

**SITE: THE OLD PIGGERIES, FIRGROVE LANE, NORTH BOARHUNT, WINCHESTER, PO17 6JF, &
THE WITHY BEDS, FIRGROVE LANE, NORTH BOARHUNT, HAMPSHIRE PO17**

WCC REF: 19/01841/FUL & 16/00061/WKS

PINS REF: APP/L1765/W/19/3242146 & APP/L1765/C/19/3242323

WINCHESTER CITY COUNCIL STATEMENT OF CASE

1 Description of the site

1.1 The Council will describe the appeal site.

2 Description of surrounding area

2.1 The Council will describe the area surrounding the appeal site.

3 Relevant planning/ enforcement history

3.1 The Council will refer to the Enforcement Notice and planning application ref 19/01841/FUL subject of the appeals, any relevant record relating to the site as well as any relevant application and enforcement history:

- Temporary Stop Notice dated 3.3.16
- Enforcement Notice issued 22.3.16, withdrawn 1.2.17
- Stop Notice issued 22.3.16, withdrawn 1.2.17
- 14/01153/FP Building Regulation application
- 18/01691/FUL Continued siting of 4 no. residential gypsy caravans without complying with Condition 3 of planning permission ref. 11/01875/FUL. Approved 1.11.18

3.2 At the time of writing, the enforcement appeal is to proceed on grounds (a) and (d).

4 Planning Policy

4.1 The Council will refer to policies within the Winchester District Local Plan Part 1 Joint Core Strategy (adopted March 2013) and within the Winchester District Local Plan Part 2 (adopted April 2017) as well as any other relevant policy document and guidance.

4.2 Please note that the refusal notice at reason 1 refers to policies CP5, TR7 and DM4 which relate to the provision of new Gypsy and Travellers sites only and not linked or tied residential dwellings. As such the Winchester District: Gypsy, Traveller and Travelling

Showpeople Development Plan Document “Traveller DPD” adopted February 2019 will also be referred to.

- 4.3 Please note the appellant has met the requirements for refusal reason 2 in providing the financial contribution towards the mitigation strategy for the Solent Special Protection Areas. As such this reason falls away.
- 4.4 Since the determination of planning application ref 19/01841/FUL the Council on 22 January 2020 has adopted their position statement on nitrate neutral development. This is a material consideration and there is now a requirement for the appellant to provide all the information necessary including a nitrogen budget in order for the competent authority to carry out an Appropriate Assessment on any development, such as the subject of this appeal, which could likely have a significant effect on the Solent European Sites protected as Special Protection Area and Special Area of Conservation under European Law
- 4.5 In line with Policy CP16 of the Winchester City Council Local Plan Part 1 - Joint Core Strategy, and the WCC position statement on nitrate neutral development, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures. The adopted solution is by means of a Grampian Condition which requires the full avoidance and mitigation package to be secured prior to the occupation of the development.
- 4.6 The Council considers that planning permission should not be granted for the reasons specified in the planning refusal notice and the enforcement notice and as such will assess the planning merits of this case.

5 Enforcement Grounds

- 5.1 The Council will demonstrate that it was not too late to take enforcement action. In particular, the Council will refer to s171B(4)(b) of the Town and Country Planning Act 1990 (as amended).

6 Statement of common ground

- 6.1 The Council hopes that sections 1 – 4 above can form the statement of common ground.

Note: During the preparation of detailed witness statements, it is possible that reference may be made to documents not listed above, particularly those published after the date of this statement. In such an event, the Applicant and the Planning Inspectorate will be notified forthwith and well in advance of the scheduled Inquiry date.

Note: The right is reserved to present or refer to such further evidence and/or documentation as may be necessary to respond to any submissions /documentation etc contained or referred to in the Appellant’s Statement of Case pursuant to The Town and Country Planning

Appeals (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002.