

The Planning Inspectorate

ENFORCEMENT NOTICE APPEAL FORM (Online Version)

WARNING: The appeal **must** be received by the Inspectorate **before** the effective date of the local planning authority's enforcement notice.

Appeal Reference: APP/L1765/C/21/3286358

A. APPELLANT DETAILS

Name

Mr Nicholas Butler

Address

Land to the east of Dradfield Industrial Estate
Dradfield Lane
Soberton Southampton
Hampshire
SO32 3QD

Preferred contact method

Email Post

A(i). ADDITIONAL APPELLANTS

Do you want to use this form to submit appeals by more than one person (e.g. Mr and Mrs Smith), with the same address, against the same Enforcement notice?

Yes No

B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes No

Name

Mr Stephen Andrews

Company/Group Name

SDA Planning Ltd

Address

19 Well Copse Close
Horndean
Waterlooville
Hants
PO8 0HB

Phone number

07415873657

Email

stephen.andrews@sdaPlanning.co.uk

Preferred contact method

Email Post

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

Winchester City Council

LPA reference number (if applicable)	21/00333/WKS
Date of issue of enforcement notice	08/10/2021
Effective date of enforcement notice	08/11/2021

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes No

Address

Land to the east of Dradfield Industrial Estate
 Dradfield Lane
 Soberton Southampton
 Hampshire
 SO32 3QD

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? Yes No

What is your/the appellant's interest in the land/building?

Owner

Tenant

Mortgagee

None of the above

E. GROUNDS AND FACTS

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? Yes No

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

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

The facts are set out in

the box below

The notice alleges that hardstanding has been created to support a residential use. The hardstanding was installed as part of the agricultural site. The base under the trailer supports the trailer on site, which if not used for overnight residential occupancy could remain in situ, provided it retained an incidental or ancillary part of the agricultural use of the site. As such the hardstanding does not in itself constitute a breach of planning control.

The hardstanding for the site has already been accepted as permitted development for the purposes of agriculture under the previous enforcement notice served and quashed (Ref APP/L1765/C/20/3256531).

To clarify there has not been a material change of use of the site, as alleged in the notice. The alleged breach relates to the use of the trailer for overnight accommodation. The notice should therefore relate solely to the use of the trailer for overnight accommodation. The allegation of a change of use of the site from agriculture to residential is incorrect.

(c) That there has not been a breach of planning control (for example because permission has already been granted, or it is "permitted development").

The facts are set out in

the box below

The hardstanding and septic tank identified on the notice was installed under Schedule Schedule 2, Part 6, Class B (c) and (e) of the GPDO (agricultural development on units of less than 5 hectares) and as such these elements are permitted development and do not constitute a breach of planning control.

The notice requirements to have these elements removed is contrary to the purpose and provisions allowed under Schedule 2, Part 6, Class B.

Provided the trailer is not used for overnight accommodation, its use as a day facility in support of the agricultural use, with the provision of a toilet and kitchen facilities would not in itself be a breach of planning control.

(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.

(e) The notice was not properly served on everyone with an interest in the land.

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

The facts are set out in

the box below

The Council states that it is the residential use and overnight accommodation that is on breach of planning policy MTRA4 and that the development constitutes an unlawful change of use of the site. The steps required to remedy this breach are to remove the trailer from the site.

However in order to address the alleged unlawful change of use to residential the appellant simply needs to stop residing in the trailer overnight.

As the land is in agricultural use if the trailer was simply used as a day base, whilst working on the small holding, without sleeping in the trailer overnight. The trailer would be an incidental use to the agricultural holding and could remain.

The notice requirements should therefore be amended to stipulate that the trailer shall not be used for overnight accommodation and must be used incidentally to the agricultural use. This would negate the need to have the trailer removed from the site and would address the alleged change of use from agriculture to residential use.

(g) The time given to comply with the notice is too short. Please state what you consider to be a reasonable compliance period, and why.

The facts are set out in

the box below

The cessation of the residential use is too short a period as the appellant would need to find alternative accommodation for himself and his children. If this was to include the removal of the trailer the identification of a site capable of accommodating the vehicle would be much more limited and would require at least one year to source and relocate due to the individual and specific nature of the trailer.

Steps 3 and 4 would have to be complied with after the removal of the trailer from the site and as such 15 months would be a more acceptable period of time for compliance.

If the Inspector accepts that the only breach is the overnight use of the trailer then the appellant requests a one year period to comply as suitable accommodation will need to be found for both himself and his children.

F. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes No

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes No

2. Hearing

3. Inquiry

G. FEE FOR THE DEEMED PLANNING APPLICATION

1. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? Yes No

2. Are there any planning reasons why a fee should not be paid for this appeal? Yes No

If no, and you have pleaded ground (a) to have the deemed planning application considered as part of your appeal, you must pay the fee shown in the explanatory note accompanying your Enforcement Notice.

H. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes No

I. SUPPORTING DOCUMENTS

01. Enforcement Notice:

[see 'Appeal Documents' section](#)

02. Plan (if applicable and not already attached)

[see 'Appeal Documents' section](#)

J. CHECK SIGN AND DATE

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full grounds of appeal) to the LPA today.

Signature

Mr Stephen Andrews

Date

06/11/2021 11:22:06

Name

Mr Stephen Andrews

On behalf of

Mr Nicholas Butler

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018.

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

K. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full grounds of the appeal) to the LPA.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the enforcement notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

L. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@planninginspectorate.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below were uploaded with this form:

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 01. The Enforcement Notice.
File name: Enforcement Notice.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 02. The Plan.
File name: Enforcement Plan.pdf

Completed by MR STEPHEN ANDREWS

Date 06/11/2021 11:22:06