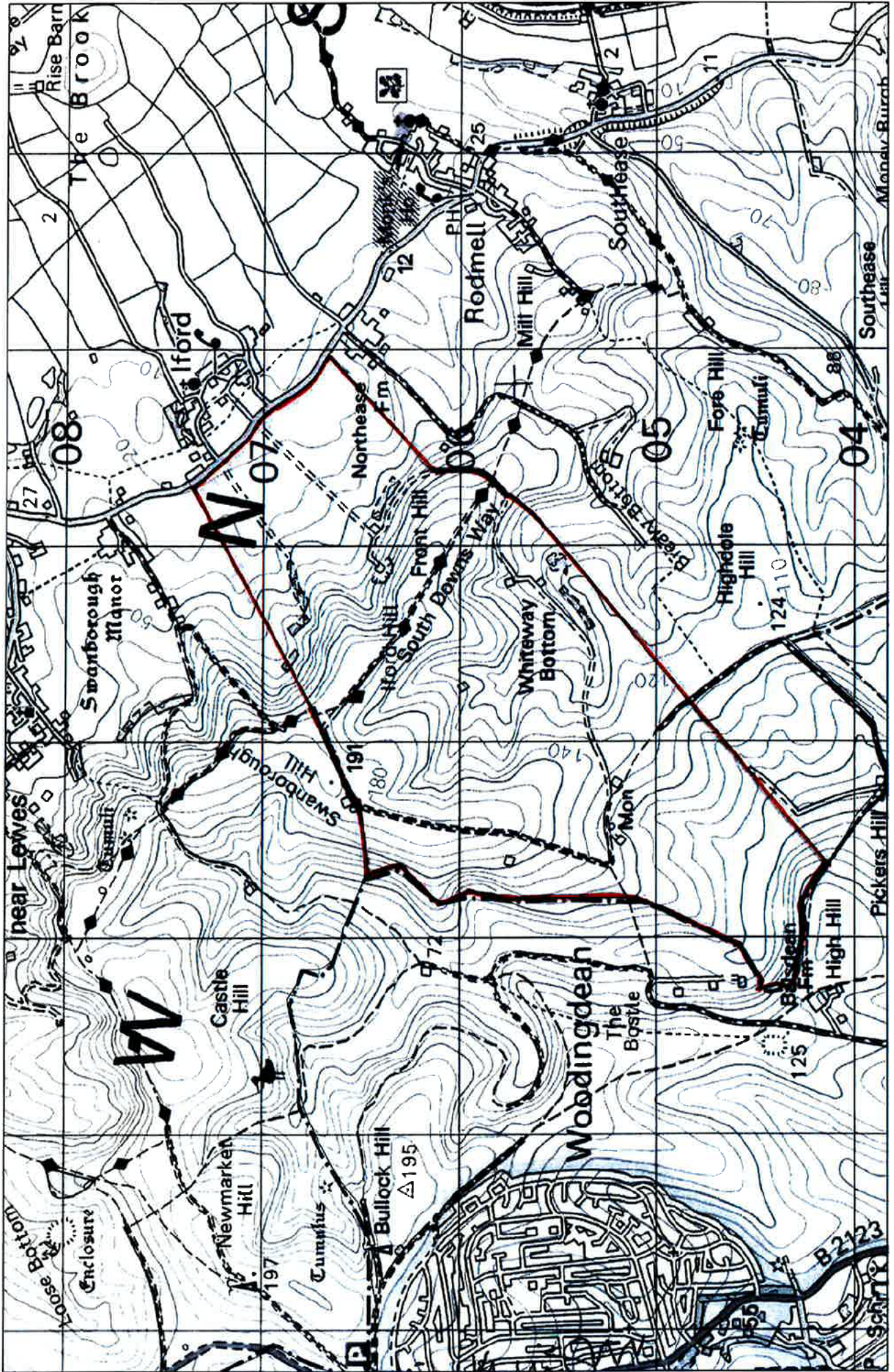
These documents can also be found at:

<https://www.gov.uk/appeal-enforcement-notice>

ANNEX 6

THOSE PERSONS SERVED WITH THIS NOTICE





Camera

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Date: 08 August 2018

SLA: Not Set

Scale 1:25000