

## **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 SDNPA 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**

Williams of Bordon, Meadow Farm, Green Street, East Worldham, Bordon, Hampshire, GU34 3AU, shown edged red on the attached plan ("the Land").

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

Without planning permission and within the last 4 (years) years operational development comprising the importation of inert soils and hardcore to raise the level of the Land.

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 in relation to the operational development of the importation of inert soils and hardcore to raise the level of the Land within the last 4 (four) years without the benefit of planning permission.

For the reasons set out below the Authority consider it expedient to issue this Enforcement Notice to remedy the harm caused by the planning breach;

### Contamination:

Evidence has not been provided to assure the SDNPA that the material imported would not contribute to levels of contamination and pollution to the site and wider area.

### Landscape/Visual Impact:

The unauthorised operational development is considered to fail to conserve or enhance the natural beauty of the landscape of the South Downs National Park. The scale, form and design does not take into account the need to integrate with local landscape character and the characteristics of the Land in terms of topography and natural and man-made features.

### Ecology:

It also does not take into account the need to enhance or conserve the local biodiversity of the area. The activities undertaken have negatively impacted the local ecology of the Land, without the supervision of a qualified ecologist.

### Principle of the Development:

This unauthorised operational development is contrary to National Planning Policy Framework paragraphs 174 and 176, the South Downs National Park Purposes, policies 1, 2, 4, 8, 10, 11, 12, 13, 14, 25, 27, 29, 30 and 33, of the Hampshire Minerals and Waste Plan 2013, and policies SD1, SD2, SD4, SD7, SD9, SD11, SD17, SD19, SD49, SD50, SD54 and SD55 of the South Downs Local Plan 2019. Therefore, the principle of the development is not acceptable.

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

- i) Cease the importation to the Land of inert material which contains soil and hardcore.
- ii) Remove from the Land all the deposited inert material which contains soil and hardcore. Copies of the completed Environment Agency Duty of Care Waste Transfer Note is to be sent to the SDNPA. All inert waste shall be removed by machines which can be operated with a good degree of accuracy and sensitivity with regards to ecology.
- iii) Return the land levels of the Land to those prior to the importation of the inert material

## **6. TIME FOR COMPLIANCE**

- i) 1 day after this Notice takes effect
- ii) Two (2) months from the day this Notice takes effect.
- iii) Two (2) months from the day this Notice takes effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

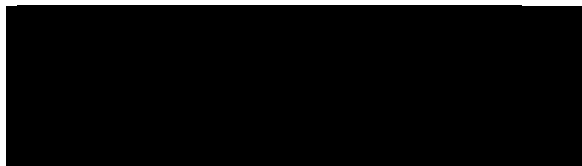
This notice takes effect on **4 September 2021** unless an appeal is made against it beforehand.

**8. TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)(ENGLAND AND WALES) REGULATIONS 1999**

The SDNPA considers that the development is not EIA development. If the development subject of this Notice were to be granted planning permission, an environmental statement would not be required.

**Date: 4 August 2021**

**Signed:**



## **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:

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 £924.00; 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**

S61 of the Environment Act 1995 and Paragraph 174 and 176 of the National Planning Policy Framework (NPPF)

Policies SD1, SD2, SD4, SD7, SD9, SD11, SD17, SD19, SD49, SD50, SD54 and SD55 of the South Downs Local Plan 2019

Policies 1, 2, 4, 8, 10, 11, 12, 13, 14, 25, 27, 29, 30 and 33, of the Hampshire Minerals and Waste Plan 2013.

## **ANNEX 5**

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

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**

