

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**ENFORCEMENT NOTICE**

**OPERATIONAL DEVELOPMENT AND MATERIAL CHANGE OF USE**

Issued by **MID SUSSEX DISTRICT COUNCIL** ("the 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 east of Dan Tree Farm, London Road, Bolney, West Sussex RH17 5QF ("the Land") shown edged red on the attached plan ("the Plan").

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

Without planning permission:

- 3.1 the material change of use of the Land from agriculture to a mixed use of:
  - 3.1.1 the importation, processing, storage and export of waste material upon the Land;
  - 3.1.2 the deposition of waste material upon the Land;
  - 3.1.3 the storage of building materials upon the Land;
  - 3.1.4 the storage of plant, machinery and containers upon the Land;
- 3.2 operational development comprising of the laying and construction of hardstanding upon the Land.

("the Unauthorised Development").

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

- 4.1 It appears to the Council that the above breach of planning control stated in 3.1 above has occurred within the last 10 years and constitutes unauthorised development..
- 4.2 It appears to the Council that the above breach of planning control stated in 3.2 above has occurred within the last 4 years and constitutes unauthorised development.
- 4.3 The Unauthorised Development is located in a rural area and is unrelated to the needs of agriculture and is considered contrary to policies DP12 and DP16 of the Mid Sussex District Plan 2014 – 2031, policies W3, W4, W8 and W9 of the West Sussex Waste Local Plan 2014 – 2031, policy AS3 of the Ansty, Staplefield & Brook Street Neighbourhood Plan 2015-2031, paragraph 7 and Appendix B of the National Planning Policy for Waste 2014 and paragraph 177 of the National Planning Policy Framework 2021.
- 4.4 By virtue of its location, scale and appearance the Unauthorised Development causes harm to the visual amenity of the rural area and the High Weald Area of Outstanding Natural Beauty in which it lies contrary to policies DP12, DP16, DP26 and DP29 of the Mid Sussex District Plan 2014 – 2031, policies W11, W12 and W13 of the West Sussex Waste Local Plan April 2014 - 2031 policy AS3 of the Ansty, Staplefield & Brook Street Neighbourhood Plan 2015-2031, paragraph 7 and Appendix B of the National Planning Policy for Waste 2014 and paragraphs 176 and 177 of the National Planning Policy Framework 2021.
- 4.5 By virtue of the location and scale of the Unauthorised Development it represents a severe impact upon the safety of the local highway network contrary to policy DP21 of the Mid Sussex District Plan 2014 – 2031 and policy W18 of the West Sussex Waste Local Plan April 2014 – 2031 and paragraphs 110 and 111 of the National Planning Policy Framework 2021.
- 4.6 By virtue of the use, siting, scale and material construction of the Unauthorised Development it represents a risk to land and water contamination contrary to policies DP41 and DP42 of the Mid Sussex District Plan 2014 – 2031 and paragraph 183 of the National Planning Policy Framework 2021
- 4.7 By virtue of the use, siting and scale of the Unauthorised Development it causes harm to the adjacent ancient woodland and biodiversity of the Land contrary to policies DP27 and DP38 of the Mid Sussex District Plan 2014 – 2031 and policies W14, W16 and W19 of the West Sussex Waste Local Plan April 2014 – 2031, paragraph 7 and Appendix B of the National Planning Policy for Waste 2014 and paragraph 174 of the National Planning Policy Framework 2021.

- 4.8 The Council does not consider that planning permission for the Unauthorised Development should be given because it is contrary to the policies of the development plans and planning conditions could not overcome these objections to the Unauthorised Development.

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

- 5.1 Cease the use of the Land for the importation, processing and export of waste material.
- 5.2 Cease the use of the Land for the deposition of waste material.
- 5.3 Cease the use of the Land for the storage of waste and building materials.
- 5.4 Cease the use of the Land for the storage of plant, machinery and containers.
- 5.5 Remove from the Land all plant, machinery, equipment, containers and vehicles.
- 5.6 Remove from the Land to an authorised place of disposal all imported and stored waste and building materials associated with the Unauthorised Development
- 5.7 Disconnect from all services (water, electricity, foul sewerage) the portacabin marked in the approximate position marked 'A' on the Plan.
- 5.8 Remove from the Land the portacabin sited in the approximate position marked 'A' on the Plan.
- 5.9 Remove from the Land the containers sited in the approximate position marked 'B' on the Plan.
- 5.10 Remove from the Land the hardstanding marked outlined in blue on the Plan.
- 5.11 Remove from the Land to an authorised place of disposal all debris and materials as a result of compliance with step 5.10 above.
- 5.12 Reinststate and restore the Land to its former condition and topography in keeping with the surrounding agricultural land.

## **6. TIME FOR COMPLIANCE:**

- 6.1 The time for compliance with requirement 5.1, 5.2 and 5.3 is 7 days after this Notice takes effect.
- 6.2 The time for compliance with requirements, 5.4, 5.5, 5.7, 5.8 and 5.9 is 14 days after this Notice takes effect.
- 6.3 The time for compliance with requirements 5.6, 5.10 and 5.11 is 28 days after this Notice takes effect.
- 6.4 The time for compliance with requirement 5.12 is 3 months after this Notice takes effect.

## 7. WHEN THIS NOTICE TAKES EFFECT

THIS NOTICE TAKES EFFECT ON **31st March 2023** unless an appeal is made against it beforehand.

