

Issued: 8 October 2021

WINCHESTER CITY COUNCIL

ENFORCEMENT NOTICE

relating to land

to the north of Dradfield Lane, Soberton, Hampshire.

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 to the north of Dradfield Lane, Soberton, Hampshire 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 from agriculture to a mixed use of agriculture and use for siting of a residential unit (namely a converted lorry trailer) including the construction of hardstanding to facilitate the residential use (which is shown marked with an "X" in the approximate position on the attached plan).

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Local Planning Authority that the aforementioned breach of planning control has occurred within the last ten years.

The development is contrary to policy MTRA4 of the Winchester District Local Plan Part One Joint Core Strategy Adopted March 2013 and paragraph 80 of NPPF 2021 in that it is a residential dwelling in the countryside for which there is no justification.

Furthermore, the development does not comply with the requirements of the Conservation of Habitats and Species Regulations 2017 ("The Habitats Regulations") in that overnight accommodation must be able to demonstrate nitrate neutrality so that it will not have a harmful impact on the Solent international designated sites through increased nutrients from waste water entering the Solent which will cause eutrophication. This development fails to demonstrate nitrate neutrality.

Planning conditions would not overcome these objections and therefore, the Council does not consider that planning permission should be granted.

5. WHAT YOU ARE REQUIRED TO DO

- 1) Cease the residential use of the Land.
- 2) Remove the converted trailer and any paraphernalia associated with the residential use from the Land.
- 3) Dig up and remove from the Land the hardstanding (which is shown marked in its approximate position with an "X" on the attached plan), the packaged sewage treatment plant and piping, and any materials or debris resulting from compliance with the requirements of this Notice.
- 4) Restore the Land to its former condition prior to the breach of planning control by laying topsoil and re-seeding to grass.

6. TIME FOR COMPLIANCE

- i) Steps 1 and 2 - **6 months** after this notice takes effect
- ii) Steps 3 and 4 - **7 months** after this notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 8 November 2021 unless an appeal is made against it beforehand.

Date: 8 October 2021

Signed:



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

ANNEX

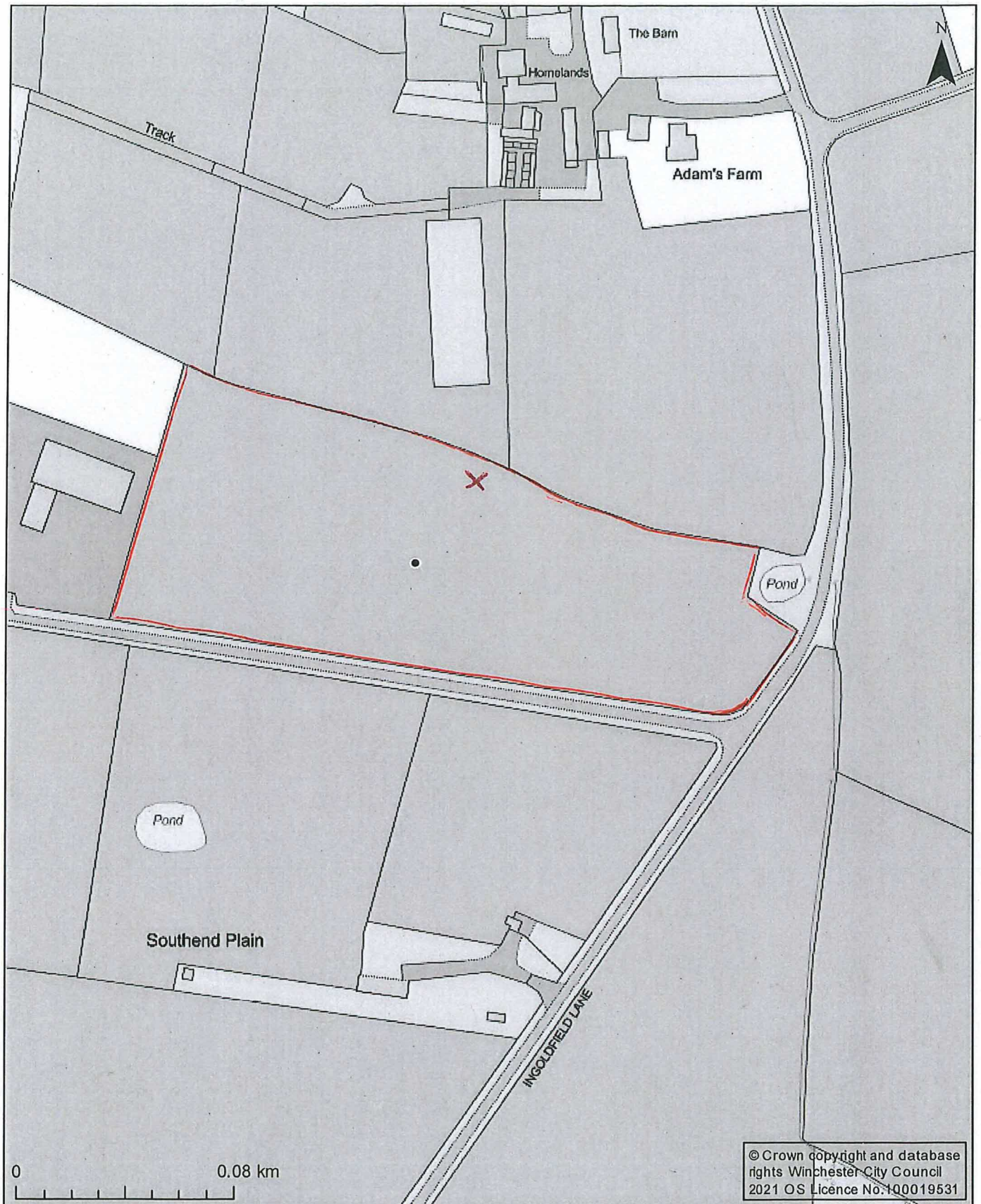
YOUR RIGHT OF APPEAL

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: 07/10/2021

Scale: 1:1,875

Author:

Notes:

ENFORCEMENT NOTICE PLAN
Land to the north of Dradfield Lane,
Soberton, Hampshire.

Legend