

Issued: **1 November 2019**

WINCHESTER CITY COUNCIL

ENFORCEMENT NOTICE

REF: 16/00061/WKS

relating to land and premises

The Old Piggeries, Firgrove Lane, North Boarhunt, Fareham, Hampshire, PO17 6JF

Catherine Knight – Service Lead, Legal (Interim) Winchester City Council, City Offices,
Colebrook Street, Winchester, Hampshire, SO23 9LJ

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (TCPA 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 TCPA 1990, 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 TO WHICH THE NOTICE RELATES**

Land at The Old Piggeries, Firgrove Lane, North Boarhunt, Fareham, Hampshire, PO17 6JF, shown edged red on the attached plan ("the Land").

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, the erection of a dwellinghouse shown in the approximate location marked 'X' on the attached plan.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last four years. Although the building is unoccupied it has the characteristics of a dwellinghouse. It is a red brick single storey building with a pitched roof, front door, porch, glazed windows, patio doors, and is served by electricity and plumbing.

The unauthorised development is located in the open countryside outside of the settlement boundary where new isolated homes should be avoided unless there are special circumstances such as:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside;
- The development would involve the subdivision of an existing residential dwelling;

- Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting;
- The exceptional quality or innovative nature of the design of the dwelling

As such the development is contrary to policy MTRA4 in the Winchester District Local Plan Part 1 Core Strategy, Policies DM11 and DM23 in the Winchester District Local Plan Part 2 and paragraph 79 of the National Planning Policy Framework.

The site is within 5.6 kilometres of the Solent SPAs. Additional accommodation within this area has the potential to increase recreational pressure on the SPAs, resulting in disturbance to the sites and their species.

As such the unauthorized development is has a negative impact on biodiversity contrary to paragraph 175 of the NPPF, Policy CP16 of the Winchester District Local Plan Part 1 and the Conservation of Habitats and Species Regulations 2017 (as amended).

The Council consider that planning permission should not be granted because planning conditions could not overcome these objections.

5. WHAT YOU ARE REQUIRED TO DO

1. Demolish the dwellinghouse marked in the approximate location 'X' on the attached plan.
2. Remove all resultant materials including its foundations.
3. Reinststate the Land to its former condition.

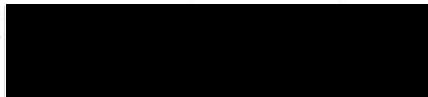
6. TIME FOR COMPLIANCE

Steps 1-3: Three calendar months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **5 December 2019** unless an appeal is made against it beforehand.

Date **1 November 2019**



Signed

Service Lead, Legal (Interim)

on behalf of: Winchester City Council
City Offices
Colebrook Street
Winchester
Hampshire
SO23 9LJ

ANNEX

Winchester City Council has issued an enforcement notice relating to land at The Old Piggeries, Firgrove Lane, North Boarhunt, Fareham, Hampshire, PO17 6JF and you are served with a copy of that notice as you have an interest in the Land.

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.

Two copies of the enforcement notice are enclosed:

- (a) One is for you to send to the Planning Inspectorate if you decide to appeal,
- (b) The second 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 legal action by the Council.