



Notification Letter

Enq to: Appeals Officer

Direct Dial: 01962 848 599

26 May 2020

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

Site Address:	The Bungalow Botley Road Bishops Waltham Southampton Hampshire SO32 1DR
Alleged breach:	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.
Appellant's name:	Mr Ricky Fernandez
Appeal reference:	APP/L1765/C/20/3248513
Appeal start date:	14.05.2020

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 05.12.2019

The enforcement notice was issued for the following reasons:

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 Batley 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 Batley 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.

The enforcement notice requires the following steps to be taken:

- i. Cease the use of the swimming pool 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.

TIME FOR COMPLIANCE

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

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

Ground (b) – that the breach of control alleged in the enforcement notice has not occurred as a matter of fact.

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

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:

Eleanor Morris
The Planning Inspectorate
Room
Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by 25 June 2020. 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/20/3248513.**

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

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