

Development Management Matters:

Quarterly Update

Development Management Matters – Quarterly Update

1 October – 31 December 2018

Enforcement

New cases received:	13
Total cases resolved:	16
Outstanding cases being investigated:	9

Site Monitoring

Non-chargeable site monitoring visits:	20
Chargeable site monitoring visits:	0

Appeals

Appeal against Enforcement Notice – Upper Lodge Farm, Ringmer

Enforcement Notice Appeal

Upper Lodge Farm, Ringmer



Appeal Decision

Hearing Held on 9 October 2018

Site visit made on 9 October 2018

by **Paul Freer BA (Hons) LLM PhD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 November 2018

Appeal Ref: APP/G1440/C/17/3185589

Land at Upper Lodge Farm, The Broyle, Ringmer BN8 5AP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr John Farnes against an enforcement notice issued by East Sussex County Council.
- The enforcement notice was issued on 29 August 2017.
- The breach of planning control as alleged in the notice is, without planning permission, the unauthorised change of use of land from agricultural to the use of land for the importation, deposit, storage and processing of waste UPVC window frames and component parts.
- The requirements of the notice are:
 1. Cease the importation of all waste UPVC window frames and component parts.
 2. Cease the use of the land for the importation, deposit, storage and processing of waste materials and return the land for agricultural purposes by carrying out the following works on the land:
 - (i) Remove from the land all waste materials that have been deposited on the land so that the original undisturbed natural contours of the land are exposed.
 - (ii) Remove from the land any plant machinery and equipment and any other materials that are associated with the waste use of the site.
- The period for compliance with the requirements is:
 1. One day after the notice takes effect
 2. Four weeks after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary Decision: the appeal is dismissed and the enforcement notice is upheld

Procedural Matters

1. The enforcement notice as drafted contains at paragraph 5 definitions of the terms 'waste materials' and 'plant machinery and equipment' for the purposes of the notice. I have not reproduced those definitions above but my Decision should be read in the context of those definitions.
2. As part of his evidence, the appellant explains the difficulties of operating an agricultural use on the land as a result, in part, of the poor soil conditions. The appellant proposes a number of alternative uses for the land, including an industrial development, a shopping complex and/or a residential scheme. However, where an appeal is made on ground (a), Section 177(5) of the Town and Country Planning Act 1990 provides that the deemed planning application

<https://www.gov.uk/planning-inspectorate>

Upper Lodge Farm, The Broyle, Ringmer



Upper Lodge Farm, The Broyle, Ringmer

Before



After



Upper Lodge Farm, The Broyle, Ringmer



Upper Lodge Farm, The Broyle, Ringmer



Upper Lodge Farm, The Broyle, Ringmer



Press Coverage

Sussex Express – 7 December 2018

Friday, December 7, 2018 www.sussexexpress.co.uk

SUSSEX

Appeal against unauthorised waste ban gets dismissed

Express Reporter

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A landowner has lost his appeal against an enforcement notice banning him from using his Ringmer farm to store and process old windows and doors.

East Sussex County Council had ordered the owner of Upper Lodge Farm to stop importing, storing and processing waste UPVC windows and doors – a practice it did not have planning permission to carry out.

The landowner lodged an appeal against the Enforcement Notice, issued by the authority following complaints of noise disturbance and blocked public footpaths.

Cllr Nick Bennett, the county council's lead member for transport and environment, said: "I'm

pleased that the inspector decided to dismiss this appeal and uphold the Enforcement Notice, ordering the landowner to stop flouting planning laws.

"Our officers tried on several occasions to deal with this issue informally, but had no option but to take formal action."

Cllr Bennett continued: "Apart from the fact there was no planning permission in place to carry out the operation, neighbours were subjected to unacceptable levels of noise and walkers were often blocked from using public rights of way."

In his ruling, which followed a public hearing and site visit, the inspector found there had been a breach of planning control which unacceptably harms the character of the surrounding countryside, reduces the usability of the public right of way and harms the living conditions of



Complaints about noise and blocked footpaths: The scene at Upper Lodge Farm

neighbouring residents.

The landowner must cease waste activity at the site and clear all waste materials by

December 20.

Officers from East Sussex County Council will continue to monitor the site, located

on The Broyle at Ringmer, to ensure the enforcement notice is complied with, said a council spokesperson.



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