

COPY

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
(as amended)

LISTED BUILDING ENFORCEMENT NOTICE

ISSUED BY: CHICHESTER DISTRICT COUNCIL

Acting as Agent for **SOUTH DOWNS NATIONAL PARK**
which is the Local Planning Authority

REFERENCE NUMBER: MI/18

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that works have been executed to an outbuilding within the curtilage of a listed building in their area; and that the works are such as to involve a contravention of Section 9(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 (the "the Act"). They consider that it is expedient to issue this notice, having regard to the effect of the works on the character of the building as one of special architectural or historic interest.

2. THE BUILDING AFFECTED

Building at Half Moon, Petersfield Road, Midhurst, West Sussex shown edged in red on the attached plan ("the Building").

3. THE CONTRAVENTION ALLEGED

Without listed building consent, the demolition of the southern part of an outbuilding (shown edged blue on the attached plan), the alteration of the window in the south west elevation, the boarding up of the south east elevation with timber planks, and the removal of the corrugated sheeting on the southern roof slope and replacement with asphalt felting.

The Works contravene Section 9(1) of the Act in that they involve the alteration of a building within the curtilage of the Building in a manner affecting the character of the Building as a building of special architectural or historic interest, without listed building consent.

4. REASONS FOR ISSUING THIS NOTICE

The outbuilding is situated within the curtilage of a Grade II Listed Building. It is considered that the outbuilding contributes positively to the historic setting of the listed building. The partial demolition of a section of the building and subsequent repair work to the walls and roof has resulted in an adverse impact on the outbuilding, detracting from its historic character and appearance and the setting of the Listed Building.

Therefore it conflicts with paragraphs 11, 124, 170 & 184 of The National Planning Policy framework and Policies SD4, SD5, SD12, SD13 & SD34 of the South Downs Local Plan, 2019.

The Council considers that listed building consent should not be granted for the works because conditions attached to the consent could not overcome these objections.

5. WHAT YOU ARE REQUIRED TO DO

In exercise of their powers under Section 38 of the Act, the Council require that the steps specified below are carried out to the said outbuilding, which are necessary to alleviate to effect of the works which were carried out, without listed building consent:

- (i) Stain the new timber planks dark brown to match existing;
- (ii) Board over the window in the south west elevation with a wooden panel and stain it to match existing;
- (iii) Remove the asphalt felting from the south elevation of the roof and replace it with corrugated metal sheets to match that on the north elevation of the roof.

Time for compliance: Two months beginning on the date this notice takes effect.

