

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 the 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 all 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

Land on the south east side of Clappers Lane, Fulking, Henfield (registered as HM Land Registry under title WSX187103) and Land lying to the south of Clappers Lane, Fulking, Henfield (registered under title WSX187102 (“the Land”) shown edged [red] on the attached plan.

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

Without planning permission and within the last 4 years, unauthorised operational development by the importation and laying of approximately 0.3 hectares of chalk and hardcore material to create hardstanding.

Without planning permission and within the last 10 years, the material change of use of the Land from agriculture to use of the Land as a site for settled gypsy accommodation by the placement and residential occupation of two (2) caravans (mobile homes) on the Land and three (3) further touring caravans stationed on the Land, and siting of a portable toilet, and the erection of external lighting and all associated paraphernalia and/or additional caravans

. 4. THE REASON FOR ISSUING THE NOTICE

i. 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 Fulking. The development would consolidate residential development of a different domestic character that would be harmful to the dispersed, rural landscape character of the settlement edge in this location where open spaces intersperse with limited sporadic development, and would fail to conserve and enhance existing landscape character features or respond to the context of the relevant broad area. It would also negatively impact visual amenity of users of the public rights of way on the Fulking Escarpment.

The proposal is therefore contrary to SD1, SD4, SD6 and SD25 of the South Downs Local Plan (2014-33), Planning Policy for Traveller Sites (2015) the NPPF (2021) and the National Park's first purpose.

ii. The development, by reason of its nature and location, would result in an overconcentration of sites and pitches in one area that would be disproportionate in size to the nearby village of Fulking, and dominate the settled community. One of the two pitches would also fail to meet any identified local need. The proposal is therefore contrary to SD1, SD25 2) b) and d), and SD33 b) of the South Downs Local Plan (2014-33), and Planning Policy for Traveller Sites (2015).

5. WHAT YOU ARE REQUIRED TO DO

- i. Cease the use of the Land for settled gypsy accommodation
- ii. Cease the use of the Land for the stationing of the caravans for the purpose of residential occupation,
- iii. Remove all caravans and associated paraphernalia including, portable toilet and lighting from the Land
- iv. Remove from the Land all the deposited material through the correct waste disposal methods. Copies of the completed Environment Agency Duty of Care Waste Transfer Note is to be sent to the SDNPA. All waste shall be removed by machines which can be operated with a good degree of accuracy and sensitivity with regards to ecology.
- v. Remove any other items and debris from the Land that do not relate to the use of the Land for agriculture
- vi. Return the Land to the pasture that was existing prior to the importation of the inert waste material, by a programme of grass seeding in the next available planting season.

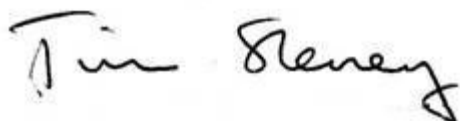
6. TIME FOR COMPLIANCE

- i) Six (6) months from the day this Notice takes effect.
- ii) Six (6) months from the day this Notice takes effect.
- iii) Six (6) months from the day this Notice takes effect.
- iv) Six (6) months from the day this Notice takes effect.
- v) Six (6) months from the day this Notice takes effect.
- vi) Six (6) months from the day this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 24th December 2022 unless an appeal is made against it beforehand.

Dated: 23rd November 2022



Signed: Tim Slaney

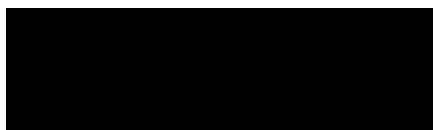
Director of Planning

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

Contact Officer:

Tel:

Email:



Background Documents: National Planning Policy Framework (2021)
South Downs Local Plan (2014-33)
South Downs National Park Partnership Management Plan 2020-25
South Downs Integrated Landscape Character Assessment 2020
SDNPA Enforcement Guide

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 following link to 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

I72A – 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 which in this case will be £924 (double the 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)
SD1: Sustainable Development
SD4: Landscape Character
SD6: Safeguarding Views
SD25: Development Strategy
SD33: Gypsies and Travellers and Travelling Showpeople