

Notification Letter

Enq To: Appeals Officer  
Direct Dial: 01962 848 599

21 October 2020

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

<b>Site Address:</b>	<b>Lower Paddock Bent Lane Hambledon Hampshire</b>
<b>Alleged breach:</b>	<b>Without planning permission the material change of use of the land to a residential caravan site for gypsies and travellers (which includes creation of an access and engineering works to create a hardstanding).</b>
<b>Appellant's name:</b>	<b>Mr Tom Maloney</b>
<b>Appeal reference:</b>	<b>APP/L1765/C/20/3254261</b>
<b>Appeal start date:</b>	<b>07.10.2020</b>

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 05.05.2020

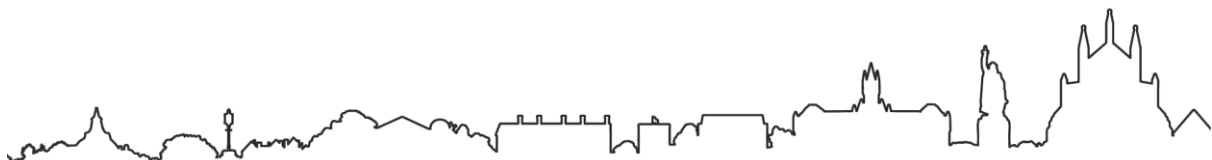
The enforcement notice was issued for the following reasons:

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

An application for planning permission was submitted on 9th April 2020 for "change of use of land to use as residential caravan site for two gypsy/traveller families, each with two caravans including no more than one static caravan/mobile home, together with laying of hardstanding, construction of new access and erection of two ancillary amenity buildings" under ref: 20/00739/FUL.

Works consisting of the creation of an access and a hardstanding have already taken place. The Council considers these works to be the commencement of an unauthorised change of use of the Land to the use proposed in the application, for which planning permission has not been granted and, based on the consultation responses received, for which planning permission is likely to be refused for the following reasons:

Use of the site as a caravan site for gypsies and travellers conflicts with Policies MTRA4 Development in the Countryside and CP5 Sites for Gypsies, Travellers and Travelling Show people of the Winchester District Local Plan Part 1 - Joint Core Strategy 2013 and Policy DM4 Gypsies, Travellers and



Travelling Showpersons of the Winchester District Local Plan Part 2 2017. Insufficient information on accommodation needs, lack of alternative sites and personal circumstances to determine whether the proposal meets the requirements of policy TR6 of the Winchester District Gypsy, Traveller and Travelling Showpeople Development Plan Document February 2019 was submitted with the application. No information has been provided about who would live on the site.

No information has been submitted in the application to show that the new access has adequate visibility splays and the proposals do not show there would be sufficient parking provision on the site. The development is in conflict with Policy TR? of the DPD and Policy DM18 Access and Parking of the Winchester District Local Plan Part 2 2017.

The engineering works carried out have caused harm to the rural character of the area and have resulted in further suburbanisation of the area. The landscaping proposals submitted with the recent application are inadequate. The development is in conflict with policy TR? of the DPD, and Policies DM15 Local Distinctiveness and DM23 Rural Character of the Winchester District Local Plan Part 2 2017 .

The development site is located within 50m of Hoegate Common. Site of Importance for Nature Conservation (SINC) and Mill Plain SINC. It is also situated within 100m of a watercourse. Given the close proximity of the development, there is the potential for construction activity, drainage and external lighting during the operational phase to impact the integrity of these sites. The hedgerow at the southern boundary of the site could be considered suitable for protected species including Hazel Dormouse, Hedgehog, Badger, bats, reptiles and nesting birds. The removal of part of the hedgerow therefore had the potential to impact protected species. The works carried out are in conflict with policy CP16 Biodiversity of the Winchester District Local Plan Part 1 - Joint Core Strategy 2013.

Planning conditions would not overcome the reasons for these objections.

The enforcement notice requires the following steps to be taken:

- i. Cease the use of the land as a caravan site for gypsies and travellers.
- ii. Remove the hardstanding and access and take the material off the site.
- iii. Reinstate the field to the condition it was in before the development commenced.
- iv. Replace the hedgerow which was removed to create the access.

#### TIME FOR COMPLIANCE

- i. 1 day after this notice takes effect.
- ii. 2 calendar months after this notice takes effect.
- iii. 3 calendar months after this notice takes effect.
- iv. 4 calendar 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 (f)** – the steps required to comply with the requirements of the notice are excessive and lesser steps would overcome the objections.

The appeal will be determined on the basis of a **hearing**. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Hearings 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:

Eleanor Morris  
The Planning Inspectorate  
Room  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**All representations must be received by 18 November 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/20/3254261.**

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](http://www.winchester.gov.uk) using the following link [www.winchester.gov.uk/enforcement-appeal](http://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