



ENFORCEMENT NOTICE

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)**

Issued By: South Downs National Park Authority

1. THIS IS A FORMAL NOTICE which is issued by South Downs National Park Authority ("the SDNPA"), 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 SDNPA 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 this notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

The Fox Public House, Arundel Road, Patching, Worthing, West Sussex, BN13 3UJ, shown edged red on the attached plan

3. THE BREACH OF PLANNING CONTROL ALLEGED WITHOUT PLANNING PERMISSION

1. Without planning permission and within the last 4 (four) years, operational development by laying a concrete and wooden base for the siting of a large marquee.

2. Without planning permission and within the last 4 years, the erection of a large marquee, as marked by a blue line on the attached site plan.

3. Without planning permission and within the last 4 (four) years, with an engineering operation, the creation of an earth bund on the northern boundary of

South Downs National Park Authority, South Downs Centre, Midhurst, GU29 9DH

Tel: 01730 814810 Email: planning@southdowns.gov.uk

the site as marked by a green line on the attached site plan.

4. Without planning permission and within the last 10 (ten) years, the change of use of pub garden/car park land to that of a mixed use of garden/car park land and land for the storage of waste, as marked by an orange line on the attached site plan.

5. Without planning permission and within the last 10 (ten) years, the change of use of pub garden/car park land with permission for the siting of a single metal storage container, to that of a mixed use of garden/car park land with approved container, and land for the storage of an additional shipping container as marked by a black line on the attached site plan.

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 four years in relation to the operational development, and 10 years in relation to the change of use of the land.

- i. When considering harm and expediency a range of factors and circumstances can contribute to the harm being caused, this includes inappropriate development that is harmful to the setting of the National Park and contravenes National and Local Planning policies and has an adverse impact on visual amenity.
- ii. In this case, an 'expediency' test has been applied. The development is within a National Park and due to its location, scale, nature and extent, constitutes an unsustainable and unjustified form of development, which does not conserve or enhance the National Park landscape. The impact on the neighbouring amenity due to proximity of unauthorised flooring and marquee, is a major consideration. It must be stated that permission had already been granted for a marquee on the site however, this one is in a different position, further from the main building, and did not include a solid concrete base with wooden floor that cannot be removed when the marquee is taken down and further has potential to cause greater impact in itself, along with siting closer to adjoining neighbours. The original permission was for a seasonal use of a marquee and not, as it appears to be, a year-round use, with harm to the amenity of neighbours due to noise caused by events held there.
- iii. The siting of a second shipping container affects the amenity of the neighbouring properties by adding additional bulk to the pub garden setting. The associated business that appears to emanate from it creates piles of waste unacceptable in a public house setting and impacts on the recreational area that is the pub garden. The earth bund is a disproportionate addition to the setting and amenity of the area.
- iv. The proliferation and accumulation of physical development results in unacceptable overdevelopment and compounds the harm identified under ii

and iii above. This does not represent sustainable development or good design, and does not conserve or enhance the National Park, in conflict with the Local Plan, including SD1, SD4, SD5, SD6, and SD7 and SD34, the NPPF paragraph 182, and purpose 1.

For the reasons set out above the Authority consider it expedient to issue this Enforcement Notice.

5. WHAT YOU ARE REQUIRED TO DO

1. Permanently remove the marquee from its unauthorised position.
2. Permanently remove the wooden flooring, the railway sleepers and concrete footings beneath the marquee.
3. Permanently remove the earth bund on the northern boundary in its entirety and dispose of the earth from the site.
4. Permanently remove all waste and other detritus from the site completely and provide waste licensed carrier's details showing how it was disposed.
5. Permanently remove the additional shipping container identified on the attached site plan.
6. Restore the land affected to its previous state, that being a pub garden and car park with permitted storage container.

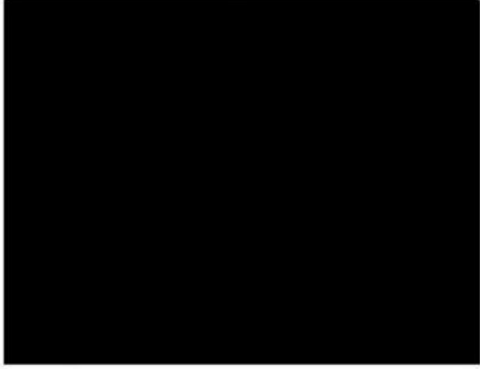
6. TIME FOR COMPLIANCE

1. 2(Two) Months beginning with the day on which the notice comes into effect.
2. 3(Three) Months beginning with the day on which the notice comes into effect.
3. 3(Three) Months beginning with the day on which the notice comes into effect.
4. 3(Three) Months beginning with the day on which the notice comes into effect.
5. 3(Three) Months beginning with the day on which the notice comes into effect.
6. 3(Three) Months beginning with the day on which the notice comes into effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 2nd May 2024 unless an appeal is made against it beforehand.

