

Tel: (01424) 787600 (Customer Services)  
Your ref: BL/ENF/SED/2009/702  
Our ref: Mrs Laibach  
Please ask for: 787623  
Direct dial no: 12 January 2011  
Date:



## TO WHOM IT MAY CONCERN

Dear Sir/Madam

Services Directorate  
Anthony Leonard MBA, MA  
Director

### APPEAL AGAINST ENFORCEMENT NOTICE

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

Town Hall  
Bexhill-on-Sea  
TN39 3JX

**Please note that no details of the enforcement notice appeal reference no: APP/U1430/C/10/2142425 were given in my letter of 7 January 2011.**

On 3 November 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 the construction of a storm shelter.

#### **The reasons for issuing the enforcement notice:**

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

The appearance and construction of this development have an adverse effect on the character and appearance of the local area, including the Sedlescombe Conservation Area and the High Weald Area of Outstanding Natural Beauty and is therefore contrary to Policies GD1(iv), (viii) and EM1(ii) 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 to the development.

#### **The requirement of the enforcement notice:**

Demolish the shelter and remove the resultant materials from the land.

#### **Time for compliance:**

One month

The Budget Car Company have submitted an appeal 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.

cont/over...



INVESTOR IN PEOPLE

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](http://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](http://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

*B Laibach*

Mrs B Laibach  
Planning – Appeals & Enforcement