

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**  
**TOWN AND COUNTRY PLANNING ACT 1990**  
**ENFORCEMENT NOTICE**

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

**Reference number: SDNP/22/00047/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. The Council 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 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 Pivotts Farm, Washington Road Steyning West Sussex, shown edged red on the attached plan (“the Land”).
- 3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, the change of use of the Land from agricultural use to a mixed use of agricultural, storage of vehicles, and the stationing of a mobile home for the purpose of human habitation and the erection of sheds and structures in connection with the unauthorised residential use.
- 4. REASONS FOR ISSUING THIS NOTICE**

  - (1) The breach of planning control constituting the unauthorised development has occurred within the last 10 years.
  - (2) The Land lies in a countryside location outside a defined built-up area boundary, where policies seek to strictly control development unless there are compelling circumstances. The aims of these policies are supported by the Government’s NPPF which re-introduces a presumption in favour of sustainable development. However, this is not an unconditional presumption and makes it clear that development must be sustainable and accord with the policies in the Local Plan. The stationing of the caravan on the Land in this location represents a harmful and urbanising form of development within the South Downs National Park, which is having a detrimental impact to the character and appearance of the surrounding rural area and as such is in conflict with Policies SD1, SD4, SD25(2) of the South Downs Local Plan (2019).
  - (3) It has not been demonstrated to the satisfaction of the Local Planning Authority that there is an essential need to station a caravan on the Land for the purposes of agriculture. The development is therefore contrary to Policy SD25(2) of the South Downs Local Plan (2019).

- (4) Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the unauthorised development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to policy SD2, SD17 and SD48 of the South Downs Local Plan, Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

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

- (1) Permanently cease the use of the Land shown edged red on the attached plan for the stationing of a mobile home for the purposes of human habitation.
- (2) Permanently cease the use of the Land for the storage of vehicles not connected to agricultural use.
- (3) Permanently remove the mobile home from the Land.
- (4) Permanently remove the sheds, structures, portable toilet and any associated residential paraphernalia from the Land.
- (5) Permanently remove the unauthorised vehicles from the Land that are not connected to agricultural use.
- (6) Permanently remove from the Land all materials and debris resulting from the compliance of the above steps.
- (7) Restore the Land to its former condition before the planning breaches took place.

## **6. TIME FOR COMPLIANCE**


Steps 1 & 2 - 8 months from the date this notice takes effect.

Steps 3 – 7 – 10 months from the date this notice takes effect.

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

This notice takes effect on **9 August 2023** unless an appeal is made against it beforehand.

Dated: 11 July 2023

Signed: 

Lauren Kelly

Head of Legal & Democratic Services, Monitoring Officer, 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 Pivotts Farm, Washington Road Steyning West Sussex 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.

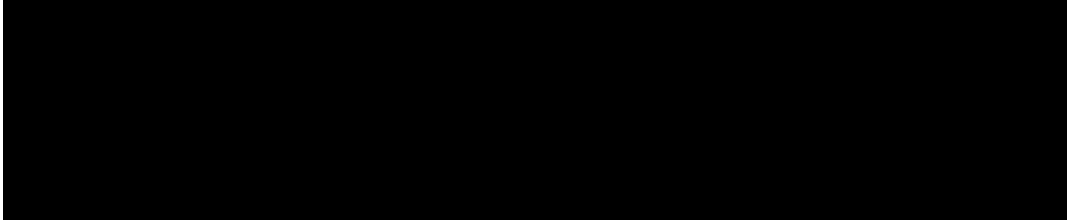
### **STATEMENT ON GROUNDS OF APPEAL**

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.

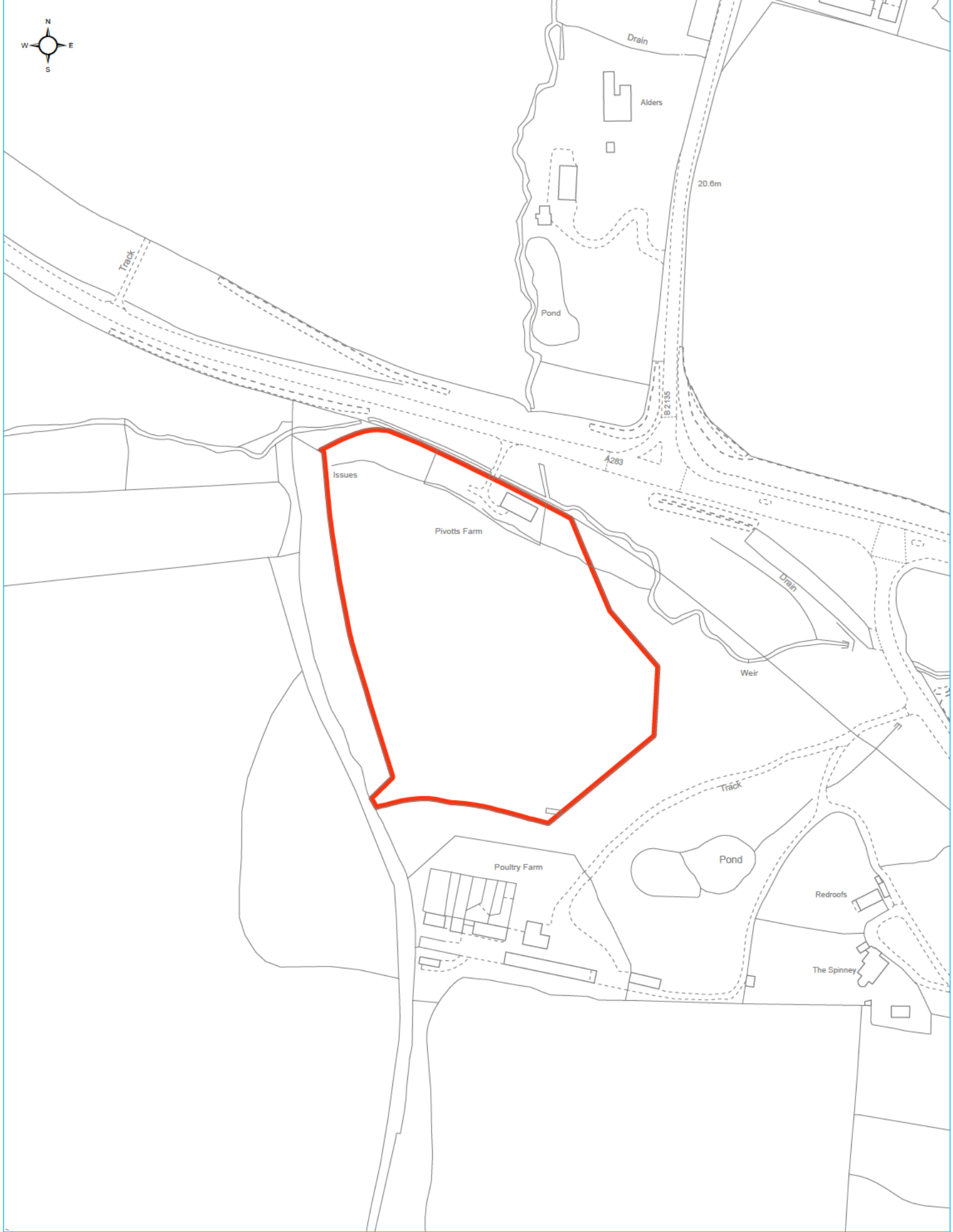
**STATUTORY PROVISIONS**

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



Reference:	SDNP/22/00047/COU	Scale:	1:2,500 (at A4)
Date:	23/01/2023	Revision:	