

**IMPORTANT- THIS COMMUNICATION AFFECTS YOUR PROPERTY**  
**TOWN AND COUNTRY PLANNING ACT 1990 (“the 1990 Act”)**  
**ENFORCEMENT NOTICE**

Issued by: **EAST HAMPSHIRE DISTRICT COUNCIL** (“the Council”) on behalf of the South Downs National Park Authority

**1. ENFORCEMENT NOTICE**

**THIS NOTICE** is issued by the Council because it appears that there has been a breach of planning control, within paragraph (b) of section 171A(1) of the 1990 Act, 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 Plot 70 West of Lovedean Lane, Horndean, Hampshire shown edged red on the attached plan (“the Land”).

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

Without planning permission and within the last 10 years the carrying out of engineering operations, the erection of fencing, and the erection of a building.

**4. REASONS FOR ISSUING THIS NOTICE**

The development impacts a previously undeveloped rural area, which is visible from a number of vantage points within the National Park. The development is significantly harmful to the appearance of the locality and fails to conserve or enhance the nature beauty of the South Downs National Park which is contrary to the first statutory purpose of the National Park and to National Advice.

The development is contrary to Policies SD1, SD5, SD8, SD21, SD25, SD39, and SD48 of the South Downs Local Plan, and advice within the National Planning Policy Framework 2023. The development also contravenes Article 4 Directions dated 02 October 2001 and 15 September 2004.

The council do not consider that planning permission should be given, because planning conditions could not overcome these problems.

## 5. WHAT YOU ARE REQUIRED TO DO

You must:

- i. Remove all fencing from the Land (marked on the attached plan with a green line)
- ii. Remove the metal shed from the Land (as marked hatched black on the attached plan).
- iii. Restore the engineered area of land to its previous condition, as a gentle gradient rather than stepped and levelled ground, as it was prior to the breach of planning control taking place (in the approximate area marked cross hatched black on the attached plan).
- iv. Remove all wooden railway sleepers from the Land, which are currently being utilised as retaining walls to facilitate the engineering operations (in the approximate area cross hatched on the attached plan).
- v. Remove all items associated with the construction of the building, including the wooden log cabin materials and associated tools and paraphernalia from the land.

## 6. TIME FOR COMPLIANCE

The period for compliance with the steps set out in paragraph 5 is **two months** from the date this notice takes effect.

## 7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 22 November 2024 unless an appeal is made against it beforehand.

Dated: 22 October 2024 (**Date of issue**)

Signed by:



Natalie Meagher – Director of Regulation and Enforcement  
East Hampshire District Council  
On behalf of: South Downs National Park Authority

## **ANNEX**

East Hampshire District Council (on behalf of the South Downs National Park Authority) has issued an enforcement notice relating to Land at Plot 70 West of Lovedean Lane, Horndean, Hampshire . 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.

### **THE RIGHT OF APPEAL**

If you own, rent or lawfully occupy the Land 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.

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

### **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 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.

### **PLANNING APPLICATION FEE**

If you wish to appeal on ground (a) of section 174(2) of the 1990 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 £1156.00. You should pay the fee to South Downs National Park Authority. If the fee is not paid then that ground of appeal will not be valid.

### **STATUTORY PROVISIONS**

A copy of sections 171A, 171B and 172 to 177 of the 1990 Act are attached for your information.

### **WHAT HAPPENS IF THE ENFORCEMENT NOTICE IS NOT APPEALED**

Unless an appeal is made against this enforcement notice, it will take effect on the 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 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.

**Persons served with a copy of this enforcement notice are as follows:**

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