

**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)

**ENFORCEMENT NOTICE**

**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**

The Boneyard, Drove Road, Brighton & Hove, BN2 6AJ as shown within the red line on the attached plan.

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

- i. Without planning permission and within the last 10 years, the material change of use of land from agricultural to equestrian and the placement and residential occupation of 1 mobile home on site. In addition, the material change of use of land from agricultural to the storage of lorry bodies and other storage containers.
- ii. Without planning permission and within the last 4 years, the construction of a 7 bay stable to the south of the site.
- iii. Without planning permission and within the last 4 years, the construction of a 2 bay stable block adjacent to the entrance gate
- iv. Without planning permission and within the last 4 years, the construction of a 3 bay stable block to the south of the site.
- v. Without planning permission and within the last 4 years, the construction of stables to the north east of the Stable Barn
- vi. Without planning permission and within the last 4 years, the construction of a Hay store.

- vii. Within the 4 years, without planning permission extensive engineering works to the site including; new road surfaces and car park, sand school, bunds

#### **4. THE REASON FOR ISSUING THE NOTICE**

- i. The scale and intensity of equestrian use is wholly incompatible with the capacity of the site and leads to exacerbated and continued harm to landscape qualities within a vulnerable and sensitive part of the South Downs National Park. The development neither conserves nor enhances the protected landscape and it is not a sustainable form of development. It is contrary to Local Plan policies SD1, SD3, SD4, SD5, SD6, SD7, SD20 and SD24, paragraph 176 of the National Planning Policy Framework and purpose 1 of the South Downs National Park.
- ii. Under the criteria of Local Plan policy SD32(4) it has not been demonstrated that there is an essential need for on-site residential accommodation. Consequently, the residential accommodation conflicts with the adopted development strategy in Local Plan policy SD25.
- iii. The engineering operations seen on site including the access track with bunds, formalisation of the northern yard, sand school and other land level changes which are harmful and encroach into and artificially disrupt the gentle topography on site that is characteristic of the locality, in a prominent position on the boundary of the National Park. The works further exacerbate this harm to the detriment of the site and surroundings, in conflict with Local Plan policies SD1, SD2, SD4, SD5, SD6, SD7, SD24 and NPPF paragraph 176.
- iv. The proliferation and accumulation of physical development supporting the number of horses on site exceeds the capacity of the site, results in unacceptable overdevelopment and compounds the harm identified under i above. This does not represent sustainable development or good design, and does not conserve or enhance the National Park, in conflict with the Local Plan, including SD1, SD4, SD5, SD6, SD7 and SD24, the NPPF including section 12 and paragraph 176, and purpose 1.
- v. The development would likely have a harmful impact on ground conditions and the water environment, landscape elements and ecological interests in accordance with the requirements of South Downs Local Plan policies SD2, SD7, SD8, SD9, SD17, SD45, SD50, SD54 and SD24(f) and (g).

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

- i. Cease the use of the land for equestrian use, storage and residential occupation. Remove the mobile home and associated residential paraphernalia from the site, labelled Dwelling in Plan 235.22.20. Remove all lorry bodies and

other storage containers that have been placed onto the land for storage, labelled (A), (Q), (S), (O1), (O2), (G), (B1), (B2), (T), (J), (I), (U) in Plan 235.22.20

- ii. Dismantle and remove the 7 bay stable, labelled (H) in Plan 235.22.20
- iii. Dismantle and remove the 2 bay stable, labelled (K) in Plan 235.22.20
- iv. Dismantle and remove the 3 bay stable, labelled (L) in Plan 235.22.20
- v. Dismantle and remove the stables to the north east of the Stable Barn, labelled (C) in Plan 235.22.20
- vi. Dismantle and remove the Hay Barn, labelled (M) in Plan 235.22.20
- vii. Restore the simple slope of the downland landform. Permanently remove the bunds by redistributing the material to the excavated areas to the north of the site. Sow the entire area from where the bunds are removed and the entire area where the material was spread with grass seed.

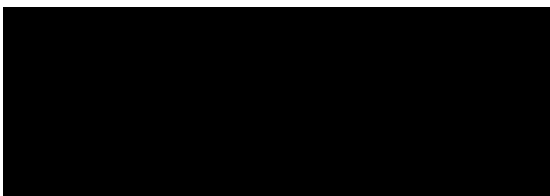
## **6. TIME FOR COMPLIANCE**

- 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.
- vii) Six (6) months from the day this Notice takes effect.

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

This Notice takes effect on 13<sup>th</sup> JUNE 2023 unless an appeal is made against it beforehand.

Dated: 11<sup>th</sup> May 2023



Director of Planning  
SDNPA, South Downs Centre, North Street, Midhurst, West Sussex GU29 9DH

On behalf of: South Downs National Park Authority

Contact Officer: Emma Goodwin  
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REF: SDNP/21/00293/OPDEV

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 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) sections 2, 6, 8, 9, 11, 12 and 15

South Downs Local Plan (2019)

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD6 - Safeguarding Views
- Strategic Policy SD7 - Relative Tranquillity
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Development Management Policy SD11 - Trees, Woodland and Hedgerows
- Strategic Policy SD17 – Protection of the Water Environment
- Strategic Policy SD19 - Transport and Accessibility
- Development Management Policy SD22 - Parking Provision
- Development Management Policy SD24 - Equestrian Uses
- Strategic Policy SD25 - Development Strategy
- Strategic Policy SD34 - Sustaining the Local Economy
- Development Management Policy SD32 - New Agricultural and Forestry Workers' Dwellings
- Strategic Policy SD45 – Green Infrastructure
- Strategic Policy SD48 - Climate Change and Sustainable Use of Resources
- Development Management Policy SD50 - Sustainable Drainage Systems
- Development Management Policy SD54 – Pollution and Air Quality

The Equestrian Development Technical Advice Note Draft (September 2022)

The Ecosystems Services Technical Advice Note

Biodiversity Net Gain Technical Advice Note (January 2022)

#### **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>

#### **THOSE PERSONS TO BE SERVED WITH THIS NOTICE**

