

## **GROUNDS OF APPEAL**

**LPA:** WINCHESTER CITY COUNCIL

**APPELLANT:** Mr D Saunders

**LOCATION:** Southwick Ranch, Land adj Strawberry Barn, off Southwick Road,  
North Boarhunt

**ENFORCEMENT NOTICE Served: 3 JUNE 2019**

**Submitted on behalf of Appellant by**

**Heine Planning Consultancy**

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**It is requested that this appeal is linked to a s78 appeal for the same site, development and appellant. The s78 is PINs ref 3221730. The appeal was submitted 4.2.2019.**

### Issues with the notice

The breach refers to the siting of 4 residential caravans on the land. When the notice was issued there were only 2 touring caravans and one motorhome on the land. A fourth caravan, which was on the land whilst caravans were swapped over, had been removed several weeks earlier and the Council had been informed that it was not being kept.

I consider the wording of the notice could and should be improved. It is not clear what it meant by 'ancillary equestrian purposes'. The site is being used to graze a horse on a fenced paddock area which is clearly a separate use from the stationing of caravans for a residential use. It is not ancillary to the residential use. It is noted that the reasons for issuing the notice only concern the residential use of the land and the requirements of the Notice at Section 5 does not require any equestrian use to cease. However, as noted below, it is unclear why 5 (ii) requires the mobile stable to be removed and why this is considered to be an item associated with a non agricultural use of the land.

The attached plan fails to indicate the hard standing attacked by the notice contrary to 5 (iii)

The appeal is made under Grounds A, F and G

### **Ground A Planning permission should be granted**

This will follow the case for the s78 appeal for the same site, similar development and same Appellant as the reasons for issuing the notice are the same as those relied on to refuse planning permission. I would however like to point out that the notice relies on the same reasons for rejecting the planning application even though permission was sought additionally for a permanent stable block, day room and package treatment plant. The Council clearly do not consider the more modest unauthorised use of the site to be any different in terms of its impact.

As the Enforcement Officer noted when he visited the site to serve the notice in early June 2019, the owner of the adjoining dwelling also has a touring caravan on his property. It will be interesting to learn why Winchester Council consider caravans domesticate rural areas to the detriment of the character and appearance of the countryside when they can be sited on any property, including stable yards, dwellings and farms.

A payment of £637 for the Solent Disturbance and Mitigation Charge Zone was paid by the Appellant for the s78 appeal on 6.2.2019 so I am unclear why this is still relied on as a reason for taking enforcement action.

### **Ground F Requirements of the Notice are excessive**

The requirements are excessive in so far as they seek the removal of the mobile stable which

- a) Is not listed in the breach of planning control alleged
- b) Was sited on the land about a year ago for the Appellant's pony, and pre dated the unauthorised residential use of the land
- c) Is not used for any residential use
- d) Does not require planning permission as it is a mobile structure on skids and the Appellant demonstrated this to the Enforcement Officer.
- e) Is not necessarily a non agricultural use of the land if used in association with the grazing of animals.
- f) Would be appropriate for an equestrian use which is not attacked by the Notice.

### **Ground G Period for compliance is too short**

The period for compliance is just 28 days. This is wholly unreasonable given the reasons relied on for taking action. The Council have clearly failed to familiarise themselves with Enforcement Appeal decisions for Gypsy Traveller sites elsewhere. This is the home of the Appellants. If the s78 and Ground A appeals are dismissed they will have to leave the only land they own and find somewhere else to live. Winchester Council has so far been unable to suggest any suitable alternative site for the family that is available, accessible and appropriate to meet their needs. The family will have no option but to return to unauthorised encampments on the roadside or resort to holiday caravan sites. All the Council would be doing is displace this family in full knowledge that this would lead to problems elsewhere and cause significant distress and disruption to family life and the best interests of the children. The Appellants have every right to hope that their appeals will be successful. A period of 28 days to comply with this notice unacceptable and disrespectful. No welfare enquiries were carried out by the Council prior to taking Enforcement Action and it is questionable whether proper regard was had to the PSED and ECHR issues. Winchester Council, with all the resources available to it, has failed to find the family a more suitable location in the 12 months since permission was first sought or the 3 months since the family moved onto this site. It is difficult to comprehend how they believe this family will find some where in just 28 days. The Council need to ask themselves why this breach of planning control has taken place and to what extent their failure to plan for and address the needs of Gypsy Travellers in this district has contributed to this situation.

If the appeal is unsuccessful it is considered that a period of at least 12 months would have been more appropriate with an 2 additional months to remove the hard standing and reseed the paddock.