



Notification Letter

Enq to: Appeals Officer
Direct Dial: 01962 848 599

12 October 2018

**TOWN AND COUNTRY PLANNING ACT 1990
APPEAL UNDER SECTION 174**

Site Address:	Texas Texas Drive Olivers Battery Winchester Hampshire SO22 4HT
Alleged breach:	Without planning permission: i) the partial construction of a dwelling house on the Land, and ii) the carrying out of engineering operations consisting of alterations to the site levels on the Land.
Appellant's name:	Mr M Oakley
Appeal reference:	APP/L1765/C/18/3195411
Appeal start date:	28.09.2018

I refer to the above details. An appeal has been made to the Secretary of State against an enforcement notice issued by Winchester City Council on 9.01.2018.

The enforcement notice was issued for the following reasons:

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.

The enforcement notice requires the following steps to be taken:

- (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.

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. |

The appellant has appealed against the notice on the following grounds:

Ground (a) – that planning permission should be granted for what is alleged in the notice.

Ground (f) – the steps required to comply with the requirements of the notice are excessive and lesser steps would overcome the objections

Ground (g) – that the time given to comply with the notice is too short.

The appeal will be determined on the basis of **written representations**. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 2002.

If you wish to make comments, you can do so online at <https://acp.planninginspectorate.gov.uk>. If you do not have access to the internet, you can send your comments to:

Corrina Clements
The Planning Inspectorate
Room 3B

Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by 9 November 2018. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference APP/L1765/C/18/3195411.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

If you submit comments and then subsequently wish to withdraw them, you should make this request to the Planning Inspectorate by the date above.

The appeal documents are available to view on our website www.winchester.gov.uk using the following link www.winchester.gov.uk/enforcement-appeal

Online access is also available by visiting our offices in Colebrook Street, Winchester SO23 9LJ.

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in enforcement appeals" booklets free of charge from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from us.

When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk>

Yours faithfully

Julie Pinnock BA (Hons) MTP MRTPI
Head of Development Management