

## **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)

**Issued By : South Downs National Park Authority**

1. **THIS IS A FORMAL NOTICE** which is issued by 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**

Land North West of Upton Farm House, Chilgrove Road, West Dean, Chichester, West Sussex, PO18 9JA, shown edged red on the attached plan

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

The engineering of an inert material bund with imported materials around three sides of a field North West of Upton Farm House and adjacent to road B2141.

4. **THE REASON FOR ISSUING THE NOTICE**

The Authority considers that a breach of planning control has occurred within the last four years without the benefit of planning permission and is unacceptable for the following reason:

The unauthorised engineered bund is considered to fail to conserve or enhance the natural beauty and landscape of the South Downs National Park. The scale, form and design does not take into account the need to integrate

with local landscape character and the characteristics of the site in terms of topography and natural and man-made features.

This unauthorised engineered bund is contrary to National Planning Policy Framework paragraphs 170 and 172, South Downs National Park Purposes, Policy W9, W11, W12, W13, W14 and W16 of the West Sussex waste Local Plan 2014, Policy RE4, RE7, RE8, RE12 of Chichester Local Plan 1999 and Policy SD2, SD4 and SD39 of the Emerging South Downs National Park Local Plan.

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

Remove the entirety of the inert material bund and dispose of the material at a registered waste disposal site, providing waste transfer notes to the South Downs National Park Authority.

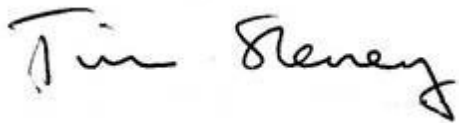
**6. TIME FOR COMPLIANCE**

Three (3) months from the day this notice takes effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 28 April 2019 unless an appeal is made against it beforehand.

**Date : 29 March 2019**

A handwritten signature in black ink that reads "Tim Slaney". The signature is written in a cursive style with a large, stylized 'T' and 'S'.

**Signed : Tim Slaney**

## **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 £234 for each 0.1 hectare (or part thereof) 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**

Paragraph 170 and 172 of the National Planning Policy Framework (NPPF) (2019)

W9, W11, W12, W13, W14 and W16 of the West Sussex Waste Local Plan (2014)

Strategic Policy SD2, SD4 and SD39 of the Emerging South Downs Local Plan (2017)

RE4, RE7, RE8, RE12 of the Chichester District Local Plan (1999)

## **ANNEX 5**

### **GUIDANCE NOTES ON HOW TO MAKE AN APPEAL**

Printed copies attached

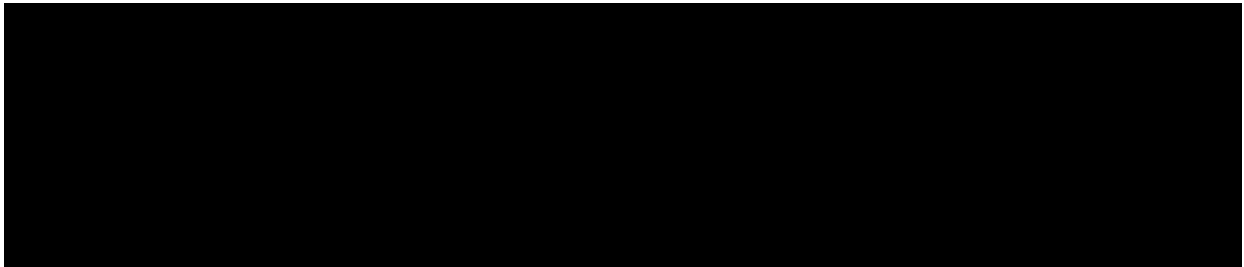
1. Planning Inspectorate – Making your appeal - How to Complete Your Enforcement Appeal Form - England (March 2019)
2. Planning Inspectorate – Procedural Guidance – Enforcement Notice Appeals - England (March 2019)

