



**Horsham
District
Council**

Working in Partnership



**South Downs
National Park**

IMPORTANT THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

WITHDRAWAL NOTICE

ISSUED BY HORSHAM DISTRICT COUNCIL (“the Council”) on behalf of the South Downs National Park Authority (“the SDNPA”)

Reference number: SDNP/21/00012/OPDEV (“The Enforcement Notice”)

- 1. THIS IS A FORMAL NOTICE** issued by the Council on behalf of the SDNPA to inform you that the Enforcement Notice issued on 2nd February 2022 is hereby **WITHDRAWN**.
- 2. THE LAND TO WHICH THE NOTICE RELATES**

Land at Truleigh House, Truleigh Hill, Shoreham-on-Sea, West Sussex, BN43 5FB (“the Land”).

3. REASONS FOR ISSUING THIS NOTICE OF WITHDRAWAL

The Enforcement Notice was issued in response to the following alleged breach of planning control within paragraph (a) of section 171A(1) of the Town and Country Planning Act 1990:

“The erection of a stable building without planning permission”.

A subsequent application under planning reference SDNP/23/01920/FUL was submitted seeking planning permission for “Retention of existing stable building (resubmission of SDNP/21/04944/FUL)”.

The SDNPA resolved to grant planning permission subject to conditions and a decision notice was issued on 24th May 2024. As a result, the development is no longer in breach of planning control and pursuant to Section 173A of the Town and Country Planning Act 1990 (as amended) the Enforcement Notice is withdrawn.

4. WHEN THIS NOTICE TAKES EFFECT

This notice of withdrawal takes effect immediately.

Please note that the SDNPA's decision to withdraw the Notice does not affect the power of the Local Planning Authority to issue a further Enforcement Notice or Notices (section 173A (4) of the 1990 Act). A failure to discharge conditions could result in the development being unlawful or enforcement action being taken.

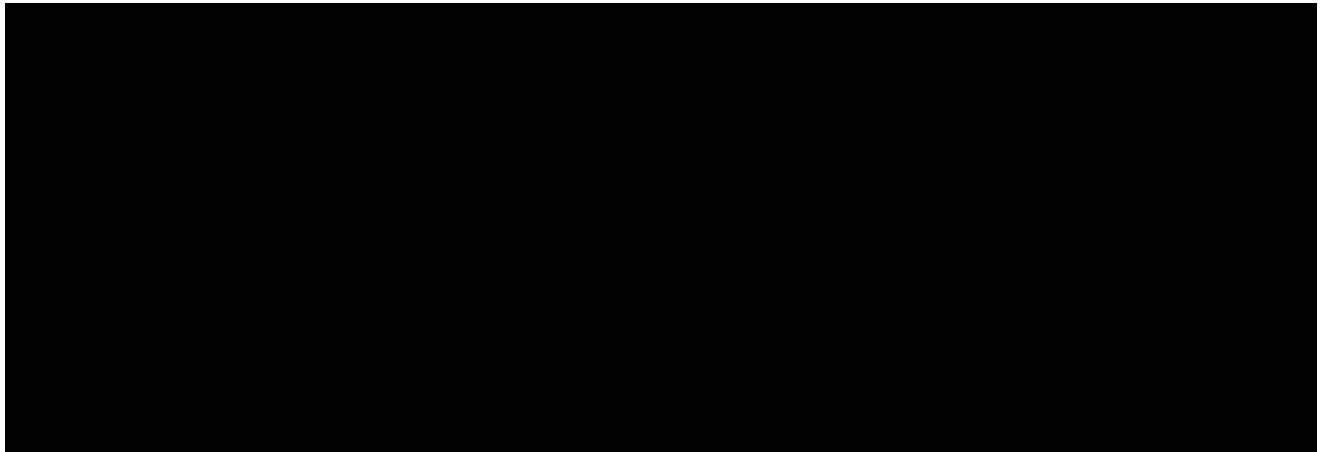


Robert Baxendale

For and on behalf of

Lauren Kelly – Head of Legal & Democratic Services, Horsham District Council, Parkside, Charge Way, Horsham, West Sussex, RH12 1RL

PERSONS SERVED WITH THIS ENFORCEMENT NOTICE



ANNEX

Enforcement Notice SDNP/21/00012/OPDEV and Plan – marked WITHDRAWN



**Horsham
District
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**South Downs
National Park**

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE

OPERATIONAL DEVELOPMENT

Issued by: Horsham District Council (“the Council”) on behalf of the South Downs National Park Authority (“the SDNPA”)

