

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

SOUTH DOWNS NATIONAL PARK AUTHORITY

TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991)

ENFORCEMENT NOTICE

Issued By : South Downs National Park Authority

1. **THIS IS A FORMAL NOTICE** which is issued by the South Downs National Park Authority ("the Authority"), because it appears 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 Authority considers that it is expedient to issue this Notice, having regard to the provisions of the development plan and to all other material planning considerations. The Explanatory Notes which accompany this Notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

A23 Diner, London Road, Pyecombe, Brighton, West Sussex, BN45 7FJ (as shown edged red on the attached plan)

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

Within the last 10 years and without planning permission the material change of use of the land from a business use (roadside café) to a mixed use of a business use and a car storage use, plus within 4 years and without planning permission the construction of one structure being used for storage and repair of vehicles, and two shipping containers for storage of vehicles. And within 4 years and without planning permission the erection of fencing of more than one metre in height adjacent to the highway.

4. **THE REASON FOR ISSUING THE NOTICE**

The Purpose of the notice is to remedy a breach of planning.

It appears to the Authority that the above breach of planning control has occurred within the last ten years for the change of use, and four years for the structures and fencing.

The Land is situated in the South Downs National Park. The SDNPA has the following statutory purposes:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
 - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.
- i. The site is located within the South Downs National Park (SDNP) where there is a statutory duty to conserve and enhance the landscape and natural beauty of the area and where policies in the Development Plan seek to strictly control development unless there is a proven need.
 - ii. It is considered there is no justification nor essential need for the structures to store vehicles plus the additional storage of vehicles permanently on site. The car park is for business use linked to the café. The current use is not incidental to the café business. There is no support for a change of use for this land from business use to a mixed use of storage use. The new fencing which is adjacent to the highway is not in keeping with the local area.
 - iii. Due to its rural location, it is considered the containers and structure, storage of vehicles and the fencing is harmful to the National Park's special qualities and fails to conserve and enhance landscape character. The development harms the surrounding landscape character, contrary to policies SD4, SD5, SD6, and SD25 of the South Downs Local Plan (2019), the First Purpose of a National Park and the National Planning Policy Framework (2023).

5. WHAT YOU ARE REQUIRED TO DO

- i) Cease the use of the Land for storage of personal vehicles not incidental to the approved business use of the Café
- ii) Remove the erected structure and storage containers from the site
- iii) Remove the fencing leaving the original post and rail fencing in place
- iv) Remove from the Land all materials and debris resulting from the compliance of the above steps

6. TIME FOR COMPLIANCE

- i) Four (4) months from the day this Notice takes effect.
- ii) Four (4) months from the day this Notice takes effect
- iii) Four (4) months from the day this Notice takes effect
- iv) Four (4) months from the day this Notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **14 June 2024** unless an appeal is made against it beforehand.

Date : 16 May 2024



Signed: Mike Hughes

Director of Planning (Interim)

SDNPA, South Downs Centre, North Street, Midhurst, West Sussex GU29 9DH

On behalf of: South Downs National Park Authority

Contact Officer: Emma Goodwin
Tel: 01730 819278
Email: emma.goodwin@southdowns.gov.uk
REF: SDNP/22/00697/BRECON

Background Documents: National Planning Policy Framework (2023)
South Downs Local Plan (2014-33)
South Downs National Park Partnership Management Plan 2020-25
South Downs Integrated Landscape Character Assessment 2020
SDNPA Enforcement Guide

EXPLANATORY NOTES

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.

Details of how to make an appeal

<http://www.planningportal.gov.uk/uploads/pins/eninfosheet.pdf>

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 Authority.

GUIDANCE NOTES

The following sections of the Town and Country Planning Act 1990 are relevant to Enforcement Notices:

S171A – Expressions used in connection with enforcement

S171B – Time limits

S172 – Issue of an Enforcement Notice

172A – Assurance as regards prosecution for person served with a notice

S173 – Contents and effect of Notice

S173A – Variation and Withdrawal of Notice

S174 – Appeal against a Notice

S175 – Appeal – supplementary provisions

S176 – General provisions relating to the determination of appeals

S177 – Grant/modification of planning permission on appeals against Notices.

LODGING AN APPEAL

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:

- (a) that, 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;
- (b) that those matters have not occurred;

- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, 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;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that 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 any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 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 £1156; to the South Downs National Park Authority. Joint appellants need only pay one set of fees. If you decide to appeal, when you submit it, 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.

LIST OF ALL RELEVANT POLICIES

National Park purpose 1

National Planning Policy Framework (NPPF) (2023) sections 2, 11, 12 and 15

South Downs Local Plan (2019)

- Core Policy SD1 - Sustainable Development
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 – Design
- Strategic Policy SD6 – Safeguarding Views
- Strategic Policy SD25 - Development Strategy

GUIDANCE NOTES ON HOW TO MAKE AN APPEAL

1.Planning Inspectorate – Making your appeal - How to Complete Your Enforcement Appeal Form - England (May 2016)

2.Planning Inspectorate – Procedural Guidance – Enforcement Notice Appeals - England (March 2016)

These documents can also be found at:

<https://www.gov.uk/appeal-enforcement-notice>

THOSE PERSONS SERVED WITH THIS NOTICE

- Owner/Occupier, A23 Diner, London Road, Pyecombe, Brighton, BN45 7FJ
- Leaseholder Mr Baktas Kara, 333 Kingsway, Hove, BN3 4PD
- Freeholder Elizabeth Ann Dracott, 21 Benfield Way, Portslade, Brighton, BN41 2DA
- Freeholder Valerie Ann Bourne, 12 St Lukes Close, Lancing, BN15 8SQ
- Any other person