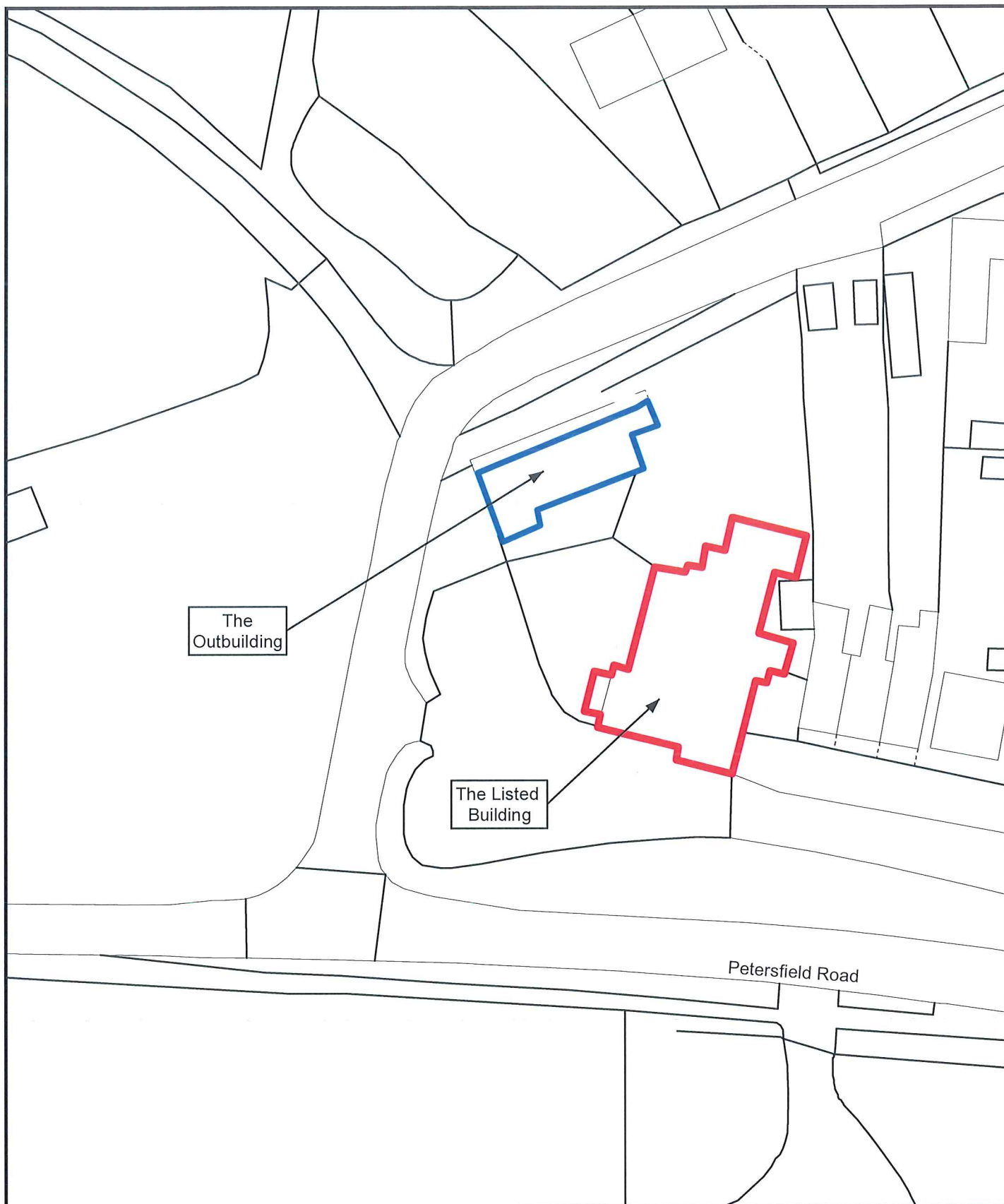
6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 26th March 2020 unless an appeal under Section 39 is made against it beforehand.

Dated: 13th February 2020

Signed:

on behalf of
Chichester District Council
East Pallant House
East Pallant, Chichester
West Sussex
PO19 1TY



CHICHESTER DISTRICT COUNCIL

Working in partnership with the South Downs National Park
ANDREW FROST

DIRECTOR OF PLANNING AND THE ENVIRONMENT



Subject: Listed Building Enforcement Notice Plan MI/18

LOCATION: Land at the Half Moon, Petersfield Road, Midhurst, West Sussex

File Reference:
MID/SDNP/19/00295/COU

Scale: 1:500

Loc: 487,760.200 121,807.790

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PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

This Listed Building Enforcement Notice has been served on the following individuals / organisations:

The Owner

[REDACTED]

The Occupier

[REDACTED]

The Enforcement Notice has been sent for information to the following individuals / organisations:

Other named Parties

[REDACTED]

ANNEX

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 Secretary of State before 26th March 2020 (i.e. the date when this notice takes effect). The enclosed information sheet from The Planning Inspectorate tells you how to make an appeal.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on 26th March 2020 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 specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

EXISTING CRIMINAL LIABILITY

Section 9 of the Act creates immediate criminal liability if a person executes or causes to be executed any works for the demolition of a listed building, or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised. This criminal liability is independent of enforcement action commenced by an enforcement notice. You may, therefore, be liable to prosecution under Section 9 of the Act.