

**ENFORCEMENT NOTICE**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

TOWN AND COUNTRY PLANNING ACT 1990  
(AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991)

**Issued By: SOUTH DOWNS NATIONAL PARK AUTHORITY**

**ENFORCEMENT NOTICE**

To: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

1. **THIS IS A FORMAL NOTICE** which is issued by 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(1) 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**  
  
The Old Church, The Street Houghton West Sussex BN18 9LW and shown edged in black on attached plan.
3. **THE BREACH OF PLANNING CONTROL ALLEGED**  
  
Without planning permission and within the last 4 years, the siting of one Caravan as shown in an approximate position on the attached plan as a hatched box.
4. **THE REASON FOR ISSUING THE NOTICE**  
  
It appears to the Authority that the above breach of planning control has occurred within the last 4 years.

The site is situated in the South Downs National Park. The SDNPA has the following statutory purposes and socio-economic responsibilities, as specified in the Environment Act 1995

1. To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
2. To promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public.

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan, currently, in this area is the Arun District Council Local Plan (2003). The Arun District Local Plan is now more than 15 years old and since its publication the South Downs National Park has been formed (as of 1 of April 2011) and the National Planning Policy Framework (NPPF) was published in July 2018.

The development is therefore contrary to saved policies of the Arun Local Plan Saved Policies 2003.

GEN 2: Built up Area Boundary  
GEN 3: Protection of the Countryside  
GEN 7: The Form of New Development

This form of development is contrary to purpose 1 as set out above and also paragraph 172 of the National Planning Policy Framework.

Paragraph 48 of the NPPF states that from the day of publication, decision-takers may give weight to relevant policies in emerging plans according to:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)<sup>22</sup>.

The South Downs Local Plan: Preferred Options underwent public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations (2012) between 2 September to 28 October 2015.

The responses have been considered by the Authority. Subsequently, the South Downs Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation from 26 September to 21 November 2017. The next stage in the plan preparation will be the submission of the Local Plan for independent examination.

Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this Alleged breach in accordance with paragraph 48 of the NPPF, which confirms that weight can be given to policies in emerging plans following publication

Core Policy SD1: Sustainable Development  
Strategic Policy SD4: Landscape Character 1.  
SD5 : Strategic Policy SD5: Design  
SD25 : Strategic Policy SD25: Development Strategy

(The full text of these policies is attached at Annex 4 of this Notice).

For the reasons set out above the SDNPA consider it expedient to issue this Enforcement Notice.

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

1. Remove the caravan from the land, which has been marked as a hatched rectangular box on the attached plan.

**6. TIME FOR COMPLIANCE**

1. 3 months from the effective date of this Notice.

**7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on the 31<sup>st</sup> August 2018 unless an appeal is made against it beforehand.

**8. TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)(ENGLAND AND WALES) REGULATIONS 1999**

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.

**Date :** 27<sup>th</sup> July 2018.

[Redacted signature block]

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## **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

[link to <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 £412.00** 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**

### **South Downs National Park Authority: Purposes and Duty**

*Purpose 1:* To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.

*Purpose 2:* To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

*Duty:* To seek to foster the social and economic well-being of the local communities within the National Park in pursuit of our purposes.

### **Paragraph 172 of the National Planning Policy Framework**

172. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broad. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

### **Paragraph 48**

48. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Arun District Council Local Plan (2003) saved policies:

### **POLICY GEN2 Built-up Area Boundary**

The boundaries of the built-up area for the purposes of the West Sussex County Structure Plan and this District Local Plan are defined on the Proposals Map. Development or redevelopment will be permitted within the built-up area boundaries, subject to the other policies in this plan. Outside the built-up area boundaries, development or redevelopment will not be permitted unless it is consistent with other Local Plan policies.

### **POLICY GEN3 Protection of the Countryside**

Outside the Built-Up Area, as defined on the Proposals Map, the countryside will be safeguarded for its own sake. Development will not be permitted unless:

- (i) it meets the operational needs of agriculture, forestry, the extraction of minerals or the deposit of waste; or
- (ii) for quiet, informal recreation; or
- (iii) for the diversification of the rural economy; or
- (iv) for essential road schemes; or
- (v) it is in accordance with a policy in Sections 2 and 3 of the plan referring to a specific use or type of development.

