

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990  
(As amended by the Planning and Compensation Act 1991)**

**ENFORCEMENT NOTICE**

**ISSUED BY: Eastbourne Borough Council**

**1. THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) 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 Annex 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 4 Nuthatch Road, Eastbourne, BN23 7RN shown edged in Red on the attached plan entitled 'Location Plan - 4 Nuthatch Road, EASTBOURNE'.

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

Without planning permission, the keeping of pigeons at the address, housed within purpose made structures within the rear garden of the property, which due to the size of the flock (up to 50 pigeons including breeding and racing stock), the size of the structures within the curtilage of the property and the location of the property within the suburban area, is considered excessive, and not incidental to the enjoyment of the dwellinghouse.

**4. REASONS FOR ISSUING THIS NOTICE**

Policy HO20 of the Eastbourne Local Plan requires new development proposals and extensions to existing buildings to respect residential amenity.

Policy B2 of Eastbourne Core Strategy Local Plan seeks to create an attractive, safe and clean built environment with a sense of place that is distinctive and reflects local character.

In sec.55(2)(d) of the 1990 Act the use of any buildings or other land within the curtilage of dwelling house for any purpose incidental to the enjoyment of the dwelling house as such, is stated as not involving development.

The Council consider that the use of the site in the manner/intensity as witnessed and described has resulted in a severe loss of amenity in terms disturbance as a result of noise made by the pigeons, and deposits of excreta

on neighbouring properties whilst the pigeons are in-flight as part of daily exercise.

Thus the keeping of birds and animals in gardens and the erection of buildings and enclosures to house them does not require planning permission provided that the level of activity is "incidental". It is important to distinguish between the enjoyment of the dwelling house and the enjoyment of the occupier. The occupier may well be enjoying themselves in some way which is not related to the dwelling.

For these reasons it is considered expedient to serve an enforcement notice.

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

Reduce and maintain the number of pigeons kept at the property to a maximum of 20.

Reduce the capacity of the structures as identified as A, B & C on the plan entitled 'POSITION OF PIGEON LOFTS' (to be read in conjunction with the associated 'Location Plan') attached to this notice, or the number of structures A, B or C, resulting in the reduction in overall capacity of the remaining identified outbuildings for the purpose of accommodating no more than 20 pigeons thereafter.

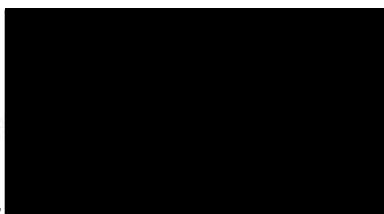
## **6. TIME FOR COMPLIANCE**

A period of **3 calendar months** to comply with the steps required to comply with the notice as referred to above.

## **7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect **on 01 March 2016** unless an appeal is made against it beforehand.

**Dated:** 25 January 2016



**Signed:** .....

Leigh Palmer - Senior Specialist Advisor

**On behalf of:** Eastbourne Borough Council, 1 Grove Road, Eastbourne, East Sussex, BN21 4TW

**Nominated Officer:** Toby Balcikonis (Case Worker)

**Telephone Number:** (01323) 415605