

**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: 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 this Notice and the enclosures to which it refers contain important additional information.
2. **THE LAND TO WHICH THE NOTICE RELATES**  
  
Land at 2 Foxhole Cottages, Bedlam Street, Hurstpierpoint, Hassocks, West Sussex BN6 9EL shown in red on the attached plan.
3. **THE BREACH OF PLANNING CONTROL ALLEGED WITHOUT PLANNING PERMISSION**
  - i) Without planning permission, within the last ten (10) years, the change of use (within the red edged area on the attached plan) from an agricultural to a

- residential garden use associated with the main dwelling, classed as unauthorised development;
- ii) Without planning permission, within the last four (4) years, the erection of a greenhouse (marked on the attached plan ), classed as operational development;
  - iii) Without planning permission, within the last four (4) years, the erection of a shed / workshop (marked on the attached plan ), classed as operational development;
  - iv) Without planning permission, within the last four (4) years, the erection of decking around the Wellness Centre (marked on the attached plan ), classed as operational development;
  - v) Without planning permission, within the last four (4) years, the erection of an outside gym, barbeque wall, and any other non-permitted development (within the red area on the attached plan), classed as operational development;
  - vi) Without planning permission, within the last four (4) years, the creation of a wildlife pond, decked areas & lighting (marked on the attached plan), classed as operational development.

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

The Authority considers that a breach of planning control has occurred within the last four (4) years (for the operational development) and the last ten (10) years (for the change of use), without the benefit of planning permission, and is unacceptable because:

The development is harmful to the landscape character of the locality, and fails to conserve or enhance the natural beauty, wildlife and cultural heritage of the area by virtue of the incongruous and urbanising form of the various built elements. The development has a harmful visual impact on the rural landscape character of the area, including the historic parkland setting of nearby Grade I listed Danny House, from public footpath No. 47Hu, and from Wolstonbury Hill. The incorporation of agricultural land in to a residential curtilage, with the associated paraphernalia and structures, is therefore contrary to policies SD4, SD5, SD6 and SD25 of the South Downs Local Plan (2014-33), policies Hurst C1 and Hurst C2 of the Hurstpierpoint & Sayers Common Neighbourhood Development Plan (2015), the NPPF (2012), and the first purpose of the National Park.

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

- i) Cease any residential garden use of the area (marked red on the attached plan);
- ii) Remove the greenhouse (marked on the attached plan);
- iii) Remove the shed / workshop (marked on the attached plan);
- iv) Remove the decking around the Wellness Centre (marked on the attached plan);
- v) Remove the outside gym, barbeque wall, & any other non-permitted development (within the red area on the attached plan);
- vi) a) In respect of the wildlife pond, decked areas and lighting (marked within the red area on the attached plan), submit a full ecological survey and submit it to

the SDNPA detailing any reptile presence around the wildlife pond and associated decking;

- vi) b) Following the submission of a full ecological survey to the SDNPA, remove the wildlife pond, decked areas and lighting referred to in vi a) above, in accordance with written specifications from the SDNPA.

## **6. TIME FOR COMPLIANCE**

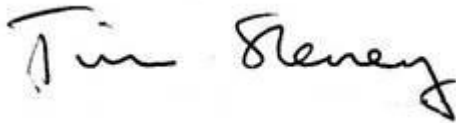
- i) Six (6) months beginning on the day this notice takes effect;
- ii) Six (6) months beginning on the day this notice takes effect;
- iii) Six (6) months beginning on the day this notice takes effect;
- iv) Six (6) months beginning on the day this notice takes effect;
- v) Six (6) months beginning on the day this notice takes effect;
- vi) a) Three (3) months beginning on the day this notice takes effect;
- vi) b) Three (3) months upon receipt of written specifications from the SDNPA.

## **7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **14 October 2019** unless an appeal is made against it beforehand.

**Date: 13 September 2019**

**Signed:**

A handwritten signature in black ink, appearing to read "Tim Stoney". The signature is written in a cursive, flowing style.

## **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 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:

SI71A	Expressions Used In Connection with Enforcement;
SI71B	Time Limits;
SI72	Issue of an Enforcement Notice;
I72A	Assurance as Regards Prosecution for Person Served with a Notice;
SI73	Contents and Effect of Notice;
SI73A	Variation and Withdrawal of Notice;
SI74	Appeal Against a Notice;
SI75	Appeal – Supplementary Provisions;
SI76	General Provisions Relating to the Determination of Appeals;
SI77	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 £385.00; to the South Downs National Park Authority (SDNPA). Joint appellants need only pay one (1) 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 fourteen (14) days.

## **ANNEX 4**

### **LIST OF ALL RELEVANT POLICIES**

S61 of the Environment Act 1995 and Paragraph 172 of the National Planning Policy Framework (NPPF).

Policies SD4, SD5, SD6 and SD25 of the South Downs Local Plan (2014-2033), and policies HustC1 and Hurst C2 of the Hurstpierpoint & Sayers Common Neighbourhood Development Plan (2015).

## **ANNEX 5**

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

Printed copies attached

1. Planning Inspectorate – Making your appeal - How to Complete Your Enforcement Notice Appeal Form - England (March 2019);
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]

