

Issued: 5 May 2020

WINCHESTER CITY COUNCIL

ENFORCEMENT NOTICE

relating to land at

Lower Paddock, Bent Lane, Hambledon, Hampshire, PO7 4QP

Catherine Knight, Service Lead- Legal, Winchester City Council, City Offices,
Colebrook Street, Winchester, Hampshire, SO23 9LJ

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY
TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

ISSUED BY: WINCHESTER CITY COUNCIL

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. **THE LAND AFFECTED**

Land at Lower Paddock, Bent Lane, Hambledon, Hampshire, PO7 4QP, shown edged red on the attached plan ("the Land").

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

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).

4. **REASONS FOR ISSUING THIS NOTICE**

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 8th 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 TR7 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 TR7 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.

5. **WHAT YOU ARE REQUIRED TO DO**

- 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.

6. 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.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **16 June 2020** unless an appeal is made against it beforehand.

Date: 5 May 2020

Signed:



Catherine Knight, Service Lead- Legal, on behalf of:
Winchester City Council, City Offices, Colebrook Street, Winchester
Hampshire, SO23 9LJ

ANNEX

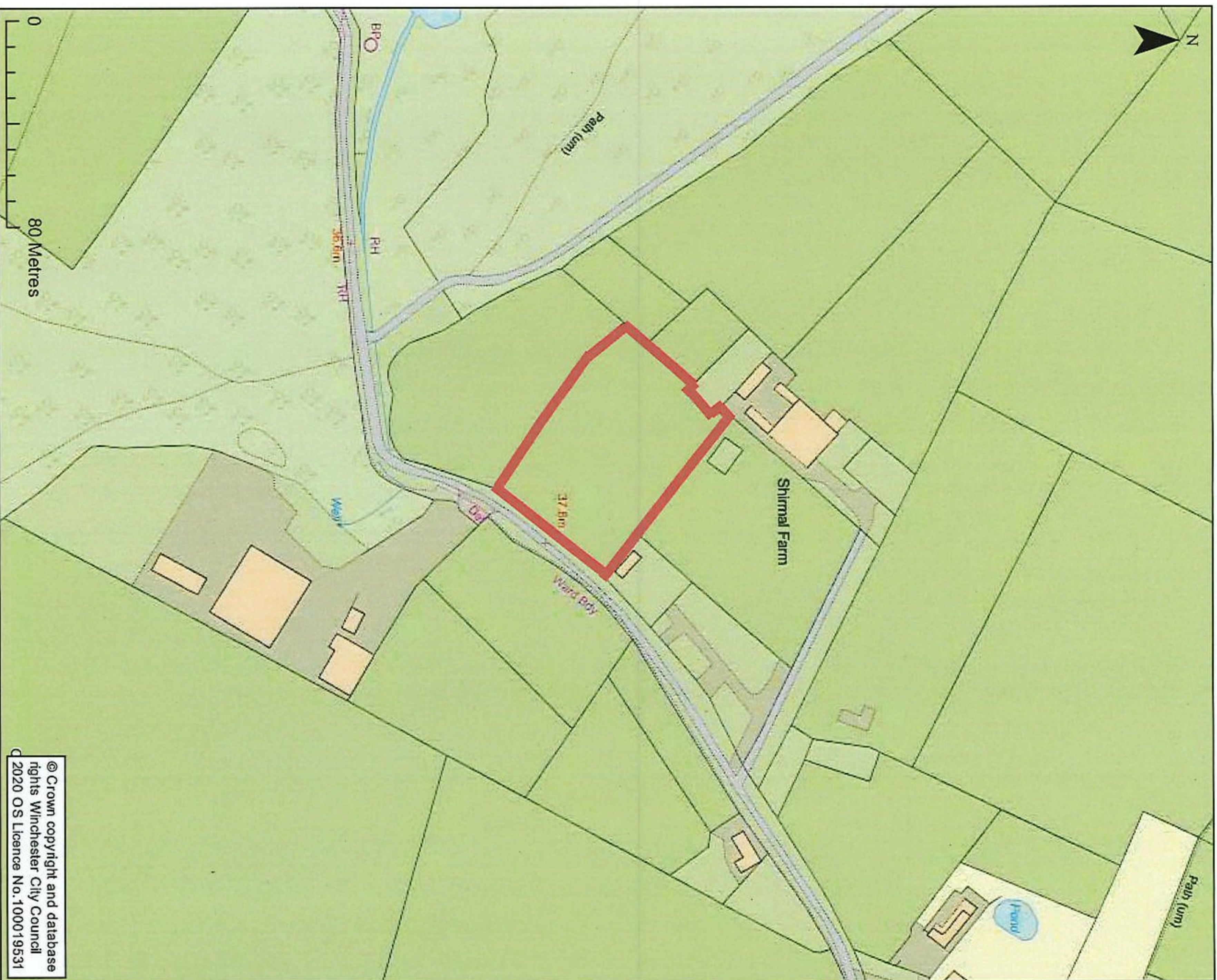
YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received or posted in time to be received by the Planning Inspectorate before the date specified in paragraph 7 of the Notice. The enclosed leaflet from the Planning Inspectorate explains what you need to do if you wish to appeal.

One copy of the enforcement notice is enclosed for your own records.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the Notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.



Date: 04/05/2020

Scale: 1:2,000

Author: Winchester City Council

Notes:

Legend

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