

Case Officer: David Townsend
Case Ref: 17/00018/BCOND

Issued: 9 January 2018

WINCHESTER CITY COUNCIL

ENFORCEMENT NOTICE

relating to land at
Texas, Texas Drive, Olivers Battery, SO22 4HT

Lisa Hall, Legal Services Manager,
Winchester City Council, City Offices, Colebrook Street, Winchester, Hampshire,
SO23 9LJ

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: WINCHESTER CITY 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 known as Texas, Texas Drive, Olivers Battery, SO22 4HT shown edged red on the plan attached to this Notice ("the Land").

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission:

- i) the partial construction of a dwelling house on the Land shown in its approximate location edged in a bold black line and marked with "X" on the attached plan, and
- ii) the carrying out of engineering operations consisting of alterations to the site levels on the Land.

4. **REASONS FOR ISSUING THIS NOTICE**

The Council considers it expedient to issue this notice because the breach of planning control took place within the last four years.

On 21 December 2017 planning permission for construction of a dwelling house on the Land and alterations to site levels under reference number 17/02190/FUL was refused for the following reason:

The proposed dwelling is situated in the countryside within a locally designated gap between Winchester and Compton Street. The proposed location of the dwelling further into the site on a raised platform within the site results in visual intrusion in a sensitive landscape setting visible in long important views into the site from locally well used public rights of way. The location of the dwelling along with the re-modelling of the original natural topography during unauthorised works are visually harmful to this sensitive rural landscape and therefore contrary to policies CP13, CP18 and CP20 of the Winchester District Local Plan Part 1 – Joint Core Strategy adopted March 2013, and policies DM15, DM16, DM17 and DM23 of the Winchester Local Plan Part 2 adopted April 2017.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove the footings and foundations of the partially built dwelling house and remove the rubble from the Land.
- (ii) Fill in with soil and level the area from which the foundations have been removed.
- (iii) Return the site levels on the Land to those which existed before the unauthorised changes were implemented as shown on the Topographical Survey; April 2013 Drawing Number: 1501_25_P1 submitted with the previously approved planning permission reference number 16/00320/FUL dated 28 October 2016.
- (iv) Finish the surface with a minimum 150mm depth of topsoil and apply grass seed.

6. TIME FOR COMPLIANCE

- Step (i) **2 months** after this notice takes effect.
- Step (ii) **3 months** after this notice takes effect.
- Step (iii) **3 months** after this notice takes effect.
- Step (iv) **3 months** after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 8 February 2018 unless an appeal is made against it beforehand.

Date: 9 January 2018

Signed



Legal Services Manager

on behalf of: Winchester City Council, City Offices, Colebrook Street,
Winchester, Hampshire SO23 9LJ

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be **received**, by the Planning Inspectorate acting on behalf of the Secretary of State **before** the date specified in paragraph 7 of the notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal.

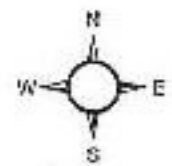
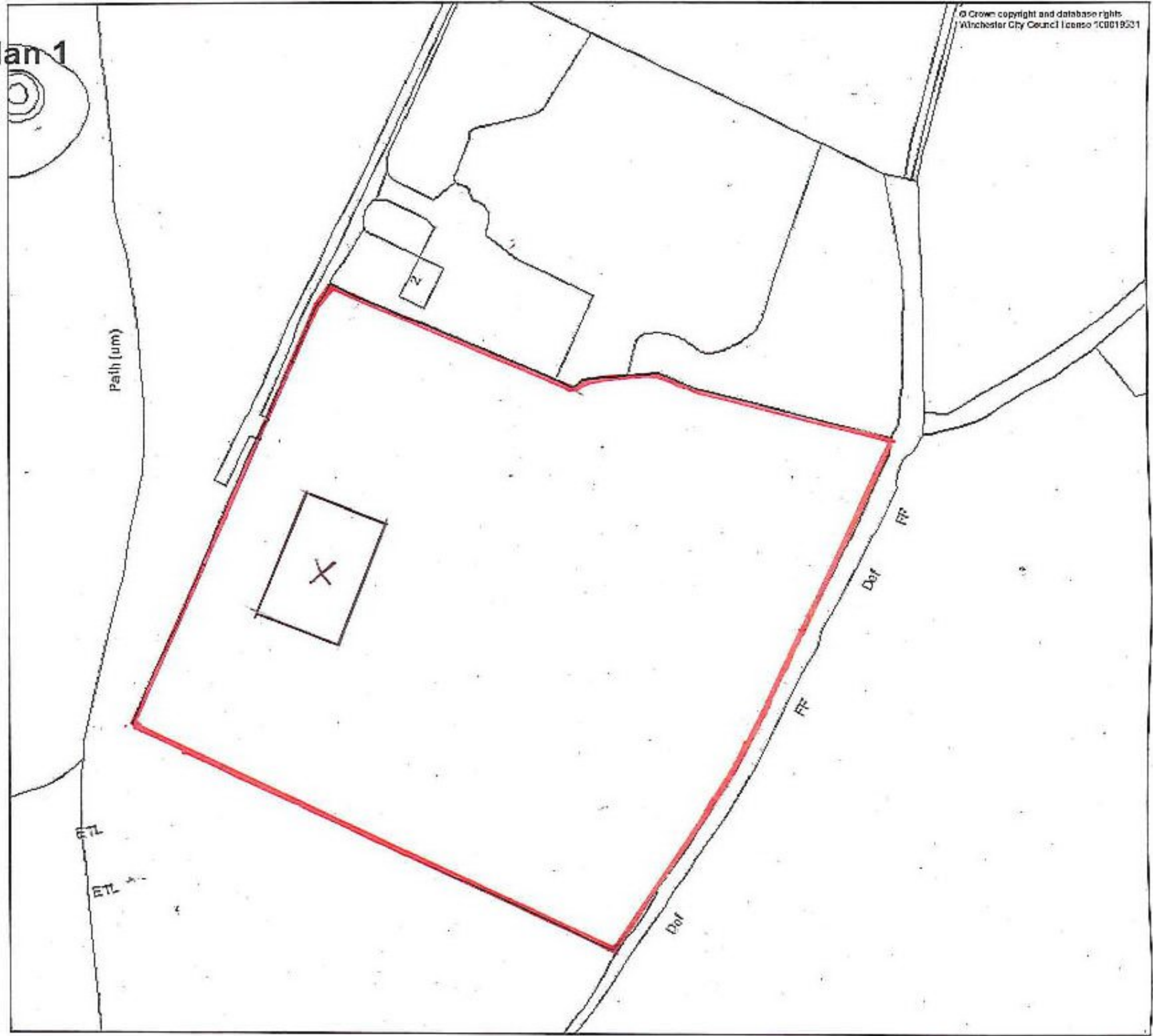
WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the periods specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Texas, Texas Drive, Plan 1

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Legend

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Date: 05/01/2018

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Metres