

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 the South Downs National Park Authority ("the Authority"), 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 this Notice and the enclosures to which it refers contain important additional information.

- 2. THE LAND TO WHICH THE NOTICE RELATES**

Land to the South of the A27 known as The Ranch, Water Lane, Angmering, West Sussex, BN16 4ER, shown edged black on the attached plan

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

Without planning permission and within the last 10 years the material change of use of Land to residential and the construction of a structure for the purposes of human habitation, shown in the approximate position on the attached Plan as a red hatched rectangular 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 ten years.

The land is situated within the South Downs National Park. The Authority 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.

It is also the duty of the Authority to seek to foster economic and social well-being of the local communities within the National Park.

The Authority is of the opinion that the use of the Land for residential accommodation is a material change of use of the Land and within designated countryside. By virtue of its location, scale, nature and extent, constitutes an unsustainable and unjustified form of development, which does not conserve or enhance the National Park landscape.

The proposal is therefore contrary to

National Planning Policy Framework (2018),

Paragraph 78 and 79 of the National Planning Policy Framework
Paragraph 172 of the National Planning Policy Framework

The First Purpose of a National Park, – to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.

The South Downs Partnership Management Plan (2013)

The submission South Downs Local Plan incorporating main modifications to the pre-submission local plan: 2014 - 2033.
Policies SD1, SD4, SD5 and SD25.

The Arun District Local Plan 2003.

GEN 1 Sustainable Development
GEN 3 – Protection of the Countryside
GEN 7 – The form of New Development

The Authority does not consider that planning permission should be granted because planning conditions could not overcome these objections to the material change of use of the Land.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the use of the land for the stationing of the structure for the purposes of human habitation.
- (ii) Remove the structure as marked on the attached plan as a rectangular red box from the land
- (iii) Remove the concrete footings and pads which facilitate the structure being on site and restore the land.
- (iv) Remove any items associated to the structure and domestic living.

6. TIME FOR COMPLIANCE

- (i) 2 Months beginning with the day on which the notice was served on you.
- (ii) 2 Months beginning with the day on which the notice was served on you.
- (iii) 2 Months beginning with the day on which the notice was served on you.
- (iv) 2 Months beginning with the day on which the notice was served on you.

7. WHEN THIS NOTICE TAKES EFFECT

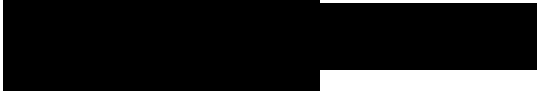
This notice takes effect on **10th June 2019** unless an appeal is made against it beforehand.

Date : 09/05/19

Signed :

A large black rectangular box redacting the signature.A small black rectangular box redacting a line of text.

On behalf of: South Downs National Park Authority

A black rectangular box redacting the name of the representative.

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/enfinfosheet.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 £924.00 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.

NPPF 2018

78. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

79. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential

dwelling; or

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

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 Broads⁵⁴. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development⁵⁵ 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.

Partnership Management Plan

5.15 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It is not a development plan document but it sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan (see below).

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 1 – Conserve and enhance the natural beauty and special qualities of the landscape and its setting, in ways that allows it to continue to evolve and become more resilient to the impacts of climate change and other pressures.
- General Policy 3 – Protect and enhance tranquillity and dark night skies.
- General Policy 5 – Create more, bigger, better-managed and connected areas of habitat in and around the National Park, which deliver multiple benefits for people and wildlife.

Emerging SDNP local plan

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.

SD4: Landscape Character

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 settlement pattern and 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 features have been lost or degraded will be supported where it contributes positively to landscape character.

SD5: Design

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.

SD25: Development Strategy

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

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

Arundel Local Plan District Local Plan 2003

POLICY GEN1 Sustainability

All development must take full account of the need to protect the environment so that present-day demands do not compromise the ability of future generations to meet their own needs or enjoy a high quality environment. All development must reflect the need to safeguard and improve the quality of life of residents, conserve energy resources and protect and, where possible, enhance the Plan area's essential character and environmental assets such as:

- the Sussex Downs AONB;
- the general attractiveness and diversity of the landscape;
- the open and undeveloped nature of the countryside;
- areas of wildlife and ecological value;
- the setting, form and character of settlements;
- the quality of natural assets, such as air supply, water environments and high quality agricultural land;
- buildings and areas of historic and architectural interest;
- sites of archaeological importance;

- land of recreation and amenity value;
- the public rights-of-way network.
-

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).

Reason

The countryside is an important resource and needs to be protected for its own sake.

Explanation

I.11 The District Council intends to continue protecting the natural environment by strictly controlling development in the countryside. Development outside the defined built-up area will only be allowed in exceptional circumstances or where there is strong justification for a countryside location.

I.12 Rural diversification aims to help replace income lost from existing sources so that farmers can remain actively farming and continue to be stewards of the countryside. The submission of "Whole Farm Plans" to accompany farm diversification proposals will be encouraged.

I.13 Subject to the requirements of Policy DEV8 in Section 3, the Council recognises that some commercial development outside the defined built-up area will be necessary to meet the needs of the local economy.

Reason

To meet the primary aim of the Plan. The importance of environmental considerations in maintaining the quality of life, including access to social and economic facilities, is widely recognised, as is the protection of the environment.

Informative

I.05 Environmental Impact Assessments will be required in line with The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

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.

Reason

To protect and enhance the quality of the environment.

Explanation

I.40 It is important that new development, whether it is for residential, industrial, commercial or other purposes, makes a positive contribution to the quality of the environment. The District Council will expect good design, especially in sensitive areas and sites which are visible from public places, open spaces, roads, etc. The above policy summarises the District Council's normal development control criteria and adopted standards which will be applicable to all development proposals

I.41 Village Design Statements are documents undertaken by local communities. They describe the visual characteristics of a particular village and show how they can be protected and enhanced in new development. Once completed, these statements may be adopted by Arun District Council as Supplementary Planning Guidance and the Council will expect development proposals to be informed by them.

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

