

**Planning
Control**

City Offices
Colebrook Street
Winchester
Hampshire
SO23 9LJ

tel 01962 840 222

fax 01962 841 365

telephone calls may be recorded

website www.winchester.gov.uk

Certificate of Service

I, Colins Mwapaura

an Enforcement Officer employed by Winchester City Council HEREBY CERTIFY THAT on 3 June 2019, I served one copy of a Section 16 Notice (of which this is a true copy) with an explanatory letter addressed to: Mr. Dereck Saunders

of: 68 Celandine Avenue, Locks Heath, Southampton, Hampshire, SO31 6XA

- by
- *(a) handing it to the said person at the proper address ✓ (3:30)
 - *(b) delivering it through the letterbox at the proper address
 - *(c) by sending it by first class post in a pre-paid envelope addressed to the above named person at the proper address
 - *(d) by leaving it at the proper address

*being the last known address of the said person

*being the registered or principal office of the above named corporate body, company or firm

Signed:



Dated:

3.06.2019



SITE NOTICE

Land to the north of Southwick Road
North Boarhunt
Fareham
Hampshire
PO17 6JF

Our Ref:19/00050/CARAVN
Enq to: J Mutlow
Email: jmutlow@winchester.gov.uk

Monday, 3 June 2019

IMPORTANT THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir,

**Enforcement Notice - Section 172 Town and Country Planning Act 1990
relating to Land to the north of Southwick Road, North Boarhunt, Fareham, Hampshire
PO17 6JF**

The local planning authority, Winchester City Council, has issued an enforcement notice relating to the above land and I now serve on you a copy of that Notice as a person having an interest in the land, materially affected by the Notice.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the Notice. Unless an appeal is made, as described below, the Notice will take effect on **4 July 2019** and you must then ensure that the required steps, for which you may be held responsible, are taken within the period(s) specified in the notice.

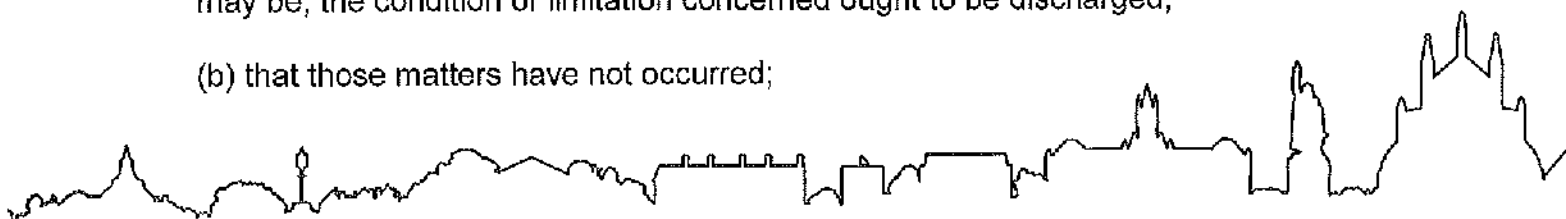
Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you want to appeal against the Enforcement Notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before **4 July 2019**.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the Notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

(b) that those matters have not occurred;



(c) that those matters (if they occurred) do not constitute a breach of planning control;

(d) that, at the date when the Notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

(e) that copies of the Enforcement Notice were not served as required by section 172;

(f) that the steps required by the Notice to be taken, or the activities required by the Notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the Notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under ground (a) of Section 174(2) of the Town and Country Planning Act 1990, this is the equivalent of applying for planning permission for the development alleged in the Notice and you will have to pay a fee of £924.00. You should pay this to Winchester City Council (made payable to Winchester City Council). Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit the appeal, you should state in writing the ground(s) on which you are appealing against the Enforcement Notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

A copy of this Notice has also been served on:

DEREK CHARLES SAUNDERS of 68, Celandine Avenue, Locks Heath, Southampton, Hampshire SO31 6XA

THE OCCUPIERS - Land to the north of Southwick Road, North Boarhunt, Fareham, Hampshire PO17 6JF

Yours faithfully



Maria Memoli
Interim Service Lead - Legal

Enc: Enforcement Notice and Planning Inspectorate Note

Case Ref: 19/00050/CARAVN

Issued: 3 June 2019

WINCHESTER CITY COUNCIL

ENFORCEMENT NOTICE

Relating to land and premises

Southwick Ranch Southwick Road North Boarhunt Fareham Hampshire PO17 6JS

Maria Memoli, Interim Service Lead - Legal, 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

**To: Mr Derek Saunders, Southwick Ranch, Southwick Road, North Boarhunt,
PO17 6JF**

ISSUED BY: WINCHESTER CITY COUNCIL

1. THIS IS A FORMAL NOTICE ("the Notice") which is issued by the Council ("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 known as Southwick Ranch to the north of Southwick Road North Boarhunt Fareham Hampshire PO17 6JS Hampshire, shown edged red on the attached plan ("the Land").
3. **THE BREACH OF PLANNING CONTROL ALLEGED**

The material change of use of the Land from agriculture to use for the siting of 4 residential caravans and ancillary equestrian purposes and the laying of hardstanding associated with the residential use of the land.
4. **REASONS FOR ISSUING THIS NOTICE**
 - The siting and residential occupation of caravans on the Land represents the creation of new dwellings in the countryside for which there is no justification and is therefore contrary to Policies MTRA3, MTRA4 and CP5 of the Winchester District Local Plan Part 1 - Joint Core Strategy, and policies DM1 and DM4 of the Winchester District Local Plan Part 2 - Development Management and Site Allocations of the adopted Gypsy, Traveller and Travelling Showpeople Development Plan Document and Government Planning Policy for Traveller Sites.
 - The residential use and associated development and activities on this previously undeveloped agricultural land has resulted in the increased domestication of this rural area to the detriment of its character and

appearance. The development is therefore contrary to Policies DM15 and DM23 of the Winchester District Local Plan Part 2 - Development Management and Site Allocations.

