

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**

21 The Brow, Friston, Eastbourne, East Sussex, BN20 0ES shown edged in red on the attached plan. The breach is located at the front of the property, shown edged in black on the attached plan.

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

- i) Without the benefit of planning permission the front wall permitted under APP/Y9507/D/17/3176270 has been built at a height of 1.75m which is higher than the height of 1.35m permitted under that planning permission.

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

The SDNPA considers that a breach of planning control has occurred within the last four (4) years without the benefit of planning permission and is unacceptable for the following reasons:

The development is inappropriate in the context of the local area and fails to conserve or enhance this area of the National Park and is contrary to policy, SD5 of the South Downs Local Plan, the NPPF and the first purpose of the National Park.

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

South Downs National Park Authority, South Downs Centre, Midhurst, GU29 9DH
Tel: 01730 814810 Email: planning@southdowns.gov.uk

You must –

- i) Reduce the height of the wall to the permitted height of 1.35m.

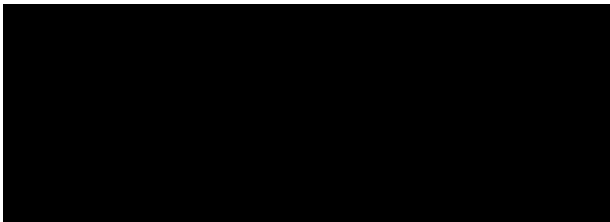
6. TIME FOR COMPLIANCE

- i) Two (2) months beginning with the day on which this notice was served on you.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 08 November 2019 unless an appeal is made against it beforehand.

Date : 09 October 2019



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 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

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. Conserve and enhance the natural beauty, wildlife and cultural heritage of the South Downs
2. Promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public

If there is a conflict between these two (2) purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in the pursuit of these purposes.

Paragraph 172 of the National Planning Policy Framework (NPPF) (2019) – Great weight should be given to conserving landscape and scenic beauty in the National Parks and conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks.

Paragraph 127 of the National Planning Policy Framework (NPPF) (2019) – Achieving well-designed places

Paragraph 58 of the National Planning Policy Framework (NPPF) (2019) – Effective enforcement is important to maintain public confidence in the planning system.

South Downs Local Plan (2019)

The relevant policy in the Local Plan is:

SD5 – Design

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 2016)

These documents can also be found at:

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

ANNEX 6

THOSE PERSONS SERVED WITH THIS NOTICE

