

IMPORTANT- THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (TCPA 1990)

ENFORCEMENT NOTICE

Issued by: Lewes District 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 at 53 Hillcrest Road, Newhaven BN9 9EE, 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 erection of the raised balcony to the rear of the property.

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 balcony in question was substantially completed less than four years ago.
- The development is contrary to development plan policies ST3 & RES13 of the Lewes District Local Plan Part 1 and DM25 (7) of the emerging Lewes District Local Plan: Part 2 (“LDLP Part 2”).
- Planning Applications Committee on 26 June 2019 resolved to refuse planning application LW/19/0277 and the Decision Notice was issued on 27 June 2019 for the following reason - the balcony by virtue of its form and location, would result in a detrimental impact on the amenities of the adjacent occupiers to the north (51 Hillcrest Road) through overlooking, loss of privacy and reduced natural light, contrary to Policies ST3 of the LDLP Part 1 and DM25(7) of LDLP Part 2.

- Planning application LW/19/0750 was refused under delegated powers on 3 December 2019 on the following grounds - it is considered that the development by virtue of its form and location would result in a detrimental impact on the amenities of the adjacent occupiers to the north (51 Hillcrest Road) through overlooking, increase of noise, loss of privacy and reduced natural light. Contrary to Policies ST3 and RES13 of the Lewes District Local Plan Part 1 and DM25(7) of the LDLP Part 2.
- The Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development.

5. WHAT YOU ARE REQUIRED TO DO

You must:

- (i) Remove the balcony and remove all materials arising from its removal.

6. TIME FOR COMPLIANCE

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

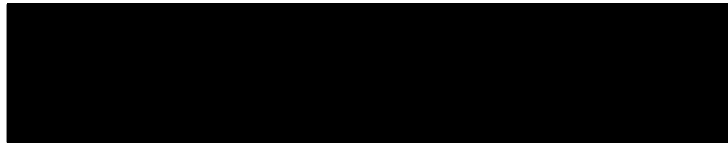
- (i) Two months from the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 17 February 2020, unless an appeal is made against it beforehand.

Dated: 13 January 2020

Signed:



on

behalf

of

Lewes District Council, Southover House, Southover Road, Lewes, BN7 1AB

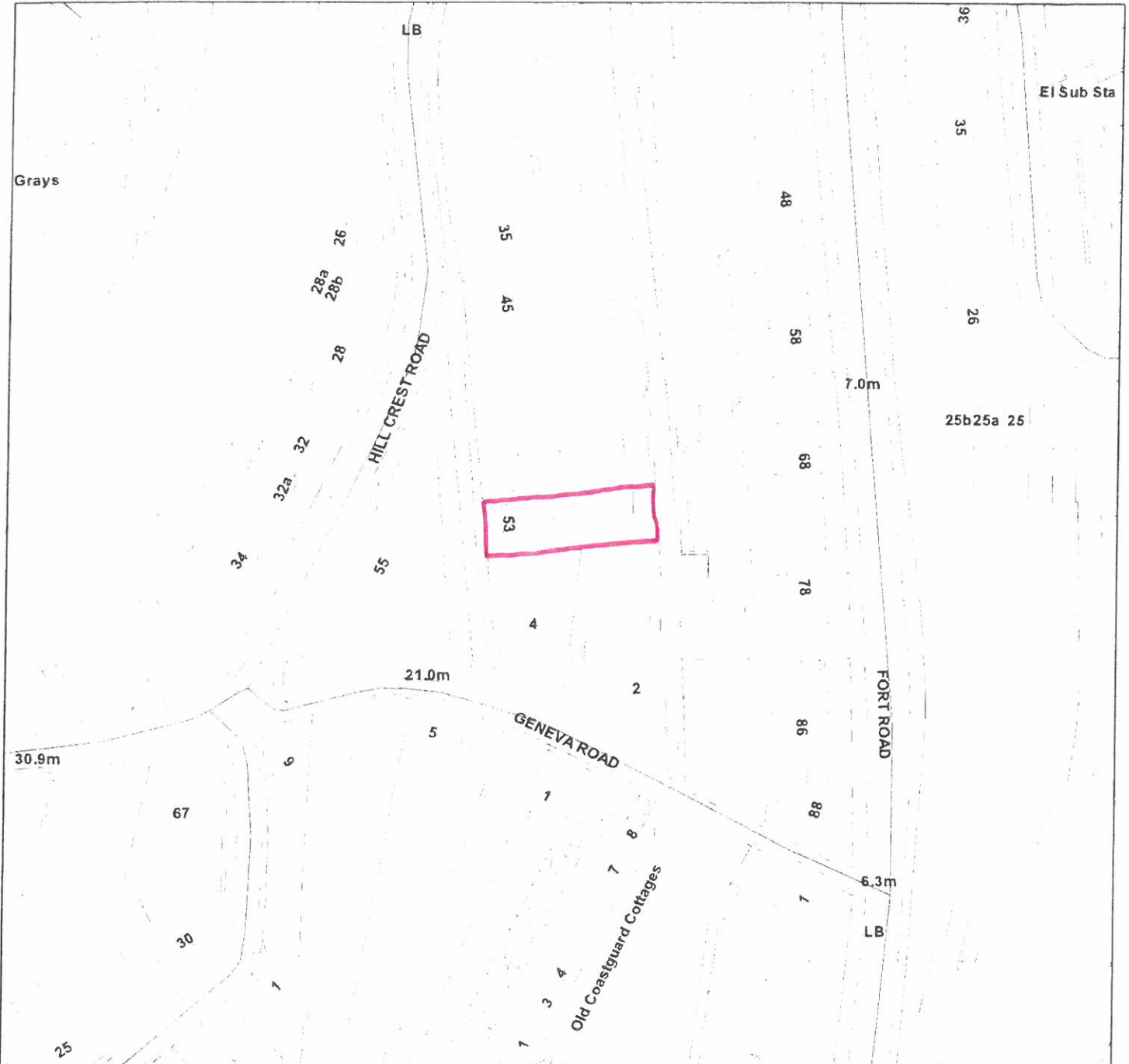
Nominated officer: Jennifer Baxter

Telephone number: 01273 085446

53 Hillcrest Road Newhaven



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	
Date	02 January 2020
SLA Number	Not Set

ANNEX

Lewes District Council has issued an enforcement notice relating to land at 53 Hillcrest Road, Newhaven BN9 9EE 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 intend to appeal against this notice you should follow the instructions given on the information sheet from the Planning Inspectorate which accompanies this notice

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 have been 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 appeal under 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

£206.00. You should pay the fee to Lewes 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 grounds(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.

