



**Horsham  
District  
Council**

Working in Partnership



**South Downs  
National Park**

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**ENFORCEMENT NOTICE**

**MATERIAL CHANGE OF USE**

**Issued by:** Horsham District Council (“the Council”) on behalf of the South Downs National Park Authority (“the SDNPA”)

**Reference number: SDNP/20/00601/COU**

1. **THIS NOTICE** is issued by the Council on behalf of the SDNPA because it appears to them 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. They consider 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**  
  
Land at Link Farm, Wiggonholt, Pulborough, West Sussex, RH20 2EL, shown edged red on the attached plan (“the Land”).
3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**  
  
Within the last 10 years and without planning permission, the change of use of the land for the continued use for the storage of bricks on the Land.
4. **REASONS FOR ISSUING THIS NOTICE**
  - (1) It has not been demonstrated to the satisfaction of the Local Planning Authority that the unauthorised use of land would support the needs of the rural economy, or relate to the National Park’s key sectors of farming, forestry and tourism, as an essential form of development to this countryside location. It is not considered that an exceptional circumstance for development beyond a defined settlement boundary has been demonstrated, with the unauthorised use deemed contrary to policies SD25 and SD34 of the South Downs Local Plan (2019).

- (2) The use of land for the open-air storage of bricks reinforces an increased degree of urbanisation within the immediate site surrounds and represents an incongruous form of development which is detrimental to the rural and undeveloped qualities of the locality. The proposal fails to sympathetically integrate with the character of the surroundings landscape and does not respect the natural beauty of the National Park, contrary to policies SD4 and SD5 of the South Downs Local Plan (2019).
- (3) The site lies to the southern edge of the Arun Valley Ramsar, SAC and SPA and Amberley Wild Brook SSSI and is within the wider conservation area for The Mens SAC. Insufficient information has been provided to determine that the unauthorised development would not result in harm to protected species. The Planning Authority does not therefore have certainty of likely impacts on European designated sites, European Protected Species nor irreplaceable habitat (ancient woodland) and whether appropriate and effective mitigation can be secured to make the use acceptable. The unauthorised use would be contrary to policy SD9 and SD10 of the SDLP and the National Planning Policy Framework.

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

- (1) Cease the use of the Land for the storage of bricks.
- (2) Remove all the bricks from the Land.
- (3) Remove from the Land all materials and debris resulting from the compliance of the above steps.
- (5) Restore the Land to its former condition before the breach took place.

## **6. TIME FOR COMPLIANCE**

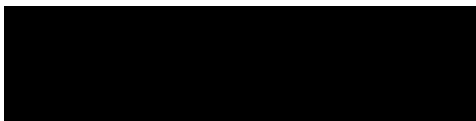
Three months from the date this notice takes effect.

## **7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 15 July 2022 unless an appeal is made against it beforehand.

Dated: 13 June 2022

Signed:



Sharon Evans

Head of Legal and Democratic Services, Horsham District Council, Parkside, Chart Way, Horsham, West Sussex RH12 1RL

Nominated officer Jennifer Baxter

Telephone number 01403 215280

## 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 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. You can also find the information sheet at the following link:

<https://www.gov.uk/government/publications/enforcement-appeals-appeal-information-sheet-for-local-planning-authorities>

### WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against the enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must 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.

## **EXPLANATORY NOTE**

Horsham District Council has issued an enforcement notice relating to land at Link Farm, Wiggonholt, Pulborough, West Sussex, RH20 2EL and you are served with a copy of the 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 explanatory note.

### **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 received by the Planning Inspectorate before the date specified in paragraph 6 of the notice).

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal.

### **GROUND OF APPEAL**

The grounds of appeal are set out in section 174 of the Act. You may appeal on one or more of the following grounds:

- 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 (ground a);
- Those matters have not occurred (ground b);
- Those matters (if they have occurred) do not constitute a breach of planning control (ground c);
- 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 (ground d);
- Copies of the enforcement notice were not served as required by section 172 of the Act (ground e);
- The steps required 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 (ground f);
- Any period specified in the notice accordance with section 173(9) of the Act falls short of what should reasonably be allowed (ground g).

Not all of these grounds may be relevant to you.

### **PLANNING APPLICATION FEE**

If you wish to appeal on ground a of section 174(2) of the Act, 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**. You should pay the fee to South Downs National Park Authority. If the fee is not paid that ground of appeal is not valid.

