

Notification Letter

Enq To: Appeals Officer
Direct Dial: 01962 848 599

23 September 2020

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

Site Address:	Land Off Dradfield Lane Soberton Hampshire
Alleged breach:	Without planning permission: i) the material change of use of the Land from agriculture to use for the storage/parking of trailer unit(s)/mobile unit(s) and vehicles, and the siting of containers/ trailer units for the storage of items that are not associated with the lawful use of the Land for agriculture; and ii) the construction of a hardstanding and drainage runs/ pipes associated with the material change of use of the Land.
Appellant's name:	Mr Nicholas Butler
Appeal reference:	APP/L1765/C/20/3256531
Appeal start date:	10.09.2020

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 27.05.2020

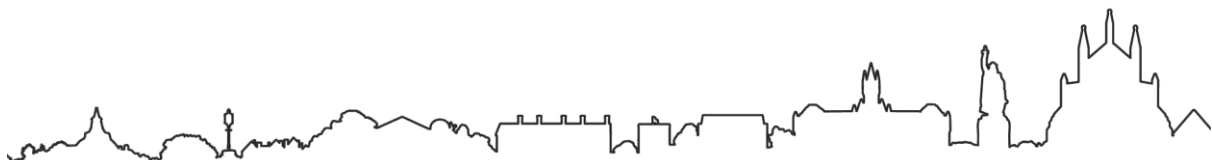
The enforcement notice was issued for the following reasons:

It appears to the Council that the above breach of planning control has occurred within the last ten years.

On 27 May 2020 a Temporary Stop Notice was served on the owner of the Land requiring that he cease activities related to the change of use of the Land.

The Temporary Stop Notice which expires on 23 June 2020 was served because engineering works had taken place consisting of the creation of a hardstanding and the introduction of a trailer unit to the site. The owner had stated his intention to bring one or more trailer units onto the Land and convert them to residential accommodation.

The unauthorised development is located in the countryside contrary to policy MRTA4 of the Winchester Local Plan where there is a general presumption



against non agricultural use of the land and associated engineering operations and where there is no justification for it. This is supported by paragraph 79 of the NPPF and subsequently the development is harmful to the character and appearance of this countryside location.

Planning conditions would not overcome these objections.

The enforcement notice requires the following steps to be taken:

1. Cease the use of the Land for the storage/parking of trailer unit(s)/mobile unit(s) and vehicles, and for the siting of containers/trailer unit(s) not associated with the agricultural use of the Land;
2. Remove all trailer unit(s)/mobile unit(s), vehicles, containers and all items stored within that are not associated with the agricultural use of the Land;
3. Remove the hardstanding and drainage runs/ pipes from the Land ;
4. Remove any resultant waste and restore the Land to its former condition prior to the breach of planning control.

TIME FOR COMPLIANCE

3 months after this notice takes effect.

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

Ground (b) – that the breach of control alleged in the enforcement notice has not occurred as a matter of fact.

Ground (c) – that there has not been a breach of planning control.

Ground (f) – the steps required to comply with the requirements of the notice are excessive and lesser steps would overcome the objections.

Ground (g) – that the time given to comply with the notice is too short.

The appeal will be determined on the basis of **written representations**. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 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:

Sasha Coke
The Planning Inspectorate
Room
Temple Quay House
2 The Square

Bristol
BS1 6PN

All representations must be received by 22 October 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/20/3256531.**

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
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