Case Ref: 19/00068/CARAVN

Issued: 24 September 2020

WINCHESTER CITY COUNCIL

ENFORCEMENT NOTICE

relating to land and premises

The Greenhouse, Gravel Hill, Shirrell Heath, Hampshire

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

Case Ref: 19/00068/CARAVN

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**

The Greenhouse, Gravel Hill, Shirrell Heath, Hampshire, shown edged red on the attached plan ("the Land").

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

Without planning permission:

(i) the construction of a single dwellinghouse comprising a former mobile home ('X') with extension ('Y') and decking in the positions marked 'X' and 'Y' on the attached plan.

(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).

4. **REASONS FOR ISSUING THIS NOTICE**

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.

5. WHAT YOU ARE REQUIRED TO DO

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.

6. TIME FOR COMPLIANCE

Six calendar months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 26 **October 2020** unless an appeal is made against it beforehand.

Dated: 24 September 2020

[redacted]

Signed .....
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.

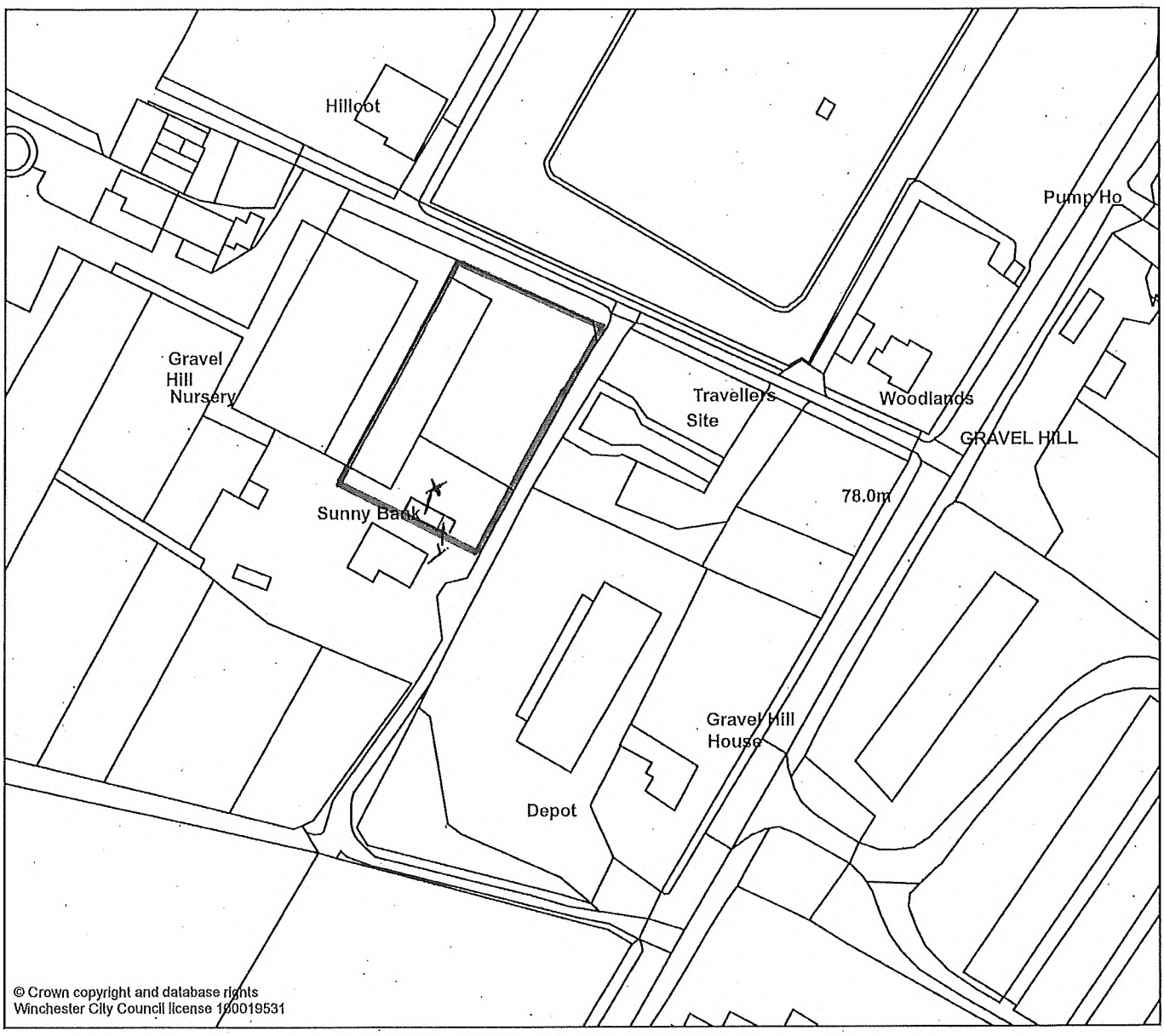
WHAT HAPPENS IF YOU DO NOT APPEAL

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.

The Greenhouse

Gravel Hill, Shirrell Heath, Hampshire

Winchester City Council



Legend

Scale: 0 12.5 25 50 Meters

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Organisation	Winchester City Council
Department	Winchester GIS
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