

**IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990  
(as amended by the Planning and Compensation Act 1991)**

**BREACH OF CONDITION NOTICE**

**Notice Reference: FT/13**

SERVED BY: CHICHESTER DISTRICT COUNCIL  
(As Agent for SOUTH DOWNS NATIONAL PARK)

TO:



**1. THIS NOTICE** is served issued by the Council, under Section 187A of the above Act, because they consider that a condition imposed on a grant of planning permission, relating to the land described in paragraph 2 below, has not been complied with. The Council consider that you should be required to secure compliance with the condition specified in this notice. The Annex at the end of this notice contains important additional information.

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

Land at the former Coal Yard, School Close, Fittleworth, West Sussex shown edged red on the attached Plan 1.

**3. THE RELEVANT PLANNING PERMISSION**

The relevant planning permission to which this notice relates is the permission granted by the Council on 18th August 2017 for Variation of condition 1 from planning permission SDNP/14/02892/FUL - amendments to plans to include alterations to car barn, bin store and levels" reference SDNP/17/00980/CND, subject to conditions.

**4. THE BREACH OF CONDITION**

The following condition no.4.has not been complied with:-

"Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building shall be occupied until the complete

surface water drainage system serving the property has been implemented in accordance with the agreed details.

*Reason: To ensure adequate methods of surface water drainage are provided"*

The Council considers that this condition has not been complied with because the attenuation tank that has been installed is not of the same dimensions as that shown in the surface water drainage scheme which was approved by the Council on 8<sup>TH</sup> February 2023 under discharge of conditions application reference SDNP/22/05264/DCOND and is shown on the attached Plan 2. The attenuation tank that has been installed is significantly smaller than that approved and all of the dwellings are now occupied.

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


As the company responsible for the breach of condition no.4. specified in paragraph 4 of this notice, you are required to secure compliance with the stated condition by taking the following steps: -

Install the underground attenuation tank (in the approximate position shown on Plan 1 attached) to measure 11 metres by 4.5 metres by 0.8 metres (2 units) as approved by the Council under discharge of conditions application reference SDNP/22/05264/DCOND shown on Plan 2 attached.

Period for compliance: six months beginning with the date that this notice is served on you.

Dated: 4<sup>th</sup> October 2023

Signed:

  
Principal Solicitor

On behalf of: Chichester District Council  
East Pallant House  
East Pallant  
Chichester  
West Sussex PO19 1TY

# PLAN 1



## Birch Court, formerly The Coal Yard, Fittleworth



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N  
Scale: 1:500

BREACH OF CONDITION NOTICE PLAN

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# PLAN 2

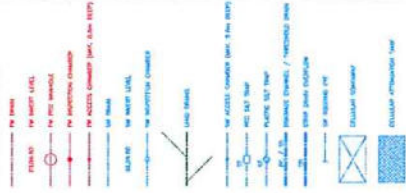
### NOTES

1. All existing work to be shown as noted.
2. All new work to be shown as noted.
3. All existing work to be shown as noted.
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### SW DRAINAGE STRATEGY

The SW Drainage Strategy is based on the information provided in the SW Drainage Study. The strategy is to provide for the collection, conveyance, and treatment of surface water runoff from the site. The strategy includes the installation of a stormwater management system consisting of a network of stormwater pipes, manholes, and stormwater storage tanks. The stormwater management system is designed to capture and store stormwater runoff for a 10-year storm event. The stormwater is then slowly released into a nearby water body to prevent flooding and erosion. The SW Drainage Strategy is a key component of the site's overall stormwater management plan.

### LEGEND - DRAINAGE



This drawing is a revision from previously approved drawing S17-00-01 E with the only revision being the change to the attenuation tank.  
 A. Note regarding Ordinary Water Course application removed.  
 07/02/2023, AL  
**Sigma Homes**  
 LOCATION + QUALITY + DESIGN

