



**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990  
(AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991)**

**ENFORCEMENT NOTICE**

**Material Change of Use**

Issued by **MID SUSSEX DISTRICT COUNCIL**

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this Notice, having regard to the provisions of the Development Plan and to other material planning considerations. The Explanatory Note 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 Lower Hollow Copse, Copthorne Road, Copthorne, West Sussex shown edged red on the attached plan ("the Land").

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

Without planning permission, the material change of use of the Land from an uncultivated area of land (with a nil planning use) to the storage and/or parking of vehicles ("the Unauthorised Change of Use").

4. **REASONS WHY IT IS CONSIDERED EXPEDIENT TO ISSUE THIS NOTICE**

- (1) It appears to the Council that the above breach of planning control has occurred within the last ten years and that the reasons stated below are solely for the purposes of remedying the breach.
- (2) The Unauthorised Change of Use results in an adverse impact on highway safety due to the inadequate accesses onto the public highway (including inadequate visibility splays) at Copthorne Road and Old Hollow. Therefore, the Unauthorised Change of Use conflicts with policy T4 of the Mid Sussex Local Plan

- (3) The Land falls within a designated countryside area of development restraint. The Unauthorised Change of Use, and associated works, including the laying of materials and an enclosure of close boarded fencing, for an unrestricted number of vehicles to park on the Land and the associated vehicular movements is unacceptable and represents an unsustainable form of development. The Unauthorised Change of Use and associated works will result in an unacceptable impact on the character and appearance of the area and may result in potential harm to the trees covered by Tree Preservation Order WP/TPO/07/1985. The Unauthorised Change of Use is therefore contrary to Policies C1, B7, T4 and T9 of the Mid Sussex Local Plan. The Unauthorised Change of Use is not a sustainable form of development as set out in the National Planning Policy Framework.
- (4) The Unauthorised Change of Use results in an adverse impact on residents due to the noise generated particularly with regard to the associated vehicle movements. In the absence of any information relating to the lighting on the Land including how such will be restricted to illuminate only the Land so as not to cause any light spill or reflection onto neighbouring properties there may be an adverse impact on residents. Therefore, the Unauthorised Change of Use conflicts with policies B3 and B23 of the Mid Sussex Local Plan

**5. WHAT YOU ARE REQUIRED TO DO**


- 1) Cease the use of the Land for the storage and/or parking of vehicles
- 2) Remove all vehicles from the Land
- 3) Take up and remove from the Land, to an authorised place of disposal, all the crushed minerals and materials laid in connection with the Unauthorised Change of Use
- 4) Dismantle and remove from the Land all the close boarded fencing and posts erected in connection with the Unauthorised Change of Use
- 5) Reinstate the Land to its previous appearance by seeding the Land with grass/wild flower seed mix and allow to regrow naturally

**6. TIME FOR COMPLIANCE: One month after this Notice takes effect.**

**7. WHEN THIS NOTICE TAKES EFFECT**

**THIS NOTICE TAKES EFFECT ON 3<sup>rd</sup> OCTOBER 2014**  
unless an appeal is made against it beforehand.

Dated: 3<sup>rd</sup> September 2014

  
Signed  
i4/65 Authorised Officer on behalf of  
Mid Sussex District Council



Address to which all communications should be sent:  
Head of Economic Promotion and Planning  
Mid Sussex District Council,  
Oaklands, Oaklands Road,  
Haywards Heath, West Sussex RH16 1SS

### **EXPLANATORY NOTE**

This Enforcement Notice has been served on the following persons whose names and addresses are set out below:

1. Layla Heal, 101 Copthorne Road, Felbridge, East Grinstead, West Sussex RH19 2PB
2. The Company Secretary, Air Parking Limited, 45 Gatwick Road, Manor Royal, Crawley, West Sussex, RH10 9RD
3. Site Notice at Lower Hollow Copse, Copthorne Road, Copthorne, West Sussex,

### **YOUR RIGHT OF APPEAL**

You can appeal against this Notice, but you must ensure that you send your appeal soon enough so that it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before the date specified in paragraph 7 above.

The enclosed information sheet from The Planning Inspectorate tells you how to make an appeal. Read it carefully. 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 Enforcement 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 Enforcement 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 Enforcement Notice to be taken, or the activities required by the Enforcement 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 Enforcement 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) this is equivalent of applying for planning permission for the development alleged in the Enforcement Notice and you may have to pay a fee. You should pay any fee to the Council's Head of Economic Promotion and Planning at this address (made payable to Mid Sussex District Council). Joint appellants need only pay one set of fees. Further information with regard to fees can be obtained from the Planning Inspectorate.

You must submit to the Secretary of State either when giving notice of your appeal or within 14 days from the date on which the Secretary of State sends you a notice requiring you to do so, a written statement specifying the Grounds on which you are appealing against the Enforcement Notice and stating briefly the facts on which you propose to rely in support of each of those Grounds.

#### **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 above 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 the Notice. Failure to comply with an Enforcement Notice, which has taken effect, can result in prosecution and/or remedial action by the Council.

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03/09/2014 Scale 1:2558