

COPY

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
(as amended)

LISTED BUILDING ENFORCEMENT NOTICE

ISSUED BY: CHICHESTER DISTRICT COUNCIL

Acting as Agent for **SOUTH DOWNS NATIONAL PARK**
which is the Local Planning Authority

REFERENCE NUMBER: FH/24

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that works have been executed to a listed building in their area; and that the works are such as to involve a contravention of Section 9(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 (the "the Act"). They consider that it is expedient to issue this notice, having regard to the effect of the works on the character of the building as one of special architectural or historic interest.

2. **THE BUILDING AFFECTED**

Building at The White House The Green Fernhurst West Sussex shown edged in red on the attached plan ("the Building").

3. **THE CONTRAVENTION ALLEGED**

Without listed building consent, the partial demolition (in the approximate position shown on the attached plan) of a boundary wall, which is within the curtilage of the Building.

The works contravene Section 7 of the Planning (Listed Buildings & Conservation Areas) Act 1990 in that they involve the demolition of a listed Building in a manner affecting its character as a building of special historic interest without consent.

4. **REASONS FOR ISSUING THIS NOTICE**

The wall forms the boundary of a grade II* listed building and is within the Fernhurst Conservation area. It is located in a prominent position adjacent to the village green, the highway and a public footpath. The Council considers that the boundary wall contributes to the historic setting of the listed building and the Conservation Area.

The removal of the wall conflicts with policies BE4, BE5 & BE6 of the Chichester District Local Plan First Review 1999, paragraphs 7, 8, 184, 191, 192, 193, 195, 196 & 198 of The National Planning Policy framework and Policies SD12, SD13 & SD15 of The South Downs Local Plan Submission (2018).

The Council considers that listed building consent should not be granted for the works because conditions attached to the consent could not overcome these objections.

5. WHAT YOU ARE REQUIRED TO DO

In exercise of their powers under Section 38 of the Act, the Council require that the steps specified below be taken:-

Reinstate the brick and stone wall using retained stone and bricks where possible to match the existing original wall in height, form and design as shown in photographs attached and finish using lime mortar and capping bricks to replicate the existing;

Time for compliance: Six months beginning on the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

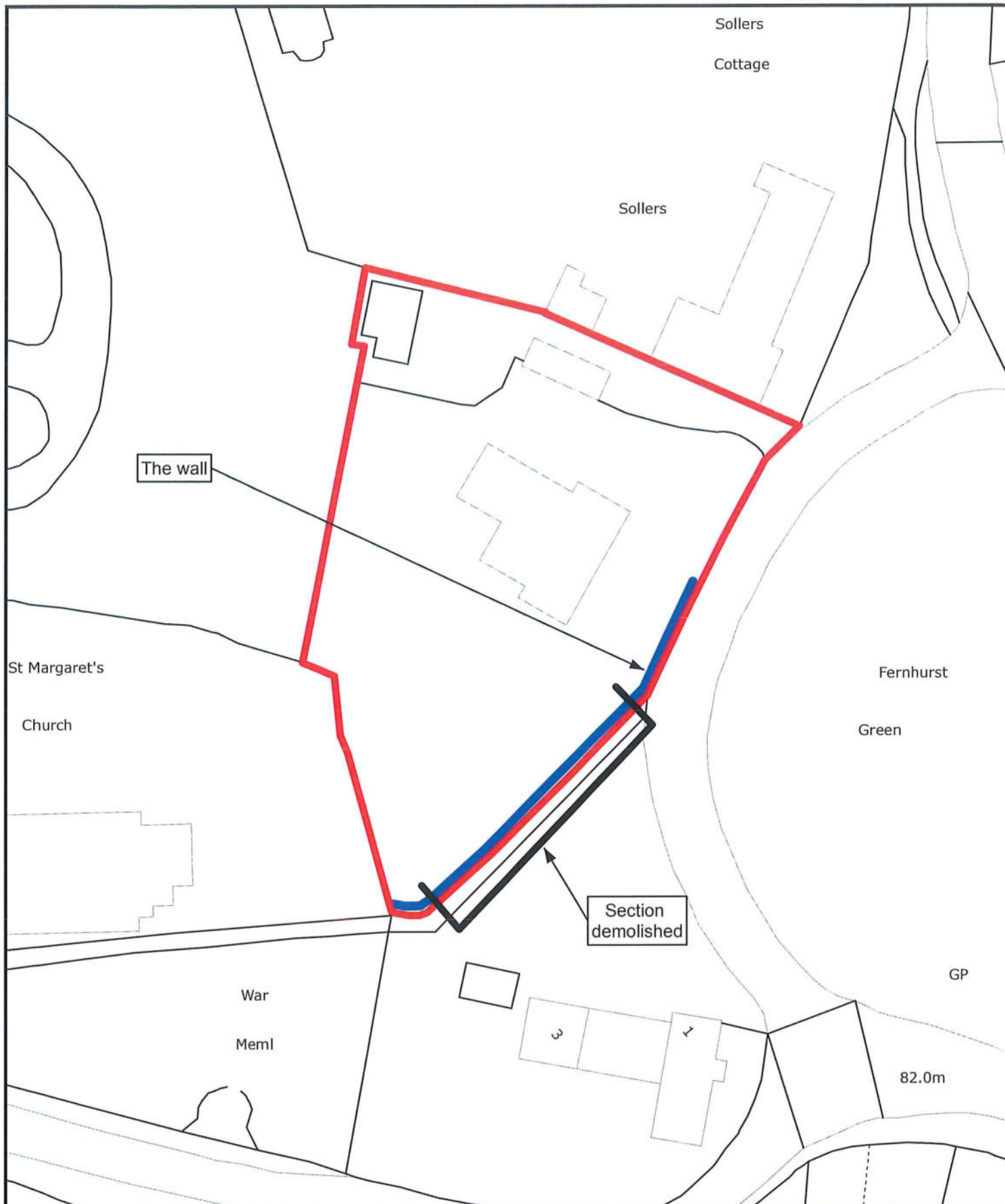
This notice takes effect on 6th March 2019 unless an appeal under Section 39 is made against it beforehand.

