

## **STATEMENT OF CASE**

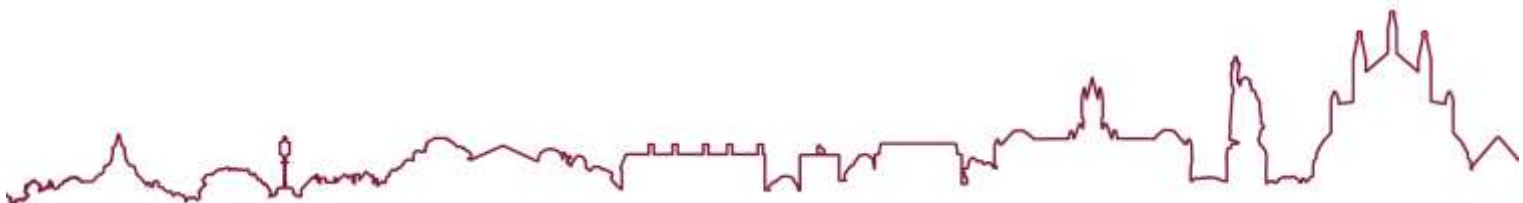
**SITE:** LAND AT THE OLD PIGGERY, FIRGROVE LANE, NORTH  
BOARHUNT, HAMPSHIRE

**APPEALS BY:** MR J KEET, MRS J KEET, MS LENA-LARA KEET

**AGAINST ENFORCEMENT NOTICES 01, 02 & 03**

**DATE:** January 2022

**APPEAL REF:** APP/L1765/C/21/3285763  
APP/L1765/C/21/3285764  
APP/L1765/C/21/3285765  
APP/L1765/C/21/3285766



## 1.0 INTRODUCTION

1.1 Planning application 21/00399/FUL for “Continued use of land for the stationing of residential caravans” was refused by Committee on 22/07/2021 for the following reasons:

1. The proposal would represent new dwellings in the countryside for which there is no justification and would therefore be contrary to Policies MTRA3, MTRA4 and CP5 of Local Plan Part 1 - Joint Core Strategy, Policies DM1 and DM4 of Local Plan Part 2 – Development Management and Site Allocations, Winchester District Gypsy, Traveller and Travelling Show People Development Plan Document, and Government Planning Policy for Traveller Sites.
2. The proposal would be contrary to Policy CP5 of Winchester Local Plan Part 1 and Policy TR7 of the Winchester District Gypsy, Traveller and Travelling Show People Development Plan Document in that insufficient information has been provided in respect of the provision of facilities, particularly in terms of wastewater infrastructure and safe play spaces. As such it is not possible to ensure that facilities appropriate to the scale of the site can be adequately provided without adverse impact on the occupants of the site, neighbouring properties or the surrounding area.

1.2 The Planning Officers report to Committee is attached at Appendix A and covers the planning consideration of this development. The report will be used to address the Ground (a) appeals, with any additional points to be raised in section 2 below.

1.3 The red line on the location plan provided as part of the above application differs slightly to that of the enforcement notices. The deviation is to ensure all unauthorised mobile homes/development within the site are included.

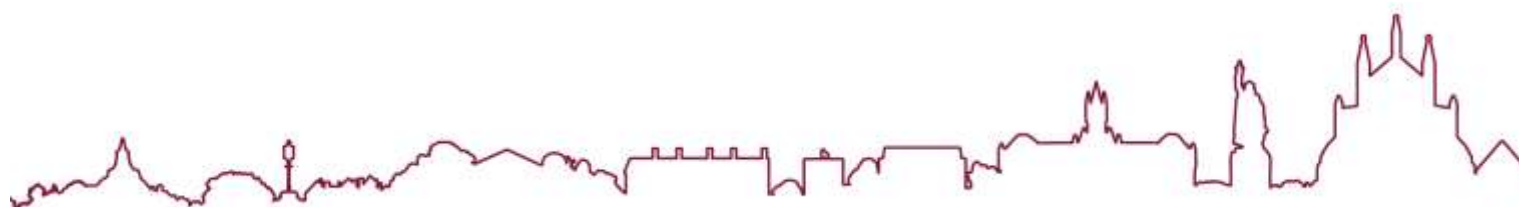
1.4 Three enforcement notices were issued by Winchester City Council on 4<sup>th</sup> October 2021 following the refusal of the aforementioned planning application. There are three owners of the site, each with a different parcel of land within their control, within the red line of the enforcement notice; therefore three identical enforcement notices were served. A copy of the notice is attached at Appendix B.

1.5 Three appeals have been lodged, one against each enforcement notice. For clarity, this statement will cover all three appeals.

