

Issued: 12 February 2020

**WINCHESTER CITY COUNCIL**

**ENFORCEMENT NOTICE**

relating to land and premises at

The Bungalow, Botley Road, Bishops Waltham, Southampton, Hampshire, SO32 1DR

Catherine Knight, Service Lead - Legal Services, 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 IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) 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 AFFECTED**

The Bungalow, Botley Road, Bishops Waltham, Southampton, Hampshire, SO32 1DR shown edged red on the attached plan ("the Land").

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

Without planning permission, the material change of use of the Land from use as a single dwelling house to a mixed use as a single dwelling house and for commercial leisure and recreational purposes that are not incidental to the lawful as a single dwelling house.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years.

Planning permission was refused on 16 September 2019 under ref: 19/00464/FUL for the change of use of a domestic swimming pool to commercial use for the following reasons:

1. The application site access onto Botley Road (B3305) is substandard in terms of geometry and visibility to serve the business use and the resultant increase in vehicle movements causes additional danger and inconvenience to other highway users which is contrary to policy DM18 of the adopted LPP2.

2. The road leading to and from the site is of inadequate width to accommodate safely the additional traffic which the use generates which is contrary to policy DM18 of the adopted LPP2.
3. The use has a significant adverse impact on the amenity and recreational value of the path and the enjoyment gained from its use by the public in general which is contrary to policy DM18 of the adopted LPP2.

The Highway Authority (Hampshire County Council) considers the access road is unsuitable due to its narrowness and the insufficient forward visibility between all the passing places; the junction where the access road meets Botley Road is too narrow and the visibility splays are inadequate; and the additional vehicle movements associated with the use of the swimming pool for classes/lessons would not only cause additional instances of conflict between opposing vehicles but also between pedestrians and vehicles, compromising pedestrian safety.

Due to the negative impacts on highway safety created by the commercial use of the swimming pool, it is considered expedient to issue this enforcement notice.

Planning conditions would not overcome these objections.

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

- i. Cease the use of the swimming pool (shown coloured blue on the attached plan) for commercial leisure and recreational purposes that are not incidental to the lawful use of the Land as a single dwelling house;
- ii. Cease the use of the Land for parking that is not incidental to the use of the Land as a single dwelling house.

#### 6. TIME FOR COMPLIANCE

Steps i-ii: Two months after this notice takes effect.

#### 7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **12 March 2020** unless an appeal is made against it beforehand.

Date 12 February 2020



Signed .....  
Service Lead - Legal  
Winchester City Council, City Offices, Colebrook Street, Winchester, Hampshire  
SO23 9JJ

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 before the date specified in paragraph 7 of the Notice. The enclosed leaflet from the Planning Inspectorate explains what you need to do if you wish to appeal.

One copy of the enforcement notice is enclosed for your own records.

**WHAT HAPPENS IF YOU DO NOT APPEAL**

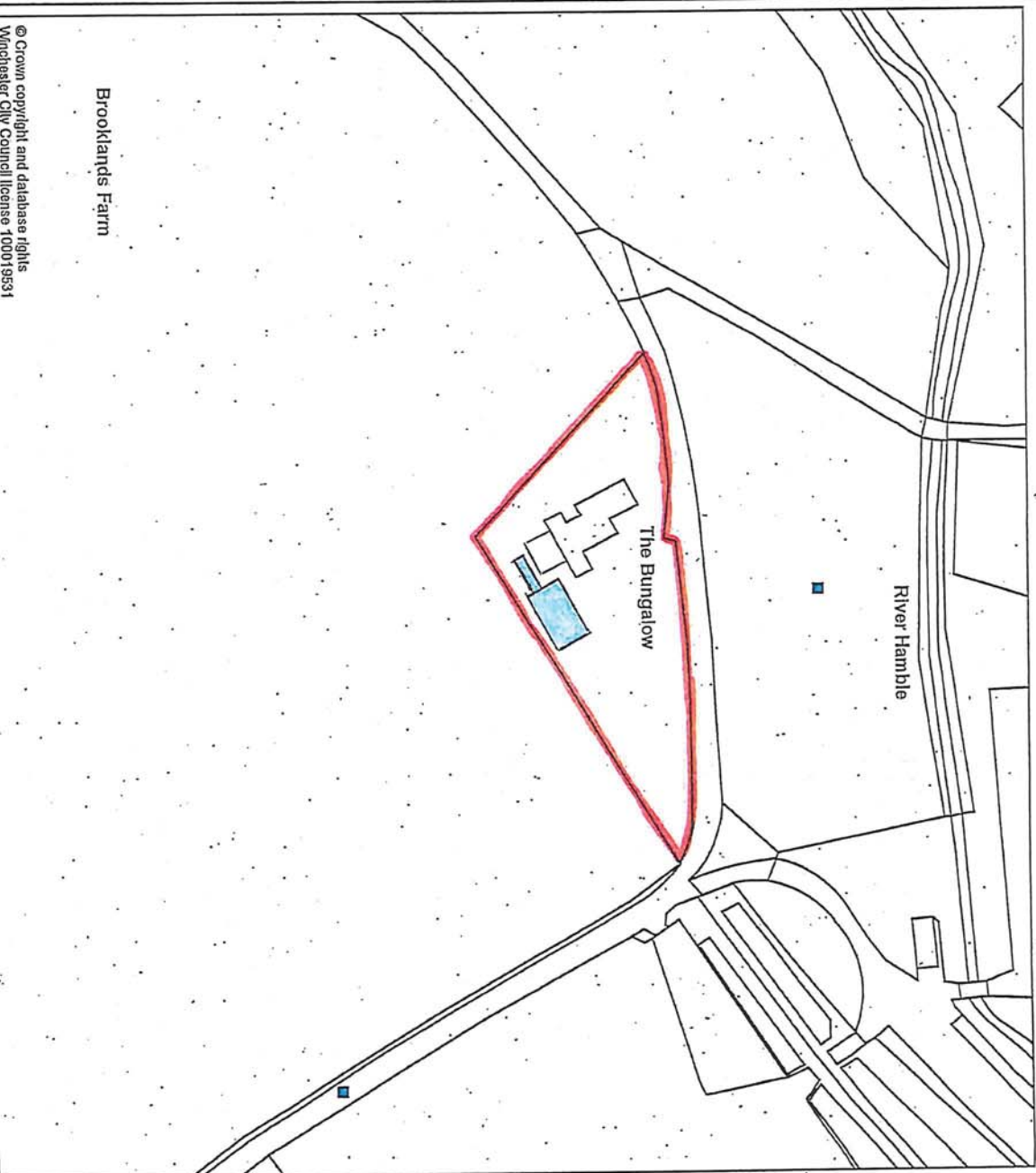
If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the Notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the notice.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

# The Bungalow

Not Set



**Winchester**  
City Council



## Legend

Scale: 0 12.5 25 50 Meters

**Winchester City Council**  
City Offices  
Colebrook Street  
Winchester  
SO23 9LJ

Tel. 01962 848 512  
website: [www.winchester.gov.uk](http://www.winchester.gov.uk)

Organisation	Winchester City Council
Department	Winchester GIS
Comments	Not Set
Date	01/11/2019
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