Reference number: SDNP/21/00017 OPDEV

1. **THIS NOTICE** is issued by the Council on behalf of the SDNPA 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. The Council considers 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 Truleigh House, Truleigh Hill, Shoreham on Sea, West Sussex, BN43 5FB, shown edged red on the attached plan (“the Land”).
3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**
Within the last 4 years and without planning permission, the erection of a stable building the approximate location of which is shown in green on the attached plan.
4. **REASONS FOR ISSUING THIS NOTICE**
 - (1) The stable building, by reason of its design, nature and location, has an unacceptable impact on the open downland setting, and the stable building adds to the current poor condition of the site, and does not conserve or enhance the open downland landscape character of Truleigh Hill. The erection of the stable building is therefore contrary to policies SD4, SD5, SD6 and SD24 of the South Downs Local Plan (2014-33), the NPPF (2019), and the First Purpose of the National Park.
 - (2) The stable building does not provide any ecological enhancements comparative to the scale of the development. The development is in conflict with policy SD2 and SD9 of the South Downs Local Plan.

- (3) The development, by virtue of its location outside of the settlement boundary and in the absence of any exceptional justification, is in conflict with policy SD25(2) of the South Downs Local Plan, nor is there sufficient evidence to demonstrate that the development would comply with policy SD24 of the South Downs Local Plan. Therefore, the proposed development is unacceptable in principle.

5. WHAT YOU ARE REQUIRED TO DO

- (1) Cease the use of the unauthorised stable building.
- (2) Remove the unauthorised stable building from the Land.
- (3) Remove from the Land all materials and debris resulting from the compliance of the above steps.
- (4) Restore the Land to its condition before the breach took place.

6. TIME FOR COMPLIANCE

Step 1 - four months from the date of this notice takes effect; and
Steps 2, 3 and 4 – ten months from the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 7 March 2022 unless an appeal is made against it beforehand.

Dated: 2 February 2022

Signed:

Sharon Evans

Head of Legal and Democratic Services, Horsham District Council, Parkside, Chart Way, Horsham, West Sussex RH12 1RL

Nominated officer Jennifer Baxter

Telephone number 01403 215280

ANNEX

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.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal. You can also find the information sheet at the following link:

<https://www.gov.uk/government/publications/enforcement-appeals-appeal-information-sheet-for-local-planning-authorities>

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against the enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must 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.

WITHDRAWN

EXPLANATORY NOTE

Horsham District Council has issued an enforcement notice relating to land at Truleigh House, Truleigh Hill, Shoreham on Sea, West Sussex, BN43 5FB and you are served with a copy of the 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 explanatory note.

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 received by the Planning Inspectorate before the date specified in paragraph 6 of the notice).

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal.

GROUND(S) OF APPEAL

The grounds of appeal are set out in section 174 of the Act. You may appeal on one or more of the following grounds:

- 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 (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 Act (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 Act 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 wish to appeal on ground a of section 174(2) of the Act, 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 **£462.00**. You should pay the fee to South Downs National Park Authority. If the fee is not paid that ground of appeal is not valid.

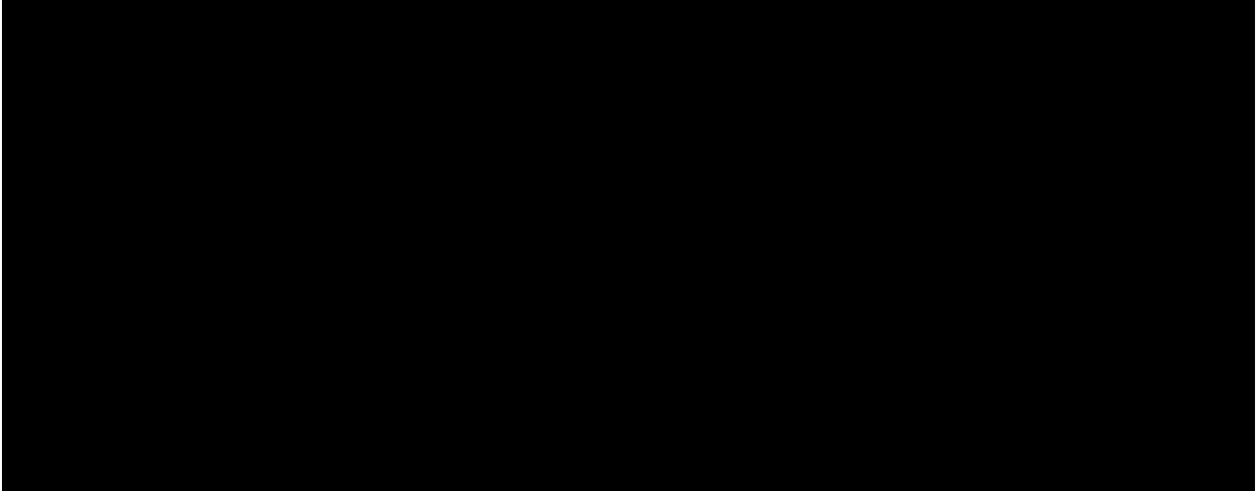
STATEMENT ON GROUNDS OF APPEAL

If you decide to appeal, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you 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

