

Issued: 3rd March 2020

WINCHESTER CITY COUNCIL

ENFORCEMENT NOTICE

relating to land to the rear of 5 and 6 Hillside, Kitnocks Hill, Curdridge,
Southampton, Hampshire SO32 2HJ

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**

Land to the rear of 5 and 6 Hillside, Kitnocks Hill, Curdridge, Southampton, Hampshire SO32 2HJ, shown edged red on the attached plan ("the Land").

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

Without planning permission the material change of the use of the Land from agriculture to residential amenity land.

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 10 years.

The Winchester District Local Plan Part 1 (2013) policy MTRA4 'Development in the Countryside' supports development 'which has an operational need for a countryside location, such as for agriculture, horticulture or forestry' so long as it does not 'cause harm to the character and landscape of the area or neighbouring uses'.

The Winchester District Local Plan Part 2 (2017) policy DM23 'Rural Character' seeks to ensure that development proposals are only permitted where they do not 'have an unacceptable effect on the rural character of the area, by means of visual intrusion, the introduction of incongruous features, the destruction of locally characteristic rural assets, or by impacts on the tranquillity of the environment'.

Both Government planning policy and local planning policy seeks to ensure that new development is right for its context and that it contributes to and enhances the environment, recognising the intrinsic character and beauty of the countryside (ref: NPPF paragraph 170).

Furthermore on 19 February 2020, planning permission was refused under ref: 19/02468/FUL for 'Use of land as residential garden' for the following reason:

"The proposed development is contrary to policy MTRA4 of Winchester District Local Plan Part 1 and policy DM23 of Winchester Local Plan Part 2, in that it would result in the domestication of the land through the introduction of residential features to the detriment of the landscape character and appearance".

The use of the Land as residential amenity land has a materially detrimental effect on the landscape character and appearance of the surrounding area. It is considered that the residential use of the land is contrary to these policies. Planning conditions would not overcome these objections.

5. WHAT YOU ARE REQUIRED TO DO

1. Permanently cease the use of the Land as residential amenity land including the domestic use of the shed/garden room.
2. Remove all domestic items including but not limited to the washing line, the table, chairs, the picnic bench and the BBQ.
3. Break up the patios and hardstanding and remove the resultant materials from the Land.
4. Remove the lighting from the Land.

6. TIME FOR COMPLIANCE

Steps 1 – 4: 3 calendar months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 6th April 2020 unless an appeal is made against it beforehand.

Date 3rd March 2020



Signed
Service Lead: Legal Services

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 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.

WHAT HAPPENS IF YOU DO NOT APPEAL

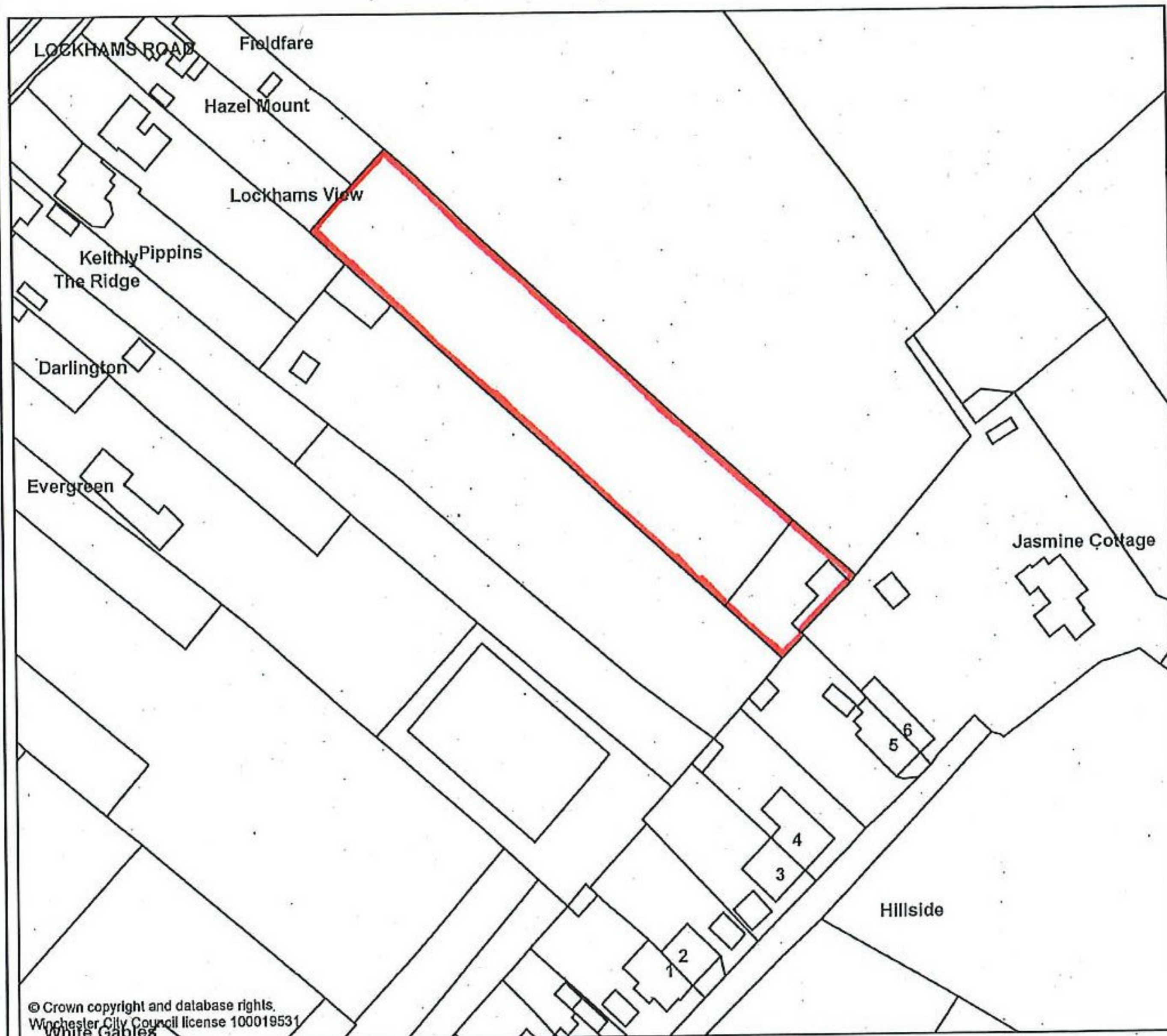
If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the Notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the notice.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

Land to the Rear 5 & 6 Hillside



Winchester
City Council

Kitnocks Hill, Curdridge, SO32 2HJ



Legend

Scale: 0 12.5 25 50 Meters



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| Organisation | Winchester City Council |
| Department | Winchester GIS |
| Comments | Not Set |
| Date | 26/02/2020 |
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