

Notification Letter

Enq To: Appeals Officer
Direct Dial: 01962 848 599

4 August 2020

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

Site Address:	The Old Piggery Firgrove Lane North Boarhunt Hampshire
Alleged breach:	Without planning permission, the erection of a dwellinghouse.
Appellant's name:	Mr Joe Keet
Appeal reference:	APP/L1765/C/19/3242323
Appeal start date:	21.07.2020

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 01.11.2019

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 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.

The enforcement notice requires the following steps to be taken:

WHAT IS REQUIRED TO DO

1. Demolish the dwellinghouse.
2. Remove all resultant materials including its foundations.
3. Reinststate the Land to its former condition.

TIME FOR COMPLIANCE

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

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

Ground (a) – that planning permission should be granted for what is alleged in the notice.

Ground (d) – that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.

The appeal will be determined on the basis of an **inquiry**. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 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:

Opirim Agala
The Planning Inspectorate
Room 3B Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by 1 September 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/19/3242323.**

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

Julie Pinnock BA (Hons) MTP MRTPI
Service Lead - Built Environment