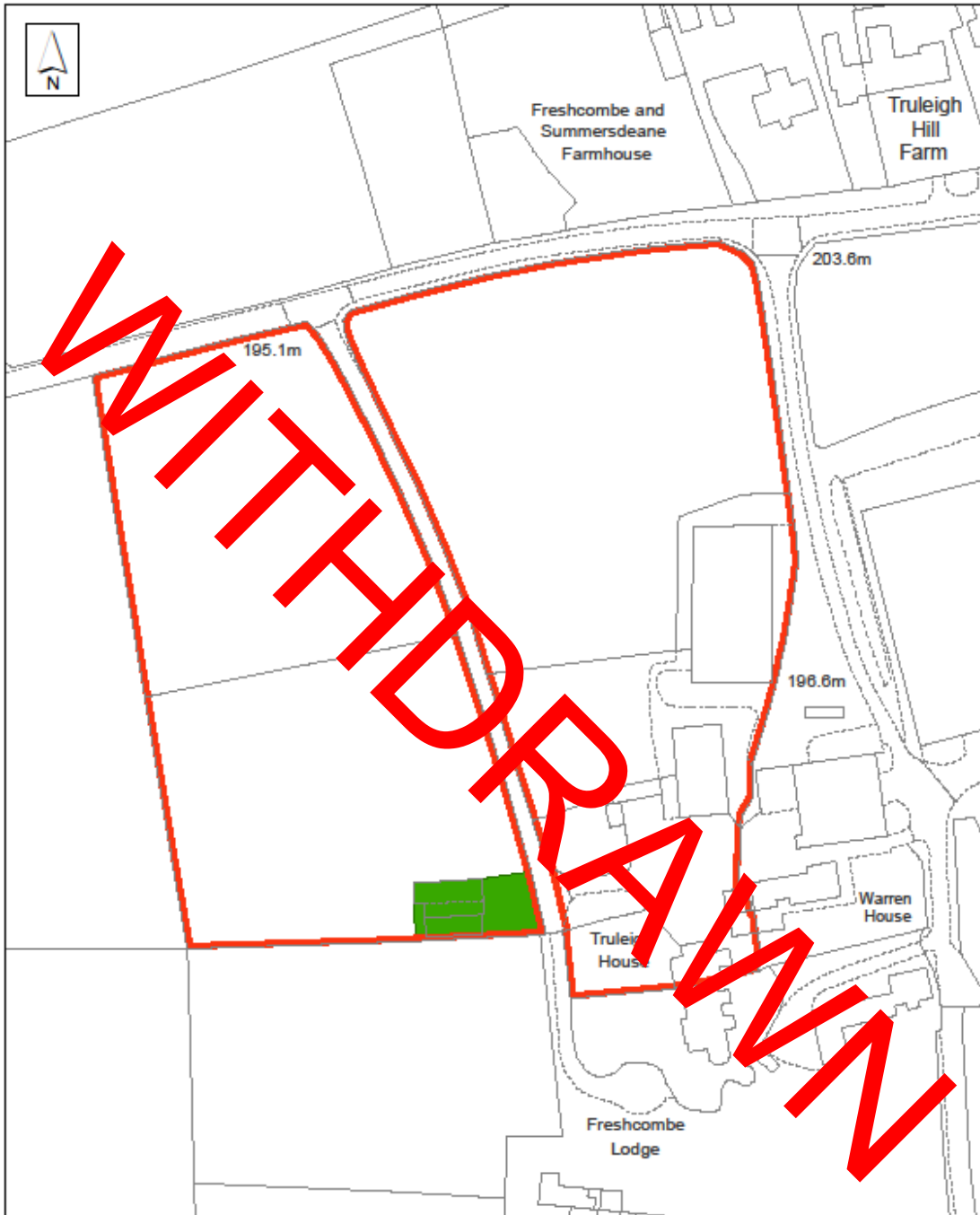
A copy of sections 171A, 171B and 172 – 177 of the Act is attached for your information.

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE:



DRAWN

THE PLAN



Horsham District Council

Parkside, Chart Way, Horsham
West Sussex RH12 1RL

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Enforcement Plan: Land at Truleigh House, Truleigh Hill, Shoreham-By-Sea, BN43 5FB

Reference No :

Date: 31/12/2021

Drawing No :

Scale : 1:1,250 (at A4)

Revisions :