

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**

The Ranch, Water Lane, Angmering, West Sussex, BN16 4ER, shown edged black on the attached plan ("the Site")

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

Without planning permission and within the last four years, the creation of an acoustic barrier in the form of a tyre wall, which is marked on the attached plan as a red line within the Site

- 4. THE REASON FOR ISSUING THE NOTICE**

It appears to the Authority that the above breach of planning control has occurred within the last four years.

The Authority is of the opinion that the erection of the tyre wall for the use as a acoustic barrier is operational development and within designated countryside. By virtue of its location, scale, nature and extent, it constitutes an unsustainable and unjustified form of development, which does not conserve or enhance the National Park landscape.

The Site 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.

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

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 following NPPF paragraphs have been considered:

NPPF Paragraph 172 –

South Downs National Park Partnership Management Plan

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.

South Downs Local Plan

SD1: Sustainable Development

SD4: Landscape Character

SD5: Design

SD9: Biodiversity and Geodiversity

SD25: Development Strategy

SD55: Contaminated Land

5. WHAT YOU ARE REQUIRED TO DO

i) Dismantle the acoustic barrier which consists of a wall of tyres as marked as a red line in the on the attached plan.

ii) Once dismantled remove the tyres from the Site.

6. TIME FOR COMPLIANCE

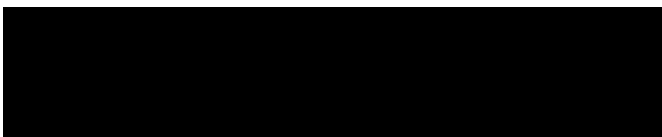
i) 2 Months beginning with the day on which the notice was served on you.

7. WHEN THIS NOTICE TAKES EFFECT

i) This notice takes effect on Friday 22nd November 2019 unless an appeal is made against it beforehand.

Date : 22nd October 2019

Signed : Tim Slaney

A large black rectangular redaction box covering the signature area.

Tim Slaney

On behalf of: South Downs National Park Authority
Nominated Officer: Andrew George
Telephone Number: 01730 819278

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 £ 468.00; 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

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

Relevant Government Planning Policy and Guidance

National Planning Policy Framework (NPPF) (July 2018)

The following NPPF paragraphs have been considered:

NPPF Paragraph 172 - Great weight should be given to conserving landscape and scenic beauty in the 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 Broads.

Partnership Management Plan

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.

South Downs Local Plan

In respect to the SDLP, the most relevant policies to consider in the assessment of this matter are as follows:

SD1: Sustainable Development

SD4: Landscape Character

SD5: Design

SD9: Biodiversity and Geodiversity

SD25: Development Strategy

SD55: Contaminated Land

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

