

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE

ISSUED BY: Eastbourne Borough Council

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. They consider 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 93 Royal Parade, Eastbourne, East Sussex, shown edged in RED on the attached plan.

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

Without planning permission, a change of use from that of a Bed & Breakfast / Guest House, operating under Class C1, to that of a House of Multiple Occupancy (HMO) with 6 bedrooms to accommodate up to 12 people, operating under Sui Generis Class) of the property shown on the attached plan.

4. REASONS FOR ISSUING THIS NOTICE

In line with the Council's Enforcement Notice Protocol and following the establishment of the breach of planning control, the submission of a retrospective application for planning permission was invited.

The planning merits of the case have been assessed under planning application number 150208. This application was reported to Planning Committee on the 2nd June 2015 where the proposal was refused and Committee authorised the serving of an enforcement notice to remedy the breach of planning control.

Planning Committee directed that it was expedient to take enforcement action for the following reasons:

1. The proposal seeks approval for the retention of an House of Multiple Occupation within the defined Tourist Accommodation Zone and as such is

considered to be contrary to Policy HO14 of the Eastbourne Borough Plan (saved policies 2007.

2. The proposal seeks to create living accommodation for up to 12 residents and it is considered that the property is inappropriate for this intensity of conversion, and as such would have an adverse effect on the amenity of the area generally, and the amenities enjoyed by the occupiers of the neighbouring properties in particular, by reason of increased activity, noise and general disturbance and would conflict with policies B2 of the Eastbourne Core Strategy Local Plan 2013, Policies HO9 and HO14 of the Eastbourne Borough Plan (Saved Policies) 2007 and paragraph 17 of the National Planning Policy Framework.

3. The proposal does not provide for adequate parking facilities within the site which would result in additional congestion on the public highway causing interference with the free flow and safety of traffic on the B2106 Royal Parade and surrounding streets.

4. The proposal, given the poor standard/quality of accommodation is likely to create an unacceptable living environment for the future tenants/occupiers of this building/use, and would therefore conflict with policies B2 of the Eastbourne Core Strategy Local Plan 2013 and policies HO9 and HO14 of the Eastbourne Borough Plan (Saved Policies) 2007 and paragraph 17 of the National Planning Policy Framework.

Policy EN14 of the Council's Enforcement Protocol 2014 states that "where retrospective planning permission has been refused, enforcement action will be taken and the appropriate Notices served even if an appeal has been lodged against the refusal of planning permission".

5. WHAT YOU ARE REQUIRED TO DO

The Council require the use of the property as an HMO to cease and be returned to the previous authorised use as that of a Guest House.

6. TIME FOR COMPLIANCE

The Council requires the unauthorised use to cease **within 6 months** of the date the notice becomes effective.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect **on 05 September 2015**, unless an appeal is made against it beforehand.

Dated: 04 August 2015

Signed:

(Council's authorised officer)

On behalf of: Eastbourne Borough Council, 1 Grove Road, Eastbourne,
BN21 4TW

Nominated Officer: Toby Balcikonis

Telephone Number: (01323) 415605

ANNEX

EASTBOURNE BOROUGH COUNCIL has issued an enforcement notice relating to land at **Sovereign View Guest House, 93 Royal Parade, Eastbourne, BN22 7AE** 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 at the end of this Annex.

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 delivered to the Planning Inspectorate) **before** the date specified in paragraph 7 of the notice.

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

- Online at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs).
- By getting enforcement appeal forms from the Planning Inspectorate on 0303 444 5000 or by e-mailing the Planning Inspectorate at enquiries@pins.gsi.gov.uk.

You MUST make sure that PINS receive your appeal before the effective date on the enforcement notice.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:

- The name of the local planning authority.
- The site address.
- Your address.
- The effective date of the enforcement notice.

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