Dated: 28<sup>th</sup> February 2023



Signed  
Authorised Officer on behalf of  
Mid Sussex District Council

Notice Ref: EF/18/0446  
Address to which all communications should be sent:  
Assistant Director, Planning & Sustainable Economy,  
Mid Sussex District Council,  
Oaklands, Oaklands Road,  
Haywards Heath, West Sussex, RH16 1SS  
[www.midsussex.gov.uk](http://www.midsussex.gov.uk)

## **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 will have to pay a fee of £7,020. You should pay this fee to the Council's Assistant Director, Planning & Sustainable Economy, 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.

## EXPLANATORY NOTE

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

PJ Brown (Civil Engineering) Ltd  
Burlands Farm  
Charlwood Road  
Crawley  
West Sussex  
RH11 0JZ

Peter John Brown  
Burlands  
Charlwood Road  
Ifield  
Crawley  
West Sussex  
RH11 0JZ

Mr Dane Rawlins  
Bolney Park Farm  
Broxmead Lane  
Bolney  
Haywards Heath  
West Sussex  
RH17 5RJ

Mrs Maureen Rawlins  
Bolney Park Farm  
Broxmead Lane  
Bolney  
Haywards Heath  
West Sussex  
RH17 5RJ

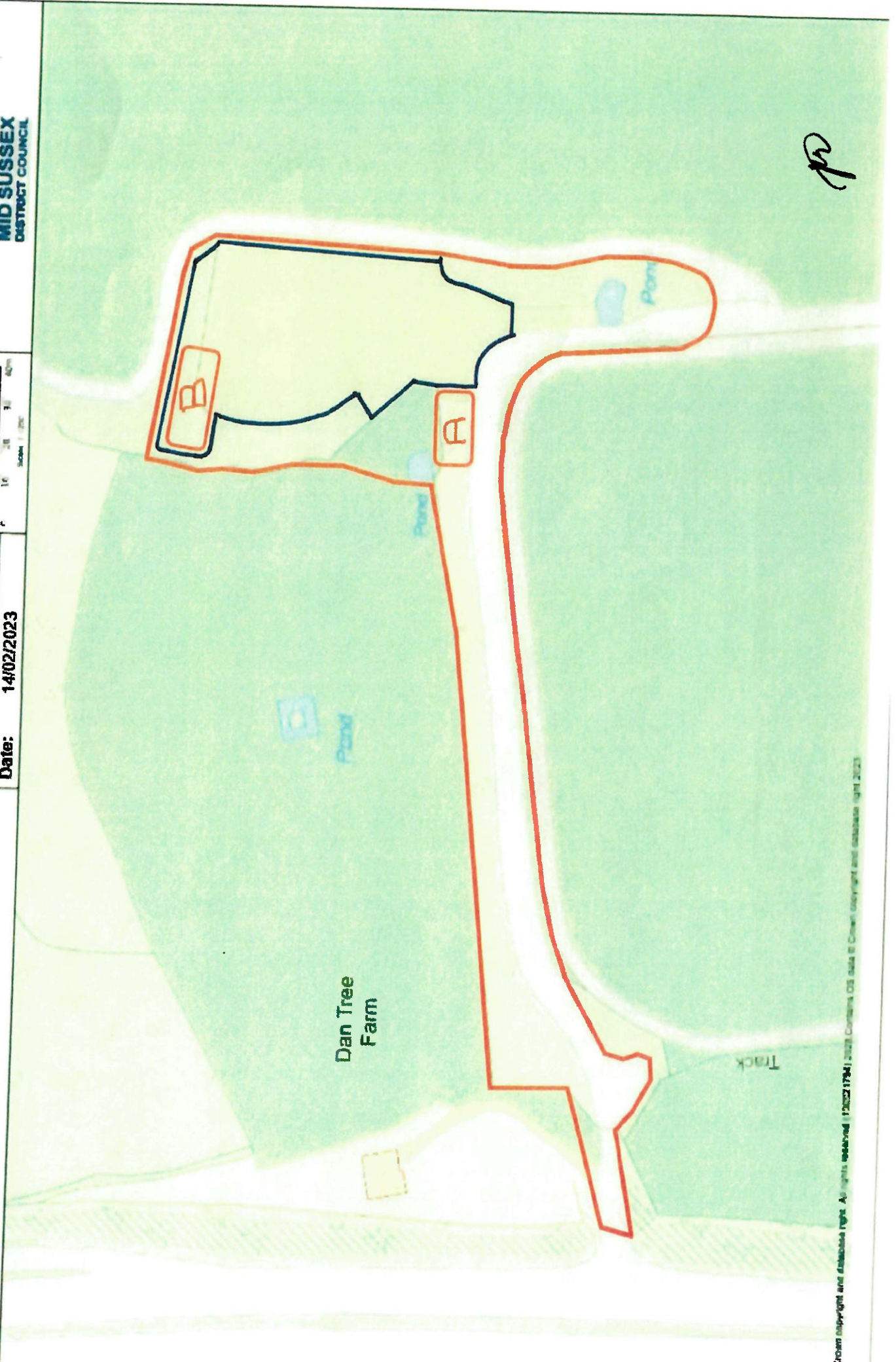
BARCLAYS BANK UK PLC (Co. Regn. No.9740322)  
P.O. Box 187  
Leeds  
LS11 1AN

SARAH CATHERINE WRIGHT  
Park Farm Cottage  
Broxmead Lane  
Bolney  
West Sussex  
RH17 5RJ

Mid Sussex District Council

Author: A. Clarke

Date: 14/02/2023



Dan Tree Farm

Pond

Pond

Pond

Track

*[Handwritten signature]*