Permission will not be given for the extension of isolated groups of buildings or the consolidation of linear or sporadic development unless the proposal accords with criteria (i) to (iii) or (v).

## **POLICY GEN7 The Form of New Development**

Planning permission will only be granted for schemes displaying high quality design and layout. Development proposals involving new buildings or significant extensions or alterations must be accompanied by an illustrated written analysis of the site and its immediate setting, together with its relationship with the relevant townscape, landscape, wildlife and movement characteristics of the wider area.

Development will be permitted provided it:

- (i) makes efficient use of land or buildings and, in the case of new residential development, achieves net densities of at least 30 dwellings per hectare;
- (ii) demonstrates that it responds positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects and enhances local distinctiveness;
- (iii) promotes sustainable development, including the effective use and conservation of energy and reducing the need to travel, particularly by private car;
- (iv) does not have an unacceptable adverse impact on adjoining occupiers, land, uses or property and, where relevant, facilitates the development of adjoining sites;
- (v) takes account of any unacceptable adverse impacts that may arise from adjoining land uses or property;
- (vi) retains significant open or wooded areas which, in their own right, make a material contribution to the local environment;
- (vii) allows for the safe movement of pedestrians and vehicles, giving priority to pedestrians;
- (viii) provides for vehicle parking in accordance with Policy GEN12 and Appendix 2 and open space in accordance with Policy GEN20.

In all cases, the District Council will expect a high standard of design and layout and all applicants will be encouraged to improve the visual amenities of the particular locality in scale, external appearance, hard and soft landscaping and materials.

The South Downs Local Plan: Preferred Options underwent public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations (2012) between 2 September to 28 October 2015. The responses have been considered by the Authority. Subsequently, the South Downs Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation from 26 September to 21 November 2017.

The next stage in the plan preparation will be the submission of the Local Plan for independent examination. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with

paragraph 216 of the NPPF, which confirms that weight can be given to policies in emerging plans following publication. The following policies are relevant.

The South Downs Local Plan: Preferred Options underwent public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations (2012) between 2 September to 28 October 2015. The responses have been considered by the Authority. Subsequently, the South Downs Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation from 26 September to 21 November 2017.

The next stage in the plan preparation will be the submission of the Local Plan for independent examination. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight can be given to policies in emerging plans following publication. The following policies are relevant.

### **Core Policy SD1: Sustainable Development**

1. When considering development proposals that accord with relevant policies in this Local Plan and with National Park purposes, the Authority will take a positive approach that reflects the presumption in favour of sustainable development. It will work with applicants to find solutions to ensure that those development proposals can be approved without delay, unless material planning considerations indicate otherwise.
2. The National Park purposes are i) to conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and ii) to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. Where it appears that there is a conflict between the National Park purposes, greater weight will be attached to the first of those purposes. In pursuit of the purposes, the National Park Authority will pay due regard to its duty to seek to foster the economic and social well-being of the local communities within the National Park.
3. When determining any planning application, the Authority will consider the cumulative impacts of development.
4. Planning permission will be refused where development proposals fail to conserve the landscape, natural beauty, wildlife and cultural heritage of the National Park unless, exceptionally:
  - a) The benefits of the proposals demonstrably outweigh the great weight to be attached to those interests; and
  - b) There is substantial compliance with other relevant policies in the development plan.

### **Strategic Policy SD4: Landscape Character**

1. Development proposals will only be permitted where they conserve and enhance landscape character by demonstrating that:
  - a) They are informed by landscape character, reflecting the context and type of landscape in which the development is located;



b) The design, layout and scale of proposals conserve and enhance existing landscape and seascape character features which contribute to the distinctive character, pattern and evolution of the landscape;

c) They will safeguard the experiential and amenity qualities of the landscape; d) Where planting is considered appropriate, it is consistent with local character, enhances biodiversity, contributes to the delivery of green infrastructure and uses native species, unless there are appropriate and justified reasons to select non-native species; and

2. Where development proposals are within designed landscapes, or the setting of designed landscapes, (including historic parkscapes and those on the Historic England Register of Historic Parks and Gardens) they should be based on a demonstrable understanding of the design principles of the landscape and should be complementary to it.

3. The individual identity of settlements and the integrity of predominantly open and undeveloped land between settlements will not be undermined.

4. Green and blue corridors will be safeguarded. Development proposals should identify and take opportunities to create and connect green and blue corridors.

