

Notification Letter

Enq To: Appeals Officer
Direct Dial: 01962 848 599

22 December 2020

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

Site Address:	The Greenhouse Gravel Hill Shirrell Heath Hampshire
Alleged breach:	Without planning permission: (i) the construction of a single dwellinghouse comprising a former mobile home ('X') with extension ('Y') and decking. (ii) the material change of use of the Land from horticultural use to ancillary residential use and storage (including the storage of domestic items in the glasshouse).
Appellant's name:	Ms Heather Woods
Appeal reference:	APP/L1765/C/20/3261886 + 87
Appeal start date:	14.12.2020

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 15.03.2019

The enforcement notice was issued for the following reasons:

It appears to the Council that the breaches of planning control have occurred within the last four and ten years respectively.

On the 13 September 2019 under ref no: 19/01683/LDC the Council refused an application for a Certificate of Lawful Use on the basis that the dwellinghouse was not immune from enforcement action. The Council considered, that, based on the evidence, prior to 2018, the structure was a caravan.

The unauthorised construction of a dwellinghouse and change of the use of the Land to residential use is contrary to policy MTRA4 in the Winchester District Local Plan Part 1 (2013) and paragraph 79 of the National Planning Policy Framework.

On 2nd June 2019 Natural England produced standing advice to Local Planning Authorities on achieving nutrient neutrality for new development in the Solent region. The property lies within the catchment of the Solent and provides for overnight accommodation which is not served by mains drainage. As such there



is wastewater generated by the occupants of the property that may give rise to nitrogen loading and it has not been demonstrated that the use of the land is either nitrogen neutral or generates a net loss. This would be contrary to policies CP16 and CP17 of the Winchester District Local Plan Part 1, paragraph 170 of the National Planning policy Framework and the standing advice.

The Council consider that planning permission should not be granted because planning conditions could not overcome these objections.

The enforcement notice requires the following steps to be taken:

1. Cease the residential use of the dwellinghouse;
2. Demolish the dwellinghouse, extension and decking, and remove all resultant materials from the Land;
3. Cease the use of the Land for ancillary residential purposes and storage of items not related to the lawful use of the Land for horticulture;
4. Reinstate the Land to its former condition.

TIME FOR COMPLIANCE

Six calendar months after this notice takes effect.

The appellant has appealed against the notice on the following grounds:

Ground (a) – that planning permission should be granted for what is alleged in the notice.

Ground (b) – that the breach of control alleged in the enforcement notice has not occurred as a matter of fact.

Ground (d) – that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.

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

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

The appeal will be determined on the basis of an **inquiry**. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries 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:

Nick Manley

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

All representations must be received by 25 January 2021. 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/20/3261886 + 87.**

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 using the following link 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
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