Dated: 23rd

Signed:

Pr

on behalf of
Chichester District Council
East Pallant House
East Pallant, Chichester
West Sussex
PO19 1TY



CHICHESTER DISTRICT COUNCIL

Working in partnership with the South Downs National Park



Subject: Listed Building Enforcement Notice Plan

LOCATION: The White House, The Green, Fernhurst, West Sussex

File Reference:
HY/SDNP/17/00120/COU

Scale: 1:500

Loc: 489,928.554 128,519.748

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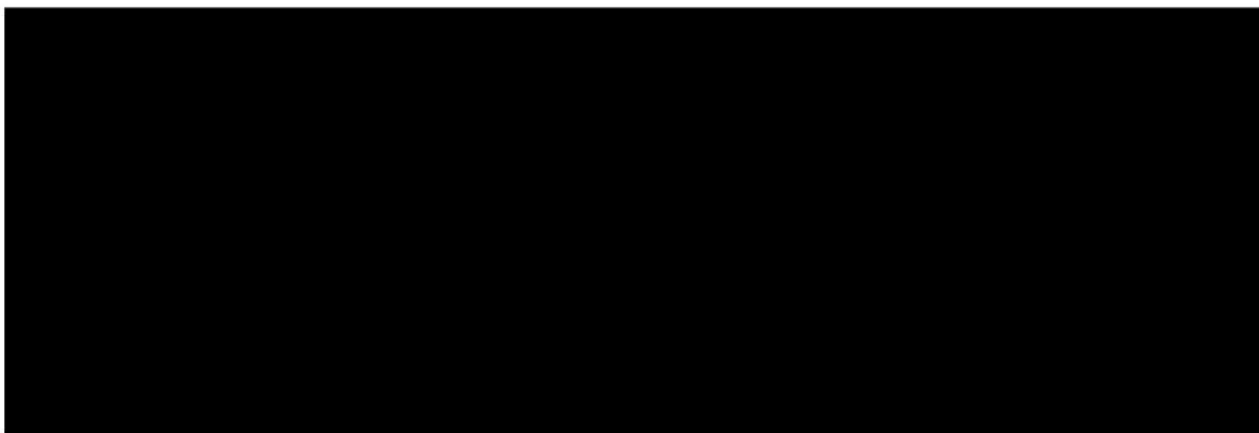
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PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

This Listed Building Enforcement Notice has been served on the following individuals / organisations:



ANNEX

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 Secretary of State before 6th March 2019 (i.e. the date when this notice takes effect). The enclosed information sheet from The Planning Inspectorate tells you how to make an appeal.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on 6th March 2019 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 specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

EXISTING CRIMINAL LIABILITY

Section 9 of the Act creates immediate criminal liability if a person executes or causes to be executed any works for the demolition of a listed building, or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised. This criminal liability is independent of enforcement action commenced by an enforcement notice. You may, therefore, be liable to prosecution under Section 9 of the Act.