Date : 2nd April 2024



Signed : Mike Hughes

MIKE HUGHES

Interim Director of Planning
South Downs National Park Authority

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.

The enclosed information sheet published by the Planning Inspectorate gives 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 £ 578.00; 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

SD1 Sustainable Development

SD2: Ecosystem Services

SD4 Landscape Character

SD7 Relative Tranquillity

SD5 Design

SD34 Sustaining the Local Economy

GUIDANCE NOTES ON HOW TO MAKE AN APPEAL

1.Planning Inspectorate – Making your appeal - How to Complete Your Enforcement Appeal Form - England (21 April 2022)

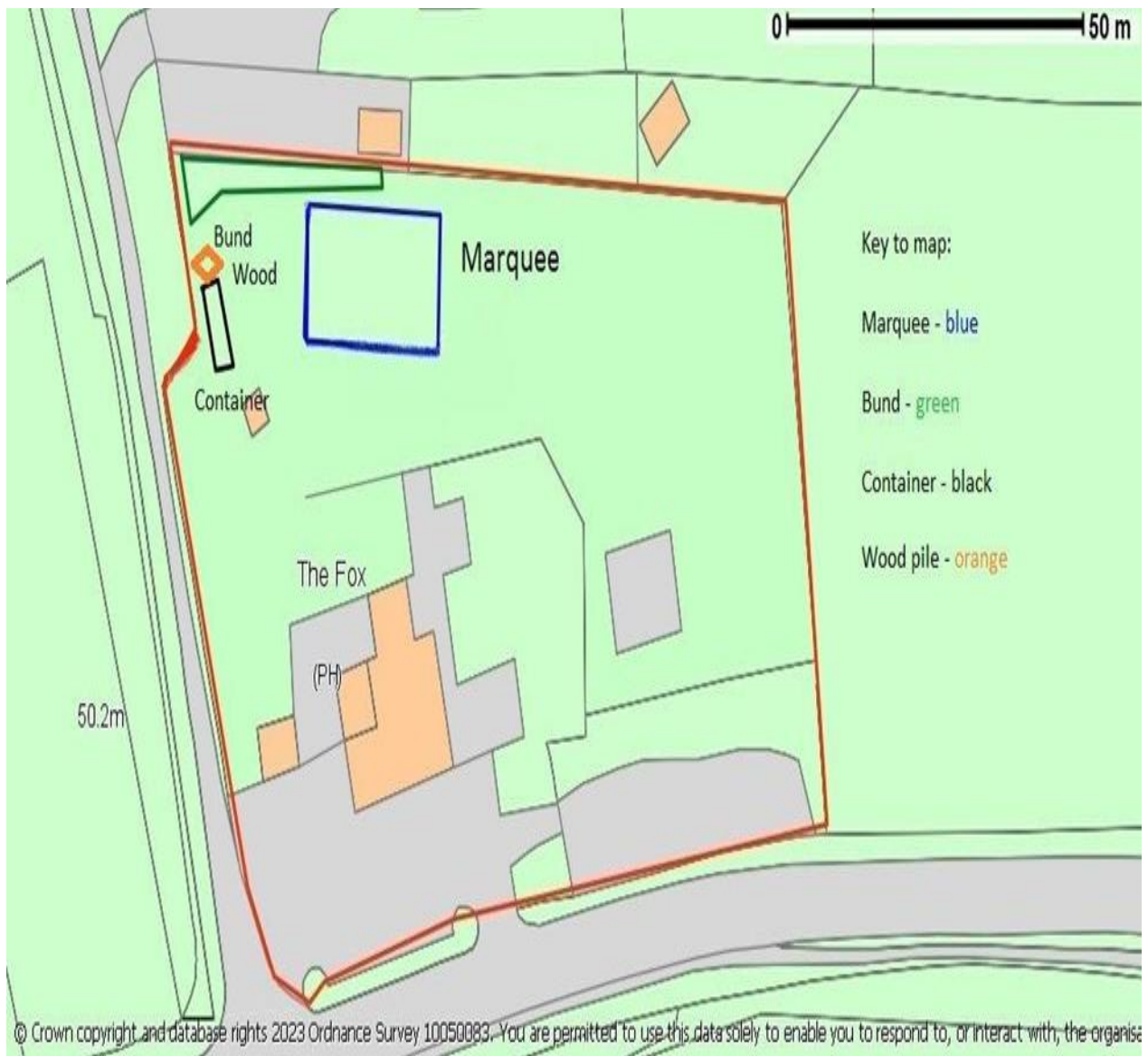
[Enforcement notice appeals: how to complete your appeal form - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/enforcement-notice-appeals-how-to-complete-your-appeal-form)

2.Planning Inspectorate –Appeal an Enforcement Notice

[Appeal an enforcement notice: When you can appeal - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/appeal-an-enforcement-notice-when-you-can-appeal)

THOSE PERSONS SERVED WITH THIS NOTICE

Map plan



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