

TEMPORARY STOP NOTICE

TOWN AND COUNTRY PLANNING ACT 1990

(As amended by the Planning and Compensation Act 1991 and the Planning and Compulsory Purchase Act 2004)

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

SERVED BY Lewes District Council, Lewes House, 32 High Street, Lewes, East Sussex BN7 2LX herein after referred to as 'the Council'

1. On 19th April 2012 the Council has issued this temporary stop notice alleging that there has been a breach of planning control on the land described in paragraph 4 below.
2. This temporary stop notice is issued by the Council, in exercise of their power in section 171E of the 1990 Act, because they think that it is expedient that the activity specified in this notice should cease on the land described in paragraph 4 below. The Council now prohibits the carrying out of the activity specified in this notice. Important additional information is given in the Annex to this notice.

3. THE REASONS FOR ISSUING THIS NOTICE

On the 27 May 2010 the Council granted planning permission LW/10/0399, for the erection of a three bedroom dwelling. Condition 2 of the permission states:

"Development shall not begin until details of finished floor levels in relation to the existing ground levels on this site and on the adjacent sites have been submitted to and approved by the Local Planning Authority. The works shall then be carried out in accordance with these details.

Reason: in the interest of the residential amenity and the character of the locality having regard to Policy ST3 of the Lewes District Plan."

The development authorised in permission LW/10/0399 is being carried out in breach of condition 2. In particular, the plans approved under condition 2 show that the dwelling will be set into the ground to reduce the overall height and impact on the neighbouring properties, see schedule 1 attached for the approved plan. The development is progressing on the basis of the floor levels being in line with the existing ground levels contrary to the levels approved by the Council under condition 2.

The continuation of works on the site has potentially serious implications for the amenity and the neighbouring properties, and is contrary to policy ST3 of

the Lewes District Plan and polices within the National Planning Policy Framework.

4. THE LAND TO WHICH THIS NOTICE RELATES

Land adjacent to 10 Fair Place, south Road, Wivelsfield Green, East Sussex, RH17 7QR shown edged red on the attached plan. "the Land"

5. THE ACTIVITY TO WHICH THIS NOTICE RELATES

The development of a dwelling on the Land.

6. WHAT YOU ARE REQUIRED TO DO

You are required to cease all works that are not in accordance with planning permission LW/10/0399 and approved plans set out in schedule 1.

7. WHEN THIS NOTICE TAKES AFFECT

This notice takes effect on 19 April 2012 when all the activity specified in this notice shall cease. This notice will cease to have effect on 28 days after it takes effect.

Dated: 19 April 2012

Signature


Catherine Knight
Corporate Head – Legal and Democratic Services

On behalf of:

Lewes District Council
Lewes House, 32 High Street, Lewes, East Sussex BN7 2LX

Nominated Officer: Jennifer Baxter

Telephone Number: 01273 48 4428

ANNEX

WARNING

THIS NOTICE TAKES EFFECT ON THE DATE SPECIFIED IN PARAGRAPH 7

THERE IS NO RIGHT OF APPEAL TO THE FIRST SECRETARY OF STATE AGAINST THIS NOTICE

It is an offence to contravene a temporary stop notice after a site notice has been displayed or the temporary stop notice has been served on you. (Section 171G of the 1990 Act). If you then fail to comply with the temporary stop notice you will be at risk of **immediate prosecution** in the Magistrate's Court, for which the maximum penalty is £20,000 on summary conviction for a first offence and for any subsequent offence. The fine on conviction on indictment is unlimited. If you are in any doubt about what this notice requires you to do, you should get in touch **immediately** with the Council's nominated officer, as stated above. If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.

Land adj to 10 Fair Place Wivelsfield