1.6 Appeal Reference: APP/L1765/C/21/3285763 relates to enforcement notice 01 and is made by Mr Joe Keet. The appeal has been made under Grounds:

- (a) (That planning permission should be granted for what is alleged in the notice),
- (e) (The notice was not properly served on everyone with an interest in the land), and;
- (g) (The time given to comply with the notice is too short).

1.7 Appeal Reference: APP/L1765/C/21/3285764 relates to enforcement notice 02 and is made by Mrs J Keet. The appeal has been made under Grounds:



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

1.8 Appeal Reference: APP/L1765/C/21/3285765/ APP/L1765/C/21/3285766 relates to enforcement notice 03 and is made by Mr J Keet and Ms Lena-Lara Keet. The appeal has been made under Grounds:

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

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

(g) (The time given to comply with the notice is too short).

## **2.0 ADDITIONAL RESPONSE TO GROUND (A)**

2.1 The appellant states that policy TR6 is the main policy in regard to gypsies and travellers. The Council have a suite of policies within the Traveller DPD and the Development Plan that are relevant, of which TR6 is just one.

2.2 Within the appellant's statement of case they state that there is no definition of local area within the policy. A recent appeal decision (Appendix C) at Bent Lane assesses this. In this case the Inspector found it reasonable that countryside applications for gypsies and travellers require a local connection to an area in accordance with policy D of the PPTS.

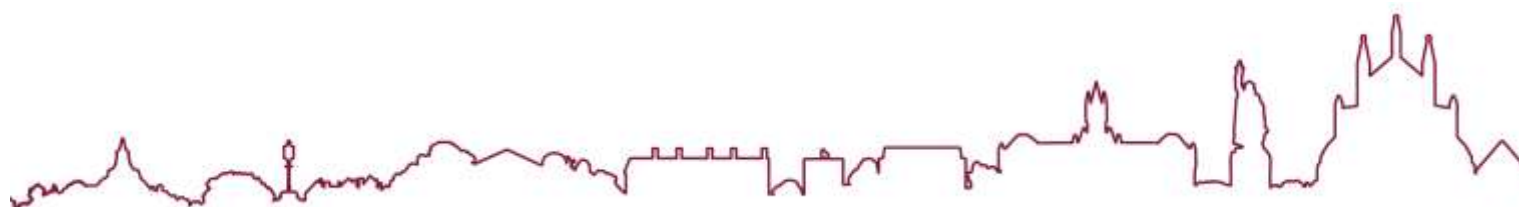
2.3 The appellant goes on to say that there is no availability of sites in the area. The appeal decision at appendix E makes an assessment of the Council housing land supply for gypsies and travellers indicating that at the time of decision there was a surplus of sites within the district. Since this decision another 3 pitches have been permitted with more being considered. It is therefore contested that there is a lack of sites in the district.

2.4 The appellant states that a unilateral undertaking has been submitted in regard to the Solent Recreational Mitigation Scheme. This has not been received and therefore the Council consider that the proposal would result in harm to the Solent SPAs.

2.5 It should also be noted that no information has been submitted regarding nitrate impacts on the Solent SPAs. The appellant states in one Statement of case that their pitch has been in place for several years and therefore is not subject to the current Habitat Regulations. It is the Council's view that the site is not authorised and therefore is subject to all current requirements under the habitat regulations. An argument that the proposed replacement water treatment plant would reduce the nitrate output and therefore mitigation is not required. It is the council's view that this has not been demonstrated and therefore the proposal would result in harm to the Solent SPAs.

2.6 Without prejudice, please see Appendix D a proposed list of conditions should the Inspector be minded to allow the appeal and grant planning permission for the unauthorised development.

## **3.0 RESPONSE TO GROUND (E)**



3.1 The Councils response to Ground (e) is attached at Appendix E. This was submitted to the Planning Inspectorate on 10<sup>th</sup> November 2021.

#### **4.0 RESPONSE TO GROUND (G)**

4.1 The appellant states that the time to comply with the enforcement notices is too short. The time to comply with the notices was considered by the Council prior to service, having taken into account the circumstances of this case.

4.2 The appellant asserts that the referral to Winchester City Councils "Housing Services Unit is of no use and contrary to the to the occupiers way of life". The Council has seen no evidence to confirm this to be the case.

4.3 Little information or evidence has been provided by the appellant as to why 9 months is not sufficient. However, if the Inspector upholds the enforcement notices and deems the time to comply as too short, they have the power to extend this timeline.

#### **5.0 CONCLUSION**

5.1 For the reasons given above and in the attached reports/appendices, the Inspector is respectfully requested to dismiss all three appeals and uphold the enforcement notices in their entirety.

