

Notification Letter

Enq To: Appeals Officer
Direct Dial: 01962 848 599

14 December 2021

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

Site Address:	Field To The North Of Dradfield Lane Soberton Hampshire
Alleged breach:	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.
Appellant's name:	Mr Nick Butler
Appeal reference:	APP/L1765/C/21/3286358
Appeal start date:	01.12.2021

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 08.10.2021

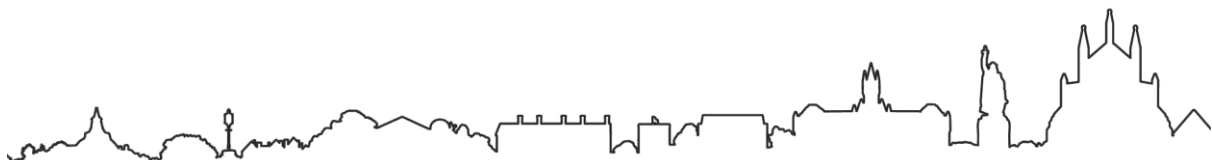
The enforcement notice was issued for the following reasons:

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.



The enforcement notice requires the following steps to be taken:

- 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.

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

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

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

Ground (c) – that there has not been a breach of planning control.

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 **written representations**. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 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:

Opirim Agala
The Planning Inspectorate
Room 3B Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by 12 January 2022. 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/21/3286358.**

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
Service Lead - Built Environment