

IMPORTANT THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (TCPA 1990)

Enforcement Notice Operational Development

Issued by: HORSHAM DISTRICT COUNCIL (the Council)

Reference Number : EN/19/0300

This is a formal notice issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the TCPA 1990, 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.

1. THE LAND TO WHICH THE NOTICE RELATES

Land at Platts Green House, Worthing Road, Dial Post, Horsham, West Sussex, RH13 8NS shown edged red on the attached plan (the Land).

2. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, the unauthorised operational development and engineering operations taking place on the land including the importation and laying of waste material and significant level changes.

3. REASONS FOR ISSUING THIS NOTICE

- (i) It appears to the Council that the above breach of planning control has occurred within the last four years.
- (ii) The laying of waste material by virtue of its extent and surfacing has an adverse impact upon the character and appearance of the rural area. Furthermore it has not been demonstrated to the satisfaction of the Local Planning Authority that the work is essential to its countryside location. As a result it is considered that the development is contrary to Policies 25 (Strategic Policy: The Natural Environment and Landscape Character), Policy 26 (Strategic Policy: Countryside Protection), Policy 33 (Development Principles) and Policy 37 (Sustainable Construction) of the Horsham District Planning Framework November 2015

The Council does not consider that planning permission should be given because it is not justified in a countryside location and planning conditions could not overcome these objections to the development

4. WHAT YOU ARE REQUIRED TO DO

- (i) Permanently cease the operational development and engineering works described in paragraph 1 above; and
- (ii) Remove from the land all materials associated with the unauthorised operational development and engineering works and arising from compliance with requirement (i) above; and
- (iii) Restore the land to its condition before the breach took place.

5. TIME FOR COMPLIANCE

Within Three calendar months from the effective date of this Notice.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **7 October 2019** unless an appeal is made against it beforehand.

Dated: 5 September 2019

Signed:

Sharon Evans

Head of Legal and Democratic Services

On behalf of: HORSHAM DISTRICT COUNCIL, PARKSIDE, CHART WAY, HORSHAM,
WEST SUSSEX RH12 1RL

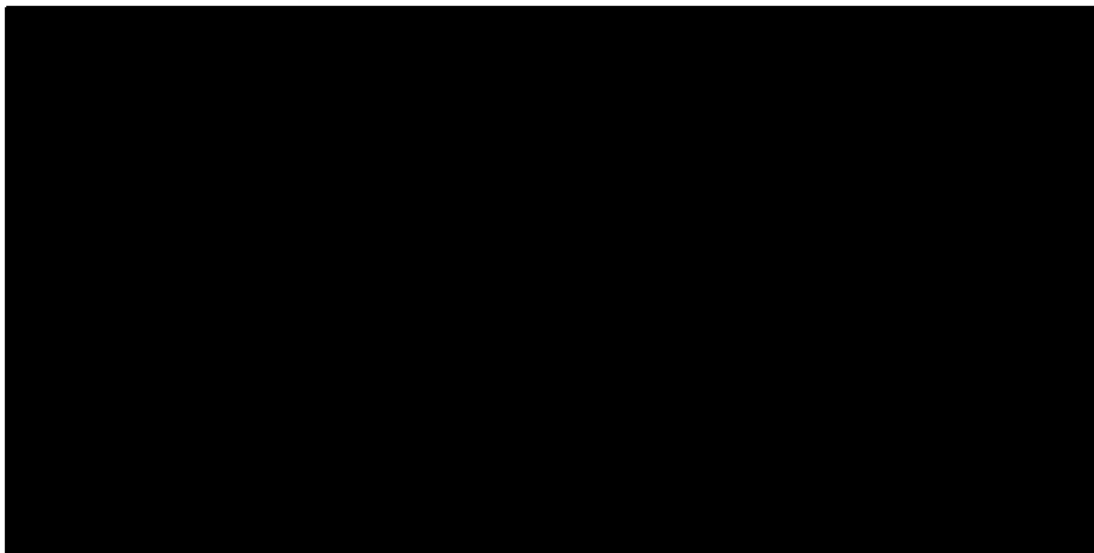
Nominated officer: Madeleine Hartley

Telephone Number: 01403 215168

ANNEX

Horsham District Council has issued an enforcement notice relating to land at Platts Green House, Worthing Road, West Sussex, RH13 8NS and 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 below:

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



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 TCPA 1990. You may appeal on one or more of the following grounds 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 (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 TCPA 1990 (ground e).
- 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 such breach (ground f).
- Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 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 TCPA 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 of **£2028**. You should pay the fee to HORSHAM DISTRICT COUNCIL. If the fee is not paid then that ground of appeal will not be 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 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.

STATUTORY PROVISIONS

A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 is attached for your information

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 Council.



Horsham District Council

Parkside, Chart Way, Horsham
West Sussex RH12 1RL

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Platts Green House, Worthing Road,
Dial Post, Horsham,
West Sussex, RH13 8NS

Reference No :

Date: 01/08/2019

Drawing No :

Scale : 2,500 (at A4)

Revisions :



The Planning Inspectorate

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000
Email enquiries@planninginspectorate.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.