

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (TCPA 1990)

ENFORCEMENT NOTICE

Issued by: South Downs National Park (the Council)

1. ENFORCEMENT NOTICE

This is a formal notice issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the TCPA 1990, at the Land. It is considered expedient to issue this notice, having regard to the provisions of the development plan and to all 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 at The Bull, 2 High Street, Ditchling, BN6 8TA shown edged red on the attached plan (“the Land”).

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

Without planning permission and listed building consent the increase in level of the car park to the west end by 400mm, the use of the west end of the car park (adjacent to 1 High Street) for outdoor seating the approximate position of which is hatched in green on the attached plan and the erection and retention of the unauthorised store to the rear of the public house the approximate position of which is hatched in blue on the attached plan and highlighted in yellow on the attached photograph

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breaches of planning control have occurred within the last four years.

- The breaches have a detrimental impact on the character and appearance of the surrounding area which are highly visible from the highway and the surrounding area.
- The breaches are intrusive and unneighbourly
- **INCREASED GROUND LEVELS**

- The Council have refused planning permission SDNP/19/03033/FUL and Listed Building Consent SDNP/19/03034/LIS for the retention of the increase of ground level to the west end of the car park by 400mm. It is considered the increase in height and design of the ground levels increases the risk of flooding and causes an increased risk to the neighbouring properties and its occupants. The works, within close proximity to a listed building, is to the detriment of the character and setting of the listed building. The works facilitates the unauthorised seating area and have a detrimental impact on the local area, a heritage asset and neighbouring residents contrary to policies ST3 (design, form and setting of development) H5 (conservation areas) H2 listed building and CP11 (built and historic environment and design) of the Lewes district joint core strategy and SD5 (design), SD12 (historic environment), SD15 (conservation areas) and SD13 (listed buildings) of the South Downs local plan and paragraphs 2 (Achieving sustainable development) and 16 (Conserving and enhancing the historic environment) of the NPPF.
- **UNAUTHORISED SEATING AREA**
- The Council have refused planning permission SDNP/18/06288/FUL and SDNP/18/06287/LIS for the retention of the seating area to the west end of the car park (adjacent to 1 High Street). It is considered that the installation of a seating area in this location, within close proximity to a listed building, is to the detriment of the character and setting of the listed building. The siting of the seating area has resulted in unacceptable harm to the amenities of nearby residential properties from increased noise and disturbance. The siting, design and appearance of the seating area is incongruous within the street scene and is and the wider street scene and impacts on security of the local area and residents contrary to policies ST3 (design, form and setting of development) H5 (conservation areas) H2 listed building and CP11 (built and historic environment and design) of the Lewes district joint core strategy and SD5 (design), SD15 (conservation areas) and SD13 (listed buildings) of the South downs local plan.
- **RETENTION OF A STORE**
- The Council have refused planning permission SDNP/18/06294/FUL and SDNP/18/06291/LIS for the retention of a store to the rear of the public house. It is considered that the erection of a store in this location, within a conservation area and within the curtilage of a listed building is to the detriment of the character and appearance of the conservation area and Street scene and the character and setting of the listed building due to its size and visual impact. The works appear unsightly and out of place within the street scene to the detriment of the character and appearance of the listed building, the wider street scene and a conservation area, contrary to policies ST3 (design, form and setting of development), H5 (conservation areas) and H2 (listed buildings) of the Lewes district local plan and CP11 (built and historic environment and design) of the Lewes district joint core strategy and SD5 (design), SD 13 (listed buildings) and SD15 (conservation areas) of the South downs local plan.
- The Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development
- The Council has already considered three applications in relation to these breaches and all three have been refused planning permissions for reasons stated

on this enforcement notice and because planning conditions would not overcome these reasons for refusing planning permission

5. WHAT YOU ARE REQUIRED TO DO

You must:

(i) Reduce the west end of the car park by 400mm and restore the level of the car park to its original level.

(ii) Cease the use of the outdoor seating area to the west end of the car park (adjacent to 1 High Street, Ditchling).

(iii) Remove the store to the rear of the public house and all the materials resulting in its removal.

6. TIME FOR COMPLIANCE

The periods for compliance with the steps set out in paragraph 5 are:

(i) 2 Months from the date this notice takes effect.

(ii) 28 days from the date this notice takes effect.

(iii) 2 Months from the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 18 November 2019, unless an appeal is made against it beforehand.