- The development is contrary to Policies CP15 and CP16 of the Winchester District Local Plan Part 1 - Joint Core Strategy, in that it fails to protect and enhance biodiversity across the District by failing to make appropriate provision for the Solent Disturbance and Mitigation Charge Zone.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the residential use of the Land
- (ii) Remove from the Land the caravans, the mobile stable and mobile lavatory and all other items associated with the non-agricultural use of the Land including the generator, vehicles table and chairs
- (iii) Remove from the Land the hard standing shown in on the attached plan
- (iv) Remove from the Land all materials and debris resulting from compliance with steps 5(i) to (iii) above
- (v) Restore the Land to levels prior to the breach occurring and reseed with grass after compliance with steps (i) to (iv)

6. TIME FOR COMPLIANCE

28 days after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 4 July 2019 unless an appeal is made against it beforehand.

Date 3 June 2019

Signed ...
Maria Memoni, Interim Service Lead - Legal

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.

Three copies of the enforcement notice are enclosed:

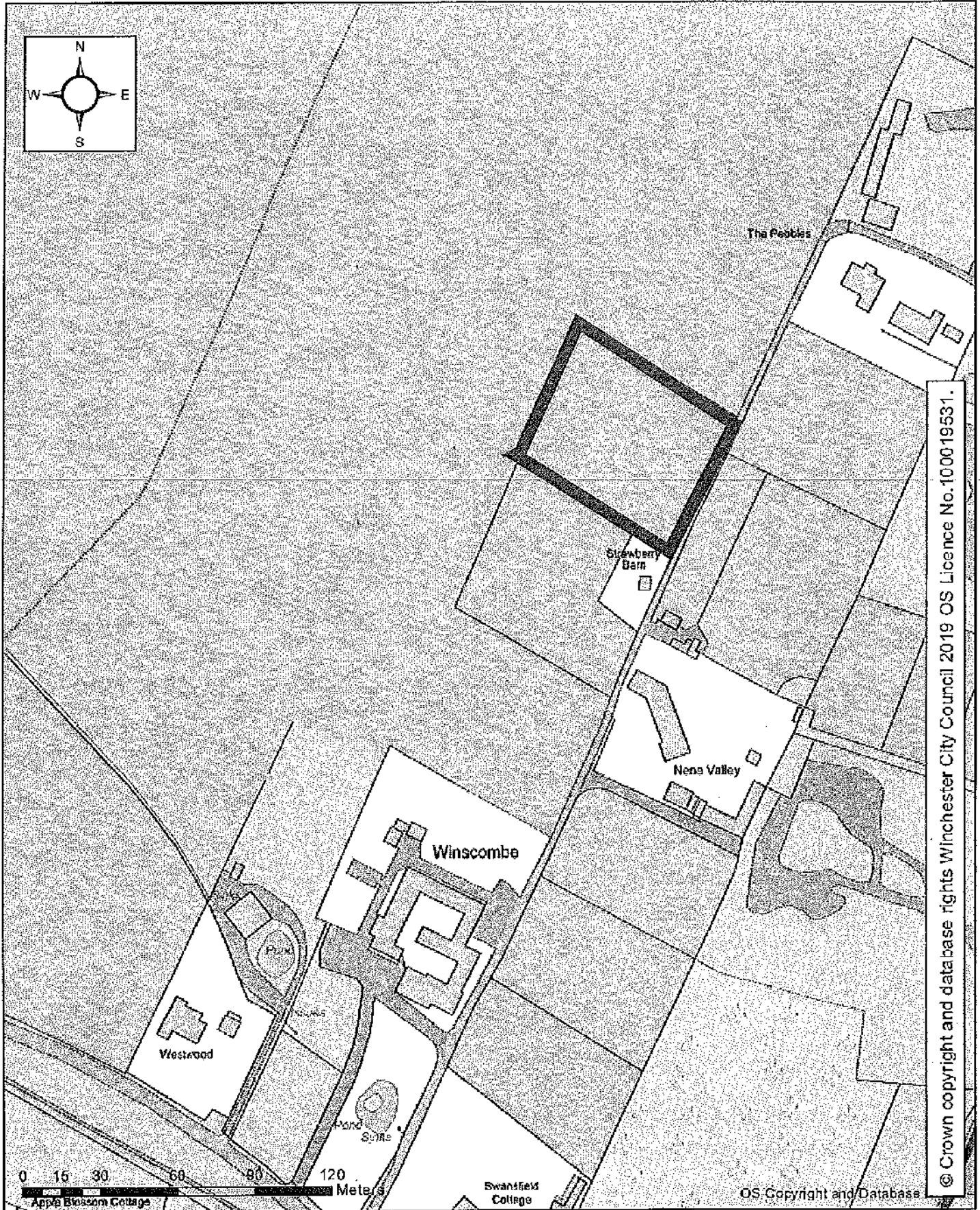
- (a) One is for you to send to the Planning Inspectorate if you decide to appeal,
- (b) Send the second copy of the appeal form and notice to:-

Interim Head of Legal Services, Winchester City Council, City Offices,
Colebrook Street, Winchester, Hants, SO23 9LJ Ref: **19/00050/CARAVN**

- (c) The third copy is 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.



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Date: 20/05/2019

Scale: 1:2,000

Author: Winchester City Council

Map Notes

Legend

 Rights of Way