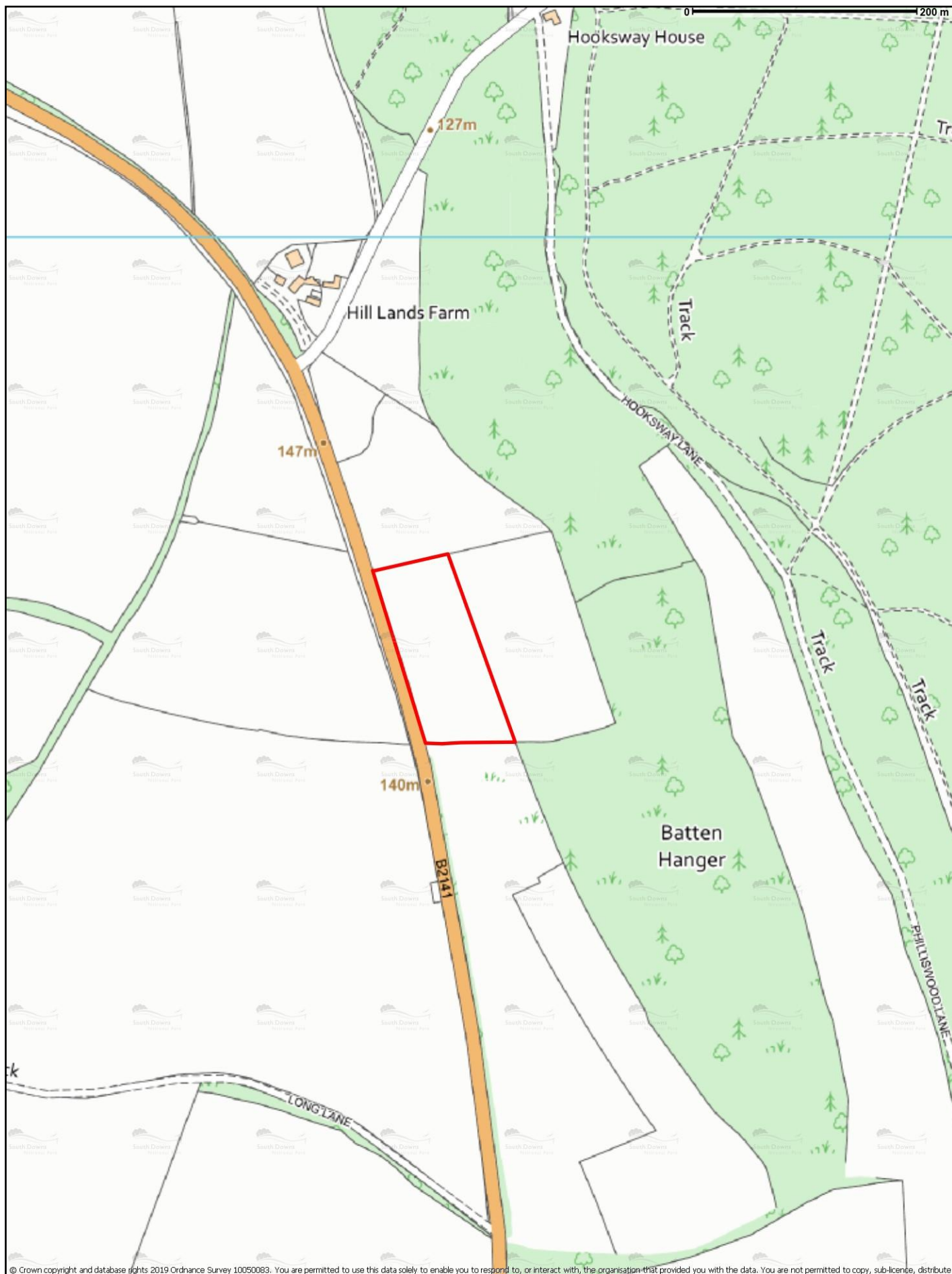
These documents can also be found at:

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

## **ANNEX 6**

### **THOSE PERSONS SERVED WITH THIS NOTICE**





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**SDNP/18/00698/MINWAS**

**Land North West of Upton Farm House**