Dated: 14 October 2019

Signed:

on

behalf

of

South Downs National Park Authority

Nominated officer: Jennifer Baxter

Telephone number: 01273 085446

ANNEX

South Downs National Park Authority has issued an enforcement notice relating to land at The Bull, 2 High Street, Ditchling, BN6 8TA and you are served with a copy of that notice as you have an interest in the Land. Copies of the notice have also been served on the parties listed at the end of this Annex.

YOUR RIGHT OF APPEAL

You can appeal against this enforcement notice, but any appeal must be **received** by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be delivered to the Planning Inspectorate) **before** the date specified in paragraph 7 of the notice.

If you want to appeal against this enforcement notice you can do it:

- Online at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs).
- By getting enforcement appeal forms from the Planning Inspectorate on 0303 444 5000 or by e-mailing the Planning Inspectorate at enquiries@pins.gsi.gov.uk.

You MUST make sure that PINS receive your appeal before the effective date on the enforcement notice.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:

- The name of the local planning authority.
- The site address.
- Your address.
- The effective date of the enforcement notice.

PINS MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.

The Planning Inspectorate's address and contact details are as follows:

The Planning Inspectorate

CST Room 3/13

Temple Quay House

2 The Square

BRISTOL BS1 6PN

Direct line: 0303 444 5000

Fax number: 0117 372 8782

Under section 174 of the TCPA 1990 you may appeal on one or more of the following grounds that:

- In respect of any breach of planning control which may have been 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.
- Those matters have not occurred.
- Those matters (if they have occurred) do not constitute a breach of planning control.
- 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.
- Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990.
- 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 such breach.
- Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 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 TCPA 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 £930.00. You should pay the fee to South Downs National Park Authority.

If you decide to appeal, you should state in writing the grounds(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 **OR** National Assembly] will send you a notice requiring you to do so within 14 days.

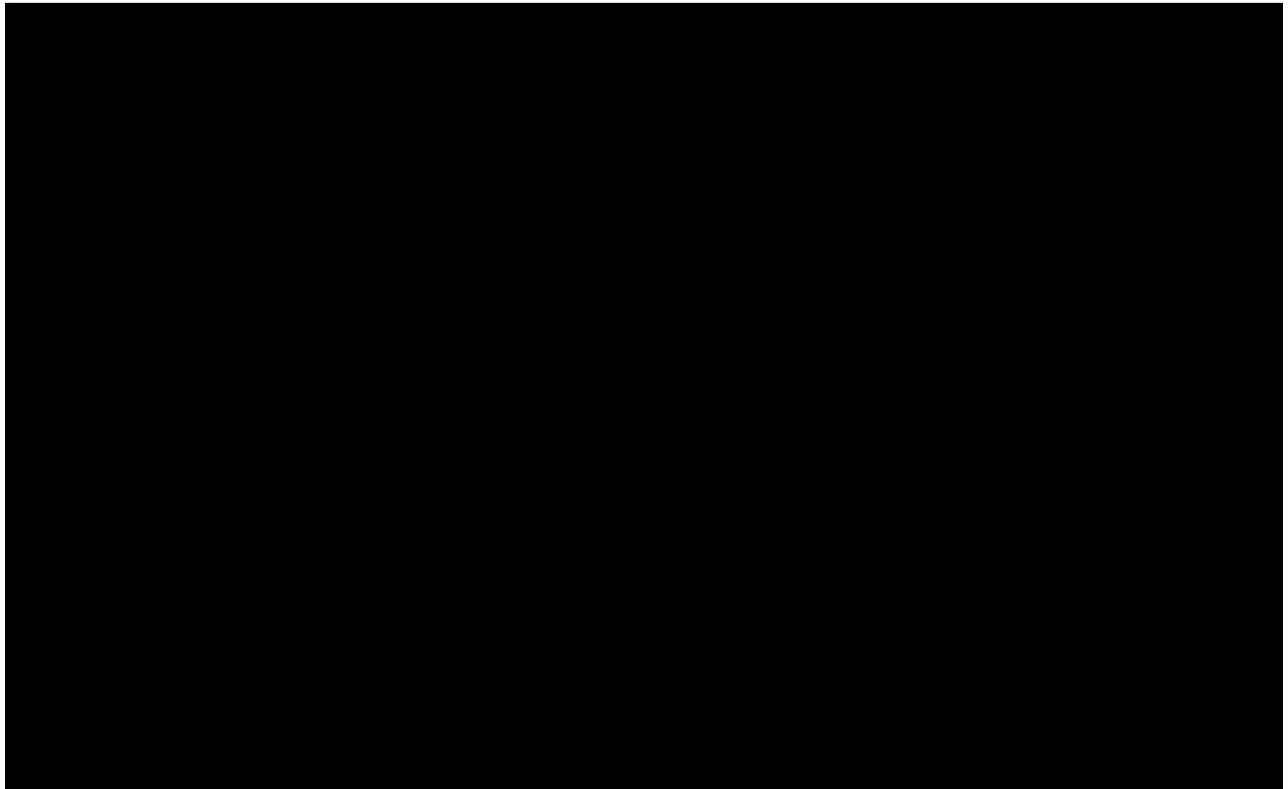
A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 are attached for your information.

