

Case Officer: Mr Brian Gravenor
Case Ref: 17/00049MWKS

Issued: 13 April 2018

WINCHESTER CITY COUNCIL

ENFORCEMENT NOTICE

relating to:

Plot 3, Pony Paddock, 6 Hipley, Hambledon, Waterlooville, Hampshire.

L 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**

Plot 3, Pony Paddock, 6 Hipley, Hambledon, Waterlooville, Hampshire, shown edged red on the plan attached to this Notice ("the Land").

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

Without planning permission, the material change of use of the Land from use for agriculture to use as a residential caravan site together with ancillary operational development and engineering works.

4. **REASONS FOR ISSUING THIS NOTICE**

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

Planning permission was refused by Winchester City Council and subsequently on appeal by a decision dated 30 July 2015, under ref APP/L1765/A/14/2224363 for a change of use of land (which included the Land) for the development of 8 pitches for gypsy/traveller families.

The Planning Inspector concluded that the provision of 8 pitches in this countryside location would fundamentally alter the character of the surrounding paddocks and land, and would significantly detract from the tranquility of the locality by reason of noise, general activity, including numerous vehicle movements and lighting. In addition, because the appeal site is remote, is not accessible by public transport and the pedestrian conditions in the vicinity of the site are extremely poor the

Planning Inspector concluded that occupiers of the appeal site would be heavily reliant on the use of cars to access day services and facilities and this would limit the opportunity for social integration with the settled population nearby. There was insufficient land to provide a communal space for children to play on and because there are no play facilities nearby the Inspector found the proposals would result in an unacceptable standard of amenity. The Inspector did take into account the lack of a five year supply of land for gypsy and traveller pitches within the boundary of the district but decided neither a permanent nor a temporary permission could be justified.

Since the appeal decision Winchester City Council has identified a five year supply of land for gypsy and traveller pitches within the boundary of the district. The production of a Gypsy, Traveller & Travelling Showpersons Development Plan Document (Traveller DPD) is now at an advanced stage and is to be submitted for examination in May 2018. The DPD does not propose to allocate the Land and adjacent land for the development of gypsy and traveller pitches.

It is considered necessary to issue this enforcement notice because the material change of the Land does not comply with policies CP5 and CP20 of the Winchester District Local Plan Part 1 - Joint Core Strategy, policy DM23 of the Winchester District Local Plan Part 2 - Development Management and Site Allocations and the emerging Gypsy, Traveller & Travelling Showpersons Development Plan Document (Traveller DPD).

5. WHAT YOU ARE REQUIRED TO DO

- i) Cease the use of the Land as a residential caravan site,
- ii) Remove from the Land all caravans (static/mobile homes and touring caravans), vehicles and trailers, and any associated residential paraphernalia,
- iii) Remove the portable toilet and sheds from the Land,
- iv) Demolish the fencing and gates and remove the resulting materials from the Land,
- v) Remove the cesspits, drainage and electricity supply from the Land and refill the resulting holes with soil,
- vi) Dig up and remove the hardstanding and remove the tarmac scalplings/rubble and gravel from the Land,
- vii) Leave the Land clear, level and seeded to grass after compliance with steps i to vi.

6. TIME FOR COMPLIANCE

Steps i to vi:	3 months after this notice takes effect
Step vii :	6 months after this notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 18 May 2018 unless an appeal is made against it beforehand.

Date: 13 April 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.

Details can also be found at:

<http://www.planningportal.gov.uk/uploads/pins/enfinfosheet.pdf>

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.

Location Plan -

Legend

- LLPG
- District Boundary

PLOT 3
PONY Paddock,
6 HIPLEY,
HAMBLETON,
WATERLOOVILLE
HAMPSHIRE

