

Appellant's name:	Mr Nicholas Butler
Appeal reference:	APP/L1765/C/20/3256531

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.

If the proposed land is to be used for agricultural use as claimed, it is not apparent why this would require such a large hardstanding and access track. The intended vehicles/machinery entering are not named, but as other farmers do not need similar in the area, the entrance strongly suggests this entrance is likely to be a precursor for a change of agricultural use in the future. Supporting this intended future use is also the drainage and pipework that has also been installed. All this are strong indicators supporting his intended future use as stated on social media.

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

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.

The fact that the gates were constructed unlawfully on a bank holiday weekend when enforcement officers were very unlikely to attend, no doubt was coincidental. The "Improved gated entrance", is totally out of proportion for the intended agricultural use. There is nothing "low key about them" as is suggested in the planning application. One only has to compare the before and after photos to see the impact the new gates and hardstanding have made. They are detrimental to the rural character of the area and thankfully there is nothing similar in the area or in Dradfield Lane.

The destruction to ancient hedgerows was also illegal and deplorable with total disregard for bird nesting season.

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

The fact that this land is a valuable example of a seasonally flooded meadow and provides high conservation value for declining species such as the snipe, shows the land has serious drainage issues and is often waterlogged and occasionally flooded. The land will therefore prove to be quite a challenge for agricultural use, but is

totally unsuitable for a change of agricultural use as suggested on social media. If this is approved, it would show that it is easy to grab land, develop it illegally and then get retrospective planning. Rural settings need protection to ensure it remains this way. I therefore object fully to this planning application and support the enforcement notice and following steps stated by Winchester Planning:

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.

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

The applicant has demonstrated without any difficulty, how quickly changes can be made to a piece of land. In one bank holiday weekend, a 500m² area of hardcore was delivered and spread and an inappropriately large gated entrance with an extensive concrete entrance laid and a large trailer positioned inside. Therefore, it is not too much to expect that the steps to be taken in the enforcement notice cannot be achieved in 3 months.