

**WRITTEN STATEMENT
OF
WINCHESTER CITY COUNCIL
APPEAL BY MR N BUTLER
LAND AT DRADFIELD LANE, SOBERTON, HAMPSHIRE
PINS REFS: APP/L1765/C/20/3256531
WCC REF: 20/00104/WKS**

PLANNING OFFICER'S STATEMENT

OCTOBER 2020

INTRODUCTION

This written statement relates to an enforcement notice issued on 19 June 2020 and the alleged change of use of the Land from agriculture to use for the storage/parking of trailer units/mobile units and vehicles and the construction of a hardstanding and drainage runs/pipes associated with the material change of use of the Land.

The notice requires the cessation of 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, removal of 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, removal of the hardstanding and drainage runs/pipes from the Land and to remove any resultant waste and restore the Land to its former condition prior to the breach of planning control. The Inspector if he so chooses can amend a notice under s176 of the Town and Country Planning Act 1990 (as amended) without causing any injustice to either party.

The enforcement appeal relates to ground (b), (c), (f) and (g).

SITE DESCRIPTION

Land at Dradfield Lane is a field in the countryside of Soberton for the purpose of agriculture.

PLANNING HISTORY

20/01508/FUL Retrospective planning permission for an improved site access with new 2.05m high timber entrance gates, 1.8m high close boarded support and associated hardstanding and works. Refused 10.09.2020

20/00117/FUL Provision of 2 general purpose storage agricultural buildings, access track and hardstanding. Withdrawn 15.03.2020

GROUND (B) THAT THE BREACH OF CONTROL ALLEGED IN THE ENFORCEMENT NOTICE HAS NOT OCCURRED AS A MATTER OF FACT

The definition of development under s55(1) of the Town and Country Planning Act 1990 (as amended) is the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

The change of use of the land must also constitute material development under s56 of the Act in respect of the time when the development began.

The Appellants statement claims that the Land is agricultural in use and always has been, and that there has been no material change of use.

A site visit was carried out on the 1st of June 2020 at which point the Appellant had stated the intention for the Land to be used for conversions of trailers and residential occupancy as rented accommodation. Following this

At the time of service of the notice The Council had identified that the site has undergone a change of use for the storing/parking of trailer unit(s)/mobile unit(s) and importation of hardcore material for purposes not in relation to the agricultural use of the Land. No evidence had been provided by the Appellant to support their claim of continued agricultural use of the Land. No livestock was found on the Land.

As the agricultural use has ceased, the importation of hardcore materials to facilitate the creation of a hardstanding would, the storing/parking of trailer unit(s)/mobile unit(s) and the installation of drainage runs/pipes associated with the material change of use would be classed as development and would require planning consent.

As such the appeal on ground (b) should fail.

GROUND (C) THAT THERE HAS NOT BEEN A BREACH OF PLANNING CONTROL

S171A (1) (a) states that the carrying out of development without the required planning permission constitutes a breach of planning control.

The Appellant contends that there has not been a breach of planning control and the Land is still continued to be used as agricultural, however as stated in ground (b) at the time of the service of the notice the use of the Land as agricultural has ceased as stated by the Appellant during the visit which took place on 1st June 2020 by The Council and as such site does not benefit from agricultural permitted development rights.

As such the appeal on ground (c) should fail.

GROUND (F) THE STEPS REQUIRED TO COMPLY WITH THE REQUIREMENTS OF THE NOTICE ARE EXCESSIVE, AND LESSER STEPS WOULD OVERCOME THE OBJECTIONS

The appellant states that alternative action could have been taken to avoid the service of the notice. A temporary stop notice had been served on the Appellant in order to cease the works being carried out due to the harm being caused to the countryside by the development. The development is contrary to policy MTRA4 of the Winchester District Local Plan Part 1 Joint Core Strategy, permission for new development will be limited to that which has an essential need to be located in the countryside. The Appellant had not adhered to the temporary stop notice and continued with development which has led The Council to serve the notice in order to protect the countryside.

The Appellant has provided no evidence to suggest the previous drainage runs and pipes were insufficient for their purpose or that the new drainage runs and pipes would be more productive. As such there is no weight to suggest that reinstating the original would be counterproductive.

The importation of the hardcore materials has caused significant harm to the landscape of the countryside. The size of the hardcore surface is excessive and can lead to further harm with regards to the drainage of the site.

As such the appeal on ground (f) should fail.

GROUND (G) THE TIME GIVEN TO COMPLY WITH THE NOTICE IS TOO SHORT

The Appellants states that the three month compliance period is too short because they would have to factor in the day to day running of the agricultural site. It has been clarified that the use of the site is no longer agricultural and as such this justify a delay in remedial works. The Appellant has carried out the development themselves within three months. The Council believes that six months would be excessive and unnecessary to carry out the steps required in the notice.

As such the appeal on ground (g) should fail.

CONCLUSION

Land at Dradfield Lane was an agricultural site located in the countryside. It is the Council's position that the unauthorised development has taken place in the countryside and a change of use has occurred. The Appellant has shown deliberate intention to carry out development despite the service of a temporary stop notice and without planning consent. The development is harmful to the character and appearance of this countryside location and is therefore contrary to local plan policy. As such the appeal should fail on ground (b), (c), (f) and (g).