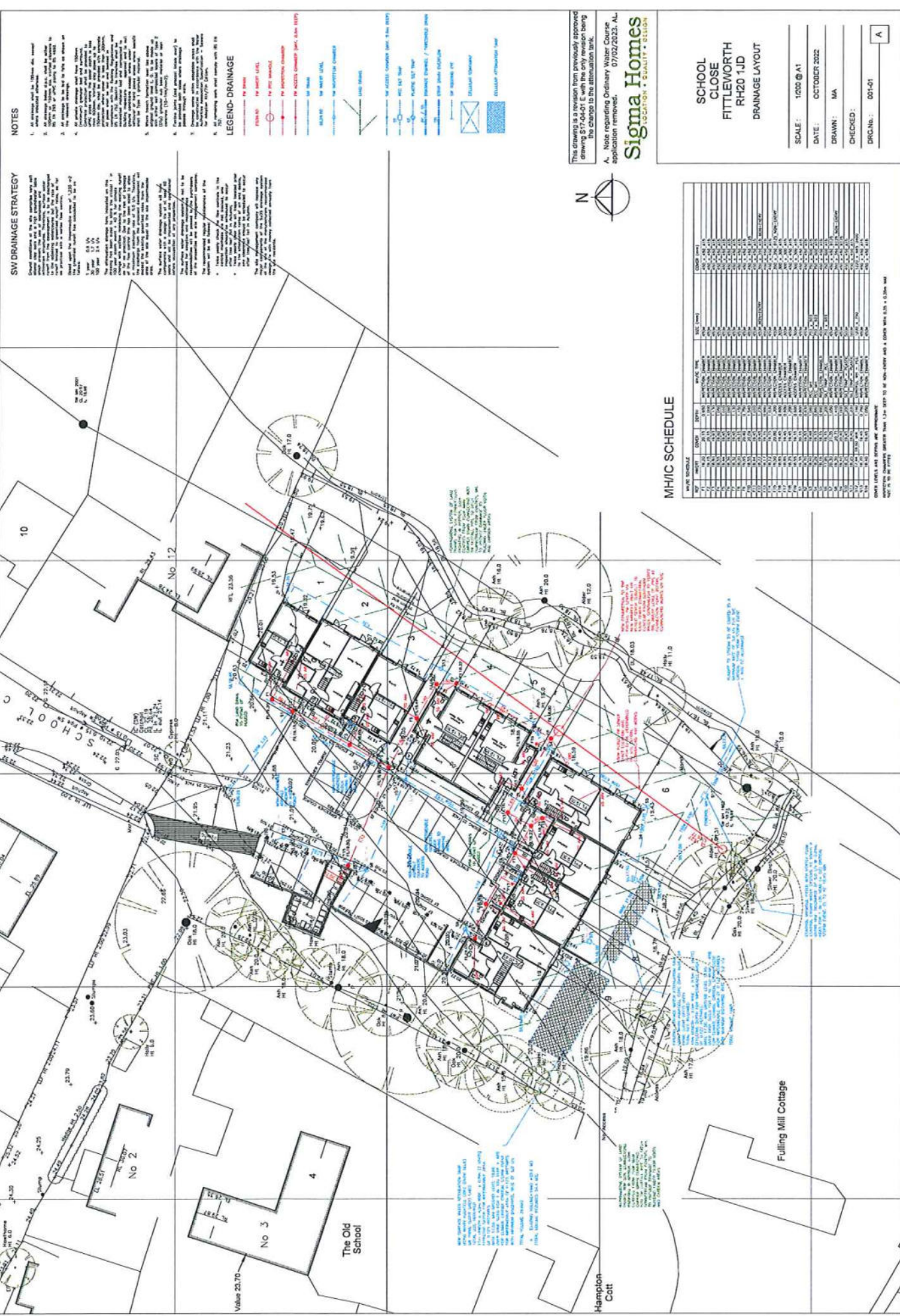


### MH/IC SCHEDULE

LINE NO.	DESCRIPTION	DATE	BY	CHECKED	SCALE
1	MANHOLE				
2	INLET				
3	OUTLET				
4	FLOW LINE				
5	ATTENUATION TANK				
6	STORMWATER STORAGE TANK				
7	STORMWATER PUMP				
8	STORMWATER TREATMENT PLANT				
9	STORMWATER COLLECTION SYSTEM				
10	STORMWATER CONVEYANCE SYSTEM				
11	STORMWATER STORAGE SYSTEM				
12	STORMWATER TREATMENT SYSTEM				
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37	STORMWATER COLLECTION SYSTEM				
38	STORMWATER CONVEYANCE SYSTEM				
39	STORMWATER STORAGE SYSTEM				
40	STORMWATER TREATMENT SYSTEM				

### NOTES

GENERAL NOTES AND DETAILS ARE APPROPRIATE TO BE SHOWN ON THIS PLAN. SEE THE OTHER PLANS FOR MORE DETAILS. THE DRAWING SHALL BE USED IN CONJUNCTION WITH THE OTHER PLANS AND SPECIFICATIONS. THE DRAWING SHALL BE USED IN CONJUNCTION WITH THE OTHER PLANS AND SPECIFICATIONS. THE DRAWING SHALL BE USED IN CONJUNCTION WITH THE OTHER PLANS AND SPECIFICATIONS. THE DRAWING SHALL BE USED IN CONJUNCTION WITH THE OTHER PLANS AND SPECIFICATIONS.



## **ANNEX**

### **WARNING**

**THIS NOTICE TAKES EFFECT IMMEDIATELY IT IS SERVED ON YOU IN PERSON OR ON THE DAY YOU RECEIVED IT BY POST**

**THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE FOR THE ENVIRONMENT AGAINST THIS NOTICE**

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates' Court, for which the maximum penalty is £1,000 for a first offence and for any subsequent offence. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with the Enforcement Section of the Development Control and Building Control Division, Chichester District Council, East Pallant House, East Pallant, Chichester, West Sussex, PO19 1TY, telephone no 01243 785166.

If you do need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.