

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE

Operational development

Issued by: HORSHAM DISTRICT COUNCIL (“the Council”)

Reference number: EN/23/0124

1. **THIS NOTICE** is 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 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 Beckley Stud, Reeds Lane, Southwater, Horsham, West Sussex, RH13 9DQ, 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 construction of a hardstanding shown hatched grey on the attached plan and the erection of 8 No. metal storage containers in the approximate position shown hatched brown on the attached plan.

4. **REASONS FOR ISSUING THIS NOTICE**

- (1) The breach of planning control constituting the unauthorised development has occurred within the last 4 years. The site lies outside a defined built-up area within the countryside, where policies seek to strictly control development unless there are compelling circumstances. The development constitutes an inappropriate and harmful form of development within the rural area which is not essential to its countryside location. Furthermore, the containers are being used for Class B8 storage purposes unrelated to the equestrian needs of the holding in connection with an unauthorised commercial activity on the site. Therefore, it is considered the development results in a level of activity which is not of a scale appropriate to its countryside location that detracts from the character and ambience of the countryside and results in harm to private amenity contrary to Policies 2, 10, 25, 26, 32 and 33 of the Horsham District Planning Framework (2015).

- (2) The development by reason of its scale, massing and number of containers and extent of hardstanding results in a form of development that is having a detrimental impact on the character and appearance of the surrounding area in terms of the incremental erosion and urbanisation of the countryside contrary to policies 10, 25, 26 and 33 of the Horsham District Planning Framework (2015).

The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove the 8 No. storage containers shown in the approximate position coloured brown on the attached plan from the land;
- (ii) Break up and remove from the land the hardstanding shown in the approximate position hatched grey on the attached plan; and
- (iii) Following (i) and (ii) above, reseed the whole area with grass seed; and
- (iv) Remove the resulting debris from the land

6. TIME FOR COMPLIANCE

- (1) 12 months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **21 June 2023** unless an appeal is made against it beforehand.

Dated: **17 May 2023**

Signed:

Lauren Kelly

Interim Head of Legal and Democratic Services on behalf of Horsham District Council, Parkside, Chart Way, Horsham, West Sussex RH12 1RL.

Nominated officer Reg Hawks

Telephone number 01403 215 076

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 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.

EXPLANATORY NOTE

Horsham District Council has issued an enforcement notice relating to land at Beckley Stud, Reeds Lane, Southwater, Horsham, West Sussex, RH13 9DQ 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

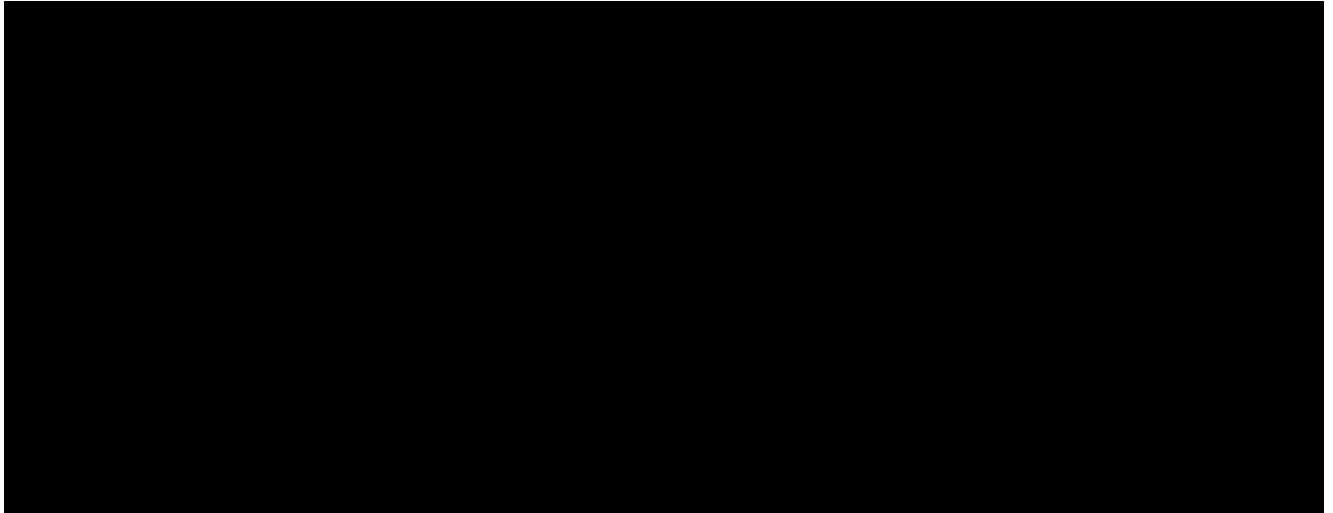
If you wish to appeal on ground (a) of section 174(2) of the Act, this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £924.00. You should pay the fee in full to Horsham District Council. If the fee is not paid that ground of appeal is not valid. In the case of an enforcement appeal, the fee is double the amount for a normal planning application fee.

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 – 177 of the Act is attached for your information.

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE:

THE PLAN



Reference:	EN/23/0124	Scale:	1:2,000 (at A4)
Date:	19/4/2023	Revision:	