

Enforcement notice: Unauthorised Change of Use without planning permission

IMPORTANT- THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (TCPA 1990)

ENFORCEMENT NOTICE

Issued by Eastbourne Borough Council (the Council)

1. ENFORCEMENT NOTICE

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.

2. THE LAND TO WHICH THE NOTICE RELATES

Land of Ground Floor shop, 26 Susans Road Eastbourne BN21 3TJ which is also known as 26B Susans Road Eastbourne BN21 3TJ shown edged red on the attached plan (“the Land”).

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

The unauthorised material change of use from a shop to residential C3 use class without planning permission.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last four years.

- The proposed development would fail to provide a suitable standard of living environment on account of its oppressive living environment within the proposed flat, with limited demonstrable outlook available and a severe reduction in the availability of natural light and ventilation. It also fails to provide the required storage whilst also potentially providing limited floor space and an absence of any private outdoor amenity space. The proposed development therefore fails to fulfil the requirement for healthy living conditions to be provided contrary to sections 11 (making effective use of land) and 12 (achieving well-designed places) of the Revised National Planning Policy Framework (2021), H1 of the National Design Guide (2019), Nationally Described Space Standards (2015) and Eastbourne Borough Plan

Saved Policies UHT1 (Design of New Development) and HO9 (Conversions and Change of Use) and Eastbourne Core Strategy policies D10a (design) and B2 (Creating Sustainable neighbourhoods). It is considered that the failure to provide suitable living space outweighs the benefit of the provision of a new 1 bed residential unit

- The proposed development would not incorporate any on-site parking and would therefore result in increased parking pressure on the surrounding highway network presenting an increased potential for conflict between vehicles and pedestrians, contrary to Section 9 (promoting sustainable transport) of the Revised National Planning Policy Framework (2021) and Eastbourne Borough Plan Saved policy TR11 (car parking).
- It has not been demonstrated that the continued use of the unit as a commercial/business property is no longer viable contrary to Eastbourne Borough Plan Saved Policies Policy HO9 (Conversions and Change of Use)

5. WHAT YOU ARE REQUIRED TO DO

- i. Cease the use of shop as residential
- ii. Remove kitchen, bathroom and any other fixtures enabling conversion to residential
- iii. Clear all resultant debris

6. TIME FOR COMPLIANCE

The periods for compliance with the steps set out in paragraph 5 are:

- (I) Three months from the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 30 April 2023 unless an appeal is made against it beforehand.

Dated: 30 March 2023

Signed:

on behalf of
Eastbourne Borough Council

Nominated officer: Simon Cullen

Telephone number: 01323 415385