

Dear Ms. Morris,

APP/L1765/C/20/3248513

Both my wife and I are supporting the LPA's enforcement notice at The Bungalow, Botley Road, Bishops Waltham, SO32 1DR for the following reasons:

In regard to the nullity claim, It is immediately apparent to us as "average people" that this enforcement notice specifically relates to the planning application for which the change of use from a domestic swimming pool to commercial use was being sought (1900464/FUL). This planning application was refused unanimously at a committee meeting on 16th. September 2019. We would be under no illusion that the requirement of the notice would be to abstain from the unlawful use of the swimming pool for commercial purposes for all the clearly stated reasons listed in the notice. We believe that any reasonable person would accept that this would have been the obvious purpose of the notice.

Whilst we accept there may be a technicality over whether the swimming pool was being used for leisure, recreational or educational purposes, there should be no relevance in this case as the planning application to which the enforcement notice relates merely asks for a change to "commercial" use and nothing more. The Key word here is "commercial", there being no material difference in this context, between "commercial leisure and recreational use" or "commercial educational use". The main objective of the enforcement notice must, in this case, be the LPA's intention to stop the unlawful "commercial" use.

For clarity and completeness, the meaning of the word "commercial" by definition refers to commerce, which in turn relates to a trade or business for financial gain. It can therefore be said that any activities undertaken at the appeal site in the capacity of a trade or business are illegal which would include "commercial leisure and recreational purposes". We cannot see how this statement of fact can, in any way, be vague, ambiguous or uncertain.

Furthermore, we dispute the claim that the grounds within the curtilage of The Bungalow (marked in red) were never used for car parking. Although car parking was predominantly situated within the yard opposite, there were often vehicles parked outside of the yard gates and latterly within the grounds of the appeal site.

In conclusion, we believe the enforcement notice is not vague or ambiguous and should therefore be upheld.

Mr. and Mrs. S. A. Rogers.