5. The restoration of landscapes where either natural or cultural heritage features have been lost or degraded will be supported where it contributes positively to landscape character.

### **Strategic Policy SD5: Design**

1. Development proposals will only be permitted where they adopt a landscape-led approach and respect the local character, through sensitive and high quality design that makes a positive contribution to the overall character and appearance of the area. The following design principles should be adopted as appropriate:

a) Integrate with, respect and sympathetically complement the landscape character by ensuring development proposals are demonstrably informed by an assessment of the landscape context;

b) Achieve effective and high quality routes for people and wildlife, taking opportunities to connect green infrastructure;

c) Contribute to local distinctiveness and sense of place through its relationship to adjoining buildings, spaces and landscape features, including historic settlement pattern

d) Create high-quality, clearly defined public and private spaces within the public realm;

e) Incorporate hard and soft landscape treatment which takes opportunities to connect to the wider landscape, enhances green infrastructure, and is consistent with local character;

f) Utilise architectural design which is appropriate and sympathetic to its setting in terms of height, massing, density, roof form, materials, night and day visibility, elevational and, where relevant, vernacular detailing;

g) Provide high quality, secure, accessible, and where possible, integrated storage for general and recycling waste, heating fuel, and transport related equipment;

- h) Provide high quality outdoor amenity space appropriate to the needs of its occupiers or users;
- i) Ensure development proposals are durable, sustainable and adaptable over time, and provide sufficient internal space to meet the needs of a range of users;
- j) Give regard to improving safety and perceptions of safety, and be inclusive and accessible for all; and
- k) Have regard to avoiding harmful impact upon, or from, any surrounding uses and amenities.

### **Strategic Policy SD25: Development Strategy**

1. The principle of development within the following settlements, as defined on the Policies Map\*, will be supported, provided that development:

- a) Is of a scale and nature appropriate to the character and function of the settlement in its landscape context;
- b) Makes best use of suitable and available previously developed land in the settlement; and
- c) Makes efficient and appropriate use of land.

#### Western Downs

- Chawton
- Cheriton / Hinton Marsh
- Itchen Abbas
- Farringdon (Lower and Upper)
- Stroud

#### Western Weald

- Binsted
- Easebourne
- Fernhurst
- Fittleworth
- Greatham
- Milland
- Northchapel
- Petersfield
- Petworth
- Rogate
- Liss (including Liss Forest and West Liss)
- Lodsworth
- Midhurst
- Sheet
- South Harting
- Stedham

#### Scarp Slope

- Buriton
- Bury
- Cocking
- Ditchling
- East Meon
- Graffham
- Poynings
- Selborne
- Steep
- Washington
- West Meon

#### Dip Slope

- Compton
- Corhampton and Meonstoke
- Droxford
- East Dean and Friston
- Findon
- Hambledon
- Owslebury
- Pyecombe
- Singleton
- Slindon
- Twyford

#### Coastal Plain

- Funtington
- Lavant ( including Mid Lavant and East Lavant)
- West Ashling

#### River Arun Corridor

- Amberley
- Coldwaltham
- Watersfield
- River Ouse Corridor
- Kingston near Lewes
- Rodmell
- Lewes

#### River Cuckmere Corridor

- Alfriston

2. Exceptionally, development will be permitted outside of settlement boundaries, where it complies with relevant policies in this Local Plan, responds to the context of the relevant broad area or river corridor, and:

a) It is allocated for development or safeguarded for the use proposed as part of the Development Plan; or

- b) There is an essential need for a countryside location; or
- c) In the case of community infrastructure, there is a proven need for the development that demonstrably cannot be met elsewhere; or
- d) It is an appropriate reuse of a previously developed site, excepting residential gardens, and conserves and enhances the special qualities of the National Park.

3. In considering development proposals outside settlement boundaries within rural estates and large farms, positive regard will be had to the following:

- a) The development proposals are part of a Whole Estate Plan that has been endorsed by the National Park Authority; and
- b) The development proposals deliver multiple benefits in line with the purposes and the special qualities of the National Park and in regard to ecosystem services.

\*Additionally, a portion of the Arundel settlement boundary is shown on the Policies Map. Other settlements not listed in Policy SD25 may also be shown on the Policies Map if an NDP has allocated, designated or safeguarded sites or areas within the National Park.

## **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 2018)

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**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

