

Alice Honan

From: Sarah Castle
Sent: 17 September 2020 16:42
To: 'teame3@planninginspectorate.gov.uk'
Cc: Appeals Officer
Subject: APP/L1765/C/20/3256531 Land North of Dradfield Lane, Dradfield Lane, Soberton, Hants , SO32 3QD - cost rebuttal
Attachments: dradfield Lane sv notice prior to serving EN.pdf; Dradfield Lane email exchange.pdf
Categories: Grey Category

Dear Sasha,

I refer to your letter of 10 September 2020 and the appellant's costs application. The Council's response is set out below.

The appellant claims that the LPA did not properly assess and establish the facts before serving the enforcement notice issued 19 June 2020 (EN). However, the LPA did properly visit the site as can be seen by the attached notes and had already engaged the appellant prior to the agent's involvement in respect of the Temporary Stop Notice issued 27 May 2020 (TSN). There is no legal requirement to serve a planning contravention notice to establish the facts before serving an EN, in particular where the appellant states that they will continue to carry out works on site and with the intention to live and works have been witnessed. It was also brought to the appellant's attention prior to the issuing of the EN that there was also limited permitted development rights because of the size of the holding.

During the time between the expiry of the TSN and the EN the LPA has been in correspondence with the appellant on numerous occasions (see attached) in respect of a retrospective application. However, this was not submitted until 17 July 2020 (ref no. 20/01508/FUL) and just before the EN took effect.

It is considered that the LPA has not acted unreasonably in issuing the EN which has led to undue expense. Please note that the appellant has not appended the correspondence referred to in their costs application.

Regards,
Sarah Castle
Principal Planning Officer (Enforcement)

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