

**COPY**

**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: FH/28**

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

TO:

1.

2.

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 conditions 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 Hurstfold Farm, Hurstfold Farm Road, Fernhurst, West Sussex shown edged red on the attached plan.

**3. THE RELEVANT PLANNING PERMISSION**

The relevant planning permission to which this notice relates is the permission granted by the Council on 12<sup>th</sup> December 2016 for the " Demolition of existing warehouse unit and redevelopment as 10 no. houses with associated access and parking", ref. SDNP/16/03737/FUL.

**4. THE BREACH OF CONDITION**

The following conditions have not been complied with:-

4) No development above slab level shall commence until a further detailed scheme of soft and hard landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

i) written specifications (including cultivation and other operations associated with plant and grass establishment,

- ii) planting methods, tree pits and guying methods,
- iii) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate,
- iv) retained areas of grassland cover, scrub, hedgerow, trees and woodland,
- v) manner and treatment of any ditches, watercourses and banks,
- vi) a schedule of landscape maintenance for a minimum period of 5 years include details of the arrangements for its implementation,
- vii) details of all hard-surfaces, such as paths (including the public footpath), access ways, parking spaces, including their appearance, depth and permeability,
- viii) means of enclosure, in particular boundary walls and planting around properties including their frontages, and gates.
- viii) a timetable for implementation of the soft and hard landscaping works.

The scheme of soft and hard landscaping works shall be implemented in accordance with the approved timetable. Any plant which dies, becomes diseased or is removed within the first five years of planting, shall be replaced with another of similar type and size, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape and mitigate any impact upon the amenities of neighbouring properties, in accordance with policies RE1 and BE11 of the Chichester District Local Plan (First Review) 1999, policy DE3 the Fernhurst Neighbourhood Plan 2016, National Park Purposes and the NPPF.

The Council considers that condition 4 above has not been complied with because the soft landscaping scheme which was approved under discharge of condition application SDNP/19/01169/DCOND has not been implemented in accordance with the approved timetable insofar as certain trees have not been planted and a fence has not been erected.

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

As the person responsible for the breach of condition specified in paragraph 4 of this notice, you are required to secure compliance with the stated conditions by taking the following steps:-

- (i) Carry out the planting of 306 no. Field Maple Trees, 204 no. Black Alder Trees, 204 no. European Hornbeam Trees, 204 no. Sweet Chestnut Trees, 306 No. Common Hawthorn Trees, 102 no. Sweet Cherry Trees, 204 no. Blackthorn Trees and 204 no. English Oak Trees to form the Mixed Native Woodland in the area shaded in brown on the attached plan (as is prescribed in plan ref: 1743-1001 REV 9 in the discharge of condition application SDNP/19/01169/DCOND) and
- (ii) Erect the 1.8m high Wattle hurdle fence (identified in plan ref: 1743-1001 REV 9 in the discharge of condition application SDNP/19/01169/DCOND) in the position shown with a black line on the attached plan.

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

Dated: 6<sup>th</sup> November 2023

Signed:



Principal Solicitor

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

## 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.



# Hurstfold Farm Breach of Condition Notice Plan



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