

**IMPORTANT- THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990** (“the 1990 Act”)

**ENFORCEMENT NOTICE**

**Issued by: EAST HAMPSHIRE DISTRICT COUNCIL** (“the Council”) **on behalf of the South Downs National Park Authority**

**1. ENFORCEMENT NOTICE**

**THIS NOTICE** is issued by the Council because it appears that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the 1990 Act, at the Land. It is considered 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 the notice and the enclosures to which it refers contain important additional information.

**2. THE LAND TO WHICH THE NOTICE RELATES**

Land at Rother Barn, Farnham Road, Liss, Hampshire, GU33 6LJ 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 a material change of use from agricultural land to a mixed use of agriculture and storage use with Lorry Park (sui generis) and associated operational development.

**4. REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years.

The site is located outside of a defined settlement boundary and in a rural area. The development represents a new business in the countryside that has an adverse impact on the landscape character of the area. The unauthorised use is not subsidiary to the forestry use of the site having

regard to the environmental impacts of the scheme and it results in a utilitarian and urbanised appearance to the site and fails to conserve the landscape character of the area. The development is contrary to policy SD1, SD4, SD7, SD25 and SD40 of the South Downs Local Plan.

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

You must:

- (i) Cease the use of the Land for storage purposes (B8 use)
- (ii) Cease the use of the Land as a lorry park (sui generis)
- (iii) Remove from the Land the buildings in the approximate locations marked Blue on the plan
- (iv) Remove from the Land all hardstanding in the approximate location outlined in Green on the plan

## **6. TIME FOR COMPLIANCE**

The period for compliance with the steps set out in paragraph 5 is **six months** from the date this notice takes effect.

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

This notice takes effect on 10 March 2023 unless an appeal is made against it beforehand.

Dated: 09 February 2023 (**Date of issue**)

Signed by:



On behalf of:

East Hampshire District Council  
Penns Place, Petersfield, Hants, GU31 4EX

## **ANNEX**

East Hampshire District Council (on behalf of the South Downs National Park Authority) has issued an enforcement notice relating to Land at Rother Barn, Farnham Road, Liss, Hampshire, GU33 6LJ. You are served with a copy of that 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 Annex.

### **THE RIGHT OF APPEAL**

If you own, rent or lawfully occupy the Land 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 delivered to the Planning Inspectorate) **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.

### **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 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.

### **PLANNING APPLICATION FEE**

If you wish to appeal on ground (a) of section 174(2) of the 1990 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 East Hampshire District Council. If the fee is not paid then that ground of appeal will not be valid.

### **STATUTORY PROVISIONS**

A copy of sections 171A, 171B and 172 to 177 of the 1990 Act are attached for your information.

### **WHAT HAPPENS IF THE ENFORCEMENT NOTICE IS NOT APPEALED**

Unless an appeal is made against this enforcement notice, it will take effect on the 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

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.

**Persons served with a copy of this enforcement notice are as follows:**

