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Your ref:
Our ref: BL/ENF/SED/10/298
Please ask for: Mrs Laibach
Direct dial no: 787623
Date: 7 January 2011



TO WHOM IT MAY CONCERN

Dear Sir/Madam

Services Directorate
Anthony Leonard MBA, MA
Director

APPEAL AGAINST ENFORCEMENT NOTICE

Town Hall
Bexhill-on-Sea
TN39 3JX

Appeal Reference No: APP/U1430/C/10/2138921 and 2142425
Appeal by: The Budget Car Company
Land at: The Budget Car Company, The Street, Sedlescombe

On 6 September 2010, Rother District Council issued an enforcement notice relating to the above mentioned land as it appeared there had been a breach of planning control under Section 171A(1) (a) of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991). It was expedient to issue the notice having regard to provisions of the development plan and to other material planning considerations.

The breach of planning control alleged:

Without planning permission a change of use of the land for parking and display of vehicles for sale outside of the area approved under planning permission RR/80/2363.

The reasons for issuing the enforcement notice:

It appears to the Council that the above breach of planning control has occurred within the last ten years.

The parking and display of vehicles for sale outside of the approved area under planning permission RR/80/2363 has a harmful effect on the visual amenity of the area. Therefore it is contrary to Policy GD1 (ii, iii, iv, v, vi) of the Rother District Local Plan.

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

The requirement of the enforcement notice:

Cease the use of the land outside of the approved area under planning permission RR/80/2363 for the parking and display of vehicles for sale and remove all vehicles from the land outside the approved area.

Time for compliance:

One week

The Budget Car Company have submitted appeals against the enforcement notice to the Planning Inspectorate on ground (g) that:-

- g) Any period specified in the notice in accordance with Section 173 (9) falls short of what should reasonably be allowed.



INVESTOR IN PEOPLE

cont/over...

Where an appeal against an enforcement notice is brought under Section 174 of the Town and Country Planning Act 1990, the appellant is deemed to have made an application for planning permission in respect of the matters stated in the enforcement notice as constituting a breach or breaches of planning control. On determining the appeal, the Secretary of State may, under Section 177 of the Act, grant planning permission in respect of the matters stated in the enforcement notice. He may also determine whether, on the date on which the appeal was made any existing use of the land was lawful and, if so issue a Certificate of Lawfulness of existing use or development under Section 191 of the Act.

The appeal is to be decided on the basis of an exchange of written statements by the parties and a site visit by an Inspector. A copy of the Planning Inspectorate's booklet '*Guide to taking part in enforcement appeals*' is available free of charge by telephoning the above number or may be viewed on the Inspectorate's website www.planning-inspectorate.gov.uk under publications.

Relevant documents are available for inspection at the Town Hall, Bexhill-on-Sea, East Sussex, TN39 3JK between 9.00am and 4.30pm Monday to Thursday and between 9.00am and 4.00pm on Fridays. You should telephone the above number to make an appointment to view the files before calling. This will ensure that the documents are available to you.

I am required by the Secretary of State to give notice to occupiers and owners of properties near the site and others who may be affected. **Any comments you wish to make concerning the appeal should be made in writing as soon as possible and no later than the 8 February 2011 otherwise there is a risk that your representations will not be considered. Your letter should be addressed to: Thomas Watkins, The Planning Inspectorate, Room: 3/26b, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN quoting the Appeal Reference Number.** I should point out that any comments you make will be disclosed to the Appellant. The Planning Inspectorate will not acknowledge your letter unless you specifically ask them to do so. They will, however, ensure that your letter is passed on to the Inspector dealing with the Appeal. The Planning Inspectorate will send a copy of the decision letter only to those who request one.

The Planning Inspectorate have introduced an online appeals service which you can use to comment on this appeal. You can find the service through the Appeals area of the Planning Portal – see www.planningportal.gov.uk/pes. The Inspectorate may publish details of your comments, on the internet (on the Appeals area of the Planning Portal). Your comments may include your name, address, email address or phone number. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

Yours faithfully



Mrs B Laibach
Planning – Appeals & Enforcement