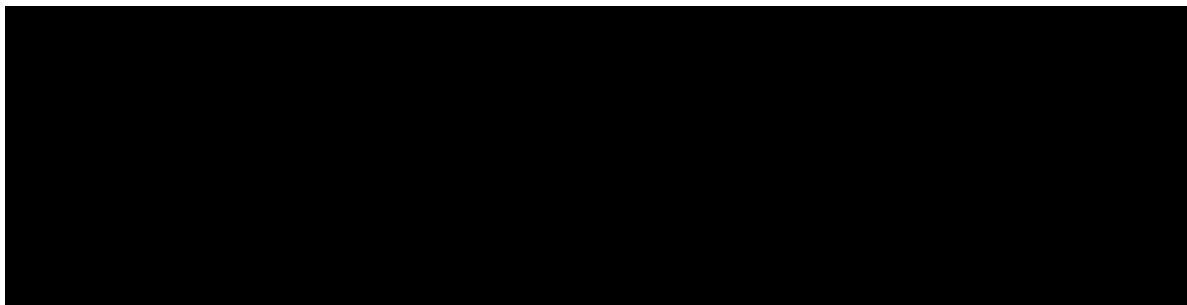
### **STATEMENT ON GROUNDS OF APPEAL**

If you decide to appeal, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you 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.

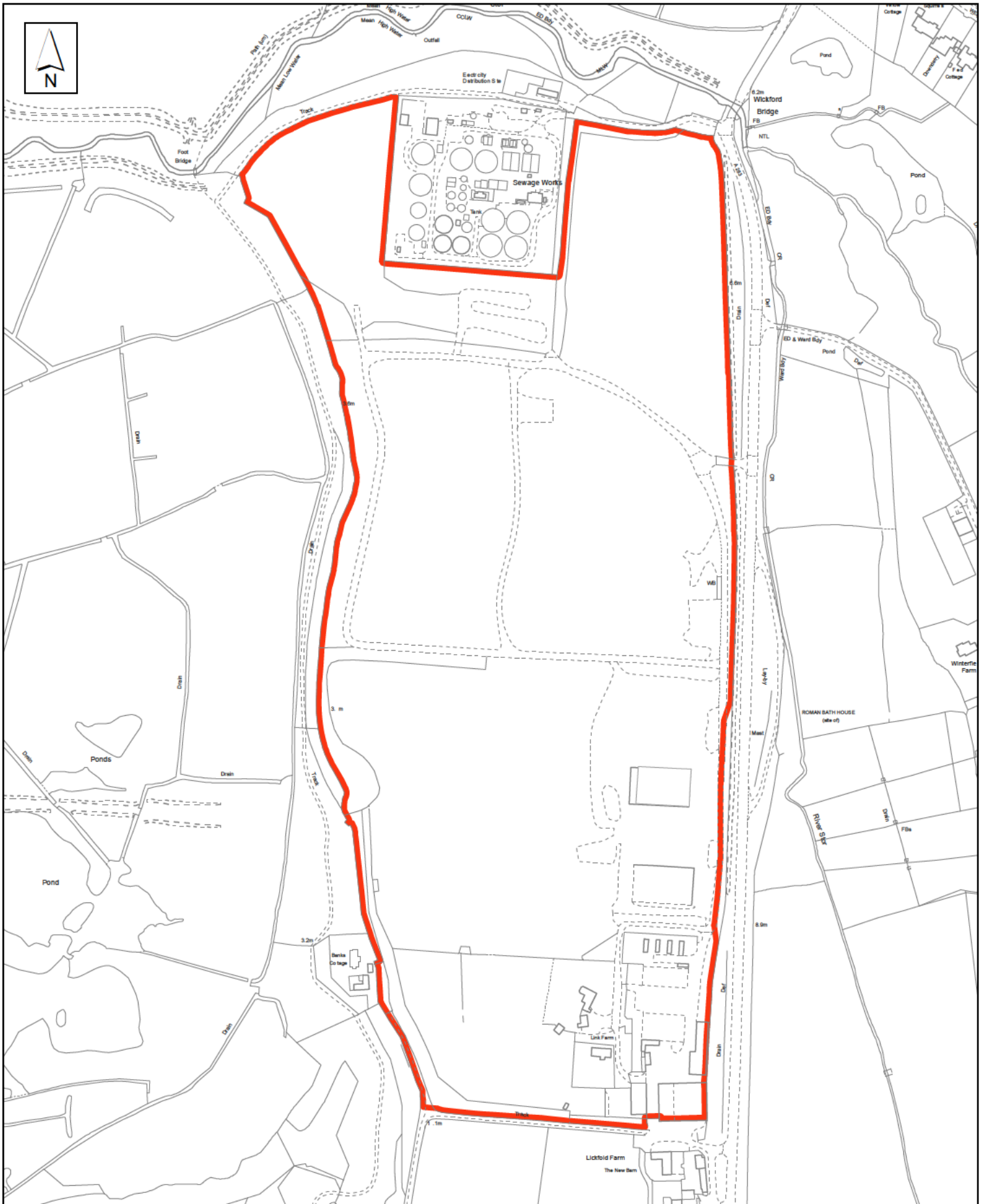
**STATUTORY PROVISIONS**

A copy of sections 171A, 171B and 172 – 177 of the Act is attached for your information.

**PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE:**



## THE PLAN



## Horsham District Council

Parkside, Chart Way, Horsham  
West Sussex RH12 1RL

## Link Farm, Wiggonholt, Pulborough

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