

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)**

TO:



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 Explanatory Notes, which accompany this notice, and the enclosures to which it refers, contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Field opposite (to the west) Clayton Wood Burial Ground (grid reference 529700 114517), Brighton Road, Hassocks, West Sussex BN6 9PD, shown edged red on the attached plan.

3. THE BREACH OF PLANNING CONTROL ALLEGED WITHOUT PLANNING PERMISSION

Without planning permission and within the last ten (10) years, the change of use from an agricultural field to a dog walking facility and formal parking arrangements. In addition, without planning permission and within the last four (4) years, the operational development of fencing and gates with black and green meshing.

South Downs National Park Authority, South Downs Centre, Midhurst, GU29 9DH

Tel: 01730 814810

Email: planning@southdowns.gov.uk

4. THE REASONS FOR ISSUING THE NOTICE

i) The development does not provide adequate visibility at the site access to provide safe and suitable access for users of the highway and could have a severe impact upon highway safety. The development is therefore contrary to policy SD19 of the South Downs Local Plan 2019, and paragraph 111 of the NPPF 2021.

ii) By virtue of its nature and siting, the development via changing the use of the land and associated infrastructure (particularly parking and fencing) constitutes a form of uncharacteristic development in the countryside location of Hassocks. This has a visually intrusive and adverse impact upon the intrinsic value, tranquillity and verdant character of the surrounding agrarian landscape. The development harms the surrounding landscape character, contrary to policies SD4, SD5, SD6, SD7 and SD25 of the South Downs Local Plan, policy 6 of the Hassocks Neighbourhood Plan 2020, the overarching principles of the NPPF 2021, and the first purpose of the National Park.

5. WHAT YOU ARE REQUIRED TO DO

i) Cease the use on the land, namely the exercising of dogs and parking of vehicles, and any other unauthorised use on the land, returning it to an agricultural field;

ii) Remove any fencing, plastic mesh, fence posts, gates, mud control mats, and any other unauthorised additional paraphernalia.

6. TIME FOR COMPLIANCE

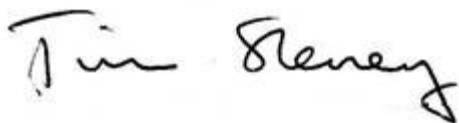
i) Three (3) months after this Notice takes effect;

ii) Three (3) months after this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 4 July 2022 unless an appeal is made against it beforehand.

Date: 6 June 2022



Signed: Tim Slaney

Director of Planning

SDNPA, South Downs Centre, North Street, Midhurst, West Sussex GU29 9DH.

Explanatory Notes

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>.

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.

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 to the South Downs National Park Authority. Please contact Development Management department at the SDNPA for details of the required fee. 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.

LIST OF ALL RELEVANT POLICIES

National Park purpose 1

National Planning Policy Framework (NPPF) (2021) paragraph 11

South Downs Local Plan (2019)

SD4: Landscape Character

SD5: Design

SD6: Safeguarding Views

SD7: Relative Tranquillity

SD19: Transport and Accessibility

SD25: Development Strategy

Hassocks Neighbourhood Plan (2020)

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 (April 2022).

2.Planning Inspectorate – Procedural Guidance – Enforcement Notice Appeals - England (April 2022)

These documents can also be found at:

[https://www.gov.uk/appeal-enforcement-notice.](https://www.gov.uk/appeal-enforcement-notice)

THOSE PERSONS SERVED WITH THIS NOTICE

[Redacted]

[Redacted]