

Full name: Enforcement notice: operational development without planning permission.

## **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 16 The Esplanade, Telscombe Cliffs 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 unauthorised timber structure with a slate roof in the approximate position to the front of the property marked with a cross on the attached plan and pictured in the attached photograph.

**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 development is contrary to ST3 its siting and location are contrary to the design, form and setting of the area and contrary to CP11 (built and historic environment and design) of the Lewes District Local Plan, Joint Core Strategy
- The development has a detrimental impact on the character and appearance of the surrounding area, which is highly visible from the highway and the surrounding area
- It is intrusive and an unneighbourly development

- 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 unauthorised timber structure with a slate roof as shown in the attached photograph from the land and all materials and debris resulting from its removal.

**6. TIME FOR COMPLIANCE**

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

(i) Six weeks from the date this notice takes effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 26 November 2019, unless an appeal is made against it beforehand.

Dated: 24 October 2019

Signed:

on

behalf

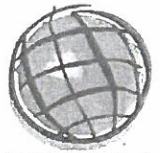
of

Lewes District Council

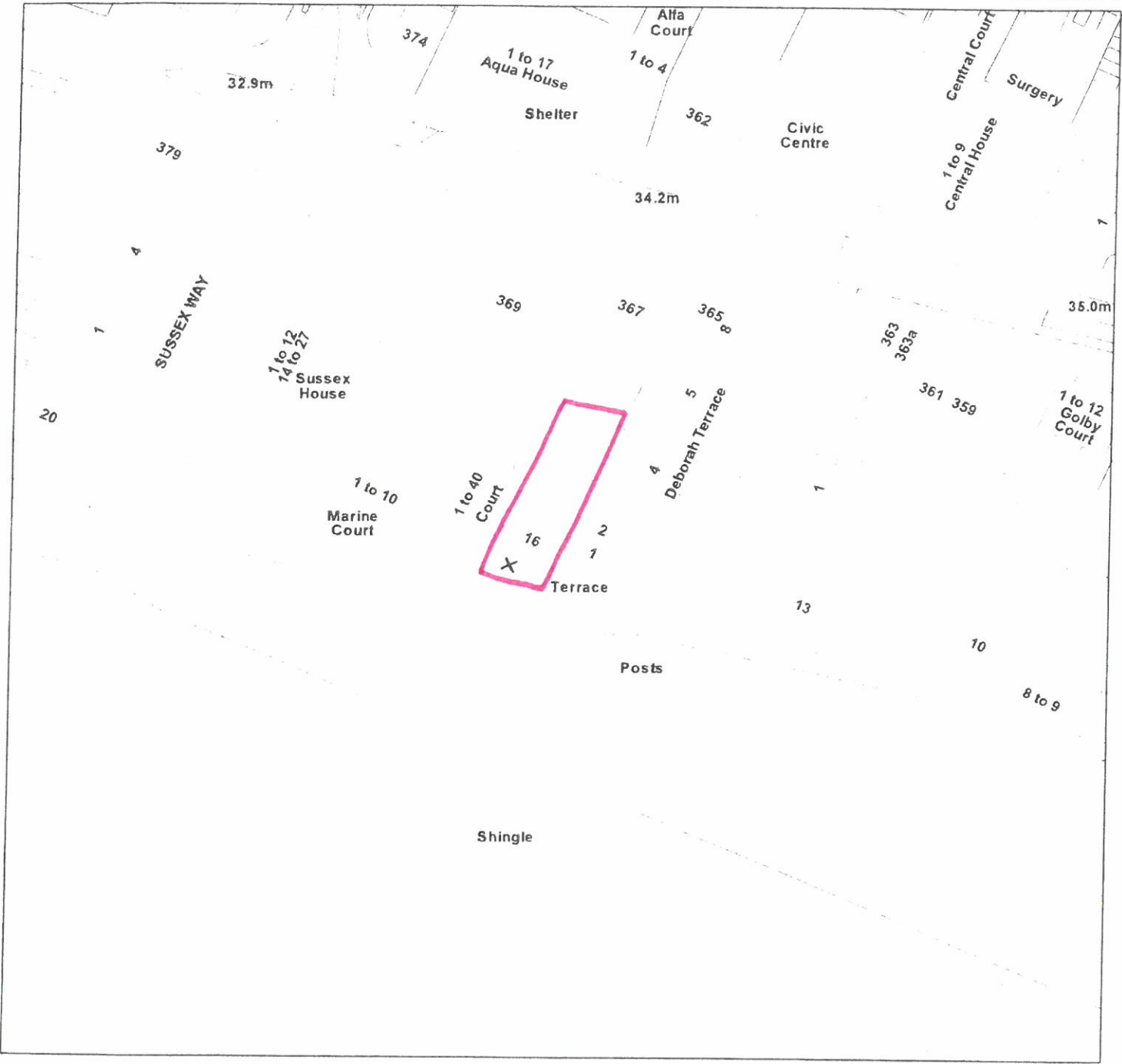
Nominated officer: Jennifer Baxter

Telephone number: 01273 085446

# 16 The Esplanade Telscombe Cliffs



GIS by ESRI (UK)



Scale : 1:1250

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Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	Not Set
Department	Not Set
Comments	
Date	17 September 2019
SLA Number	Not Set





## **ANNEX**

Lewes District Council has issued an enforcement notice relating to land at 16 The Esplanade, Telscombe Cliffs, BN10 7HE 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.

#### **RECIPIENTS OF THE ENFORCEMENT NOTICE**

Owner/Occupier, 16 The Esplanade, Telscombe Cliffs, BN10 7HE

Mr R Munday, 16 The Esplanade, Telscombe Cliffs, BN10 7HE

Mr R Munday, 51 Wicklands Avenue, Saltdean, Brighton, BN2 8EQ

The Mortgage Business PLC (Co. Regn. No. 1997277) of Po Box 548, Leeds LS1 1WU