WHAT HAPPENS IF YOU DO NOT APPEAL

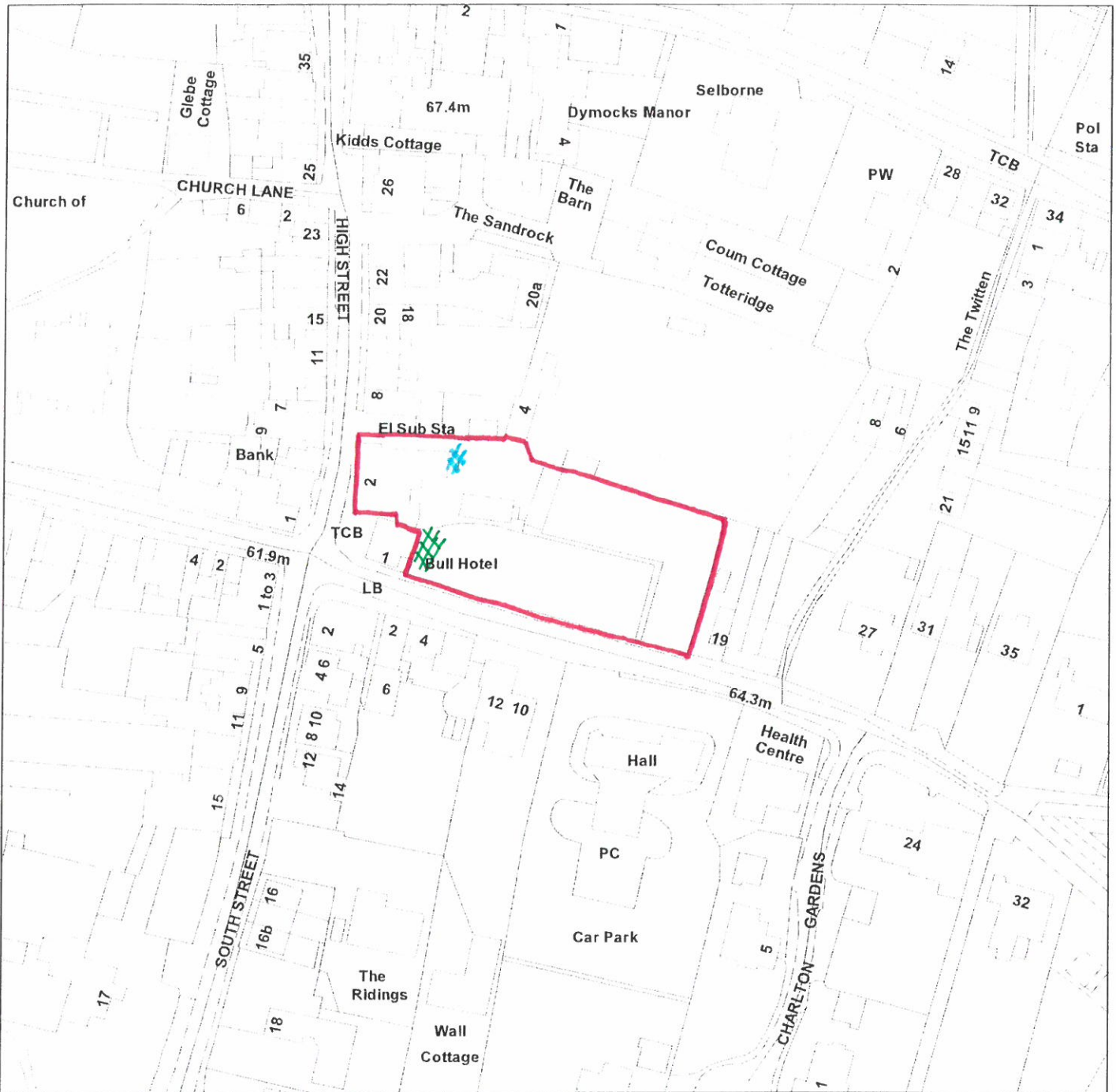
If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in

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 Council.

Persons served with a copy of this enforcement notice are as follows:



The Bull, Ditchling



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	
Date	28 August 2019
SLA Number	Not Set

