

## 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/22/3296503**

#### A. APPELLANT DETAILS

Name

Address

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

**Additional Appellant:** Mr Bernie Stokes  
**Appeal Reference:** APP/L1765/C/22/3296504

#### B. AGENT DETAILS

Do you have an Agent acting on your behalf? Yes  No

Name

Company/Group Name

Address

Phone number

Email

Your reference

Preferred contact method

Email  Post

### C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

Winchester City Council

Date of issue of enforcement notice

01/03/2022

Effective date of enforcement notice

12/04/2022

### D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?

Yes  No

Does the appeal relate to an existing property?

Yes  No

Address

Land at Carousel Park  
Basingstoke Road, Micheldever  
WINCHESTER  
Hampshire  
SO21 3BW

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.

The facts are set out in

the box below

On 02/10/2003 (ref 02/01022/FUL) planning permission was granted on Carousel Park for a caravan site. Whilst there were conditions restricting the number of residential caravans on each pitch to three and the number of pitches to nine there were no conditions attached to the planning permission restricting the occupation of the site to travelling show people. Appeals against enforcement notices were heard by way of a Public Inquiry which opened on 11/10/2011. The appeals were allowed and the notices were quashed as the Inspector found that in line with the decision in "I'm Your Man" case, the authorised use of the land is as a residential caravan site. The PINS references for the enforcement appeals was APP/L1765/C/10/2138144, 49, 50, 52, 53 & 55. It therefore follows that Policy MTRA4 of the Local Plan Part 1 cannot properly be applied.

10 caravans, with amended sitings be accommodated on the appeal site in a manner which would meet caravan site licence requirements. References by the LPA to the site being located in the countryside whilst being correct is of limited relevance bearing in mind the fact that the site and the wider area benefits from planning permission. The LPA also assert that "no landscaping scheme has been provided". Well of course how could it be when the LPA have served an enforcement notice with no prior consultation with the owner, this is not a planning application lacking a landscaping scheme.

The appellant is from the Travelling community and we will be advancing a case pertaining to the needs of the Gypsy/Traveller Community.

It is considered that there is no plausible reason not to grant planning permission.

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

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

(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 breach of planning control identified by the LPA is "without planning permission, the material change of use of the land to a residential caravan site for 10 caravans". Turning to the requirements of the notice they are excessive for each of the 3 points listed.

1. The authorised use of the appeal site is a residential caravan site.
2. The authorised use of the appeal site is a residential caravan site.
3. There is nothing that needs to be undertaken.

(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 time period in the event of ground (a) & (f) failing should be extended to 12 months as there are no alternative sites.

## F. CHOICE OF PROCEDURE

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

1. Written Representations

2. Hearing

You must give detailed reasons below or in a separate document why you think a hearing is necessary. The reasons are set out in

the box below

As the planning history is complicated and Gypsy and Traveller status needs to be given before an Inspector.

Is there any further information relevant to the hearing which you need to tell us about? Yes  No

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

## 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 Spencer Copping

**Date**

07/04/2022 14:30:29

**Name**

Mr Spencer Copping

**On behalf of**

Mr Patrick Stokes

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 and Plan - Land at Carousel Park.pdf

**Completed by** MR SPENCER COPPING

**Date** 07/04/2022 14:30:29