

EN4 – Notification Letter
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 Enq To: Appeals Officer
 Direct Dial: 01962 848 599

27 May 2022

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

Site Address:	PLOT 5 Carousel Park Basingstoke Road Micheldever Winchester Hampshire SO21 3BW
Alleged breach:	ENFORCEMENT NOTICE: EN4 Without planning permission, the material change of use of the Land to a residential caravan site for 10 caravans (“the Unauthorised Use”).
Appellant’s name:	Mr Patrick Stokes
Appeal reference:	APP/L1765/C/22/3296503
Appeal start date:	17.05.2022

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Appellant’s name:	Mr Bernie Stokes
Appeal reference:	APP/L1765/C/22/3296504
Appeal start date:	17.05.2022

I refer to the above details. Appeals have been made to the Secretary of State against an enforcement notice issued by Winchester City Council on 01.03.2022

The enforcement notice was issued for the following reasons:

The Council considers it expedient to issue this notice because:

The above breach of planning control occurred within the last 10 years.

The use of the Land as a residential caravan site is contrary to policy MTRA4 of the Local Plan part 1. The Land is allocated for travelling showpersons’ use and



should be occupied by people meeting the definition of travelling showpeople in order to meet an identified need. (W020).

There are 10 caravans / static caravans on the Land. The number of caravans or other forms of accommodation is overly intensive and results in a lack adequate private outdoor amenity and recreational space, storage, or provision for parking and turning which is detrimental to the occupiers of the Land and contrary to policy DM17 of the Local Plan Part 2 2017.

The development is outside of defined settlement boundaries and has an unacceptable effect on the rural character of the area through visual intrusion and incongruous features contrary to policy DM1 and DM23 of the Local Plan Part 2 2017.

The site does not provide boundary treatments that respond positively to the local context contrary to policy DM16 of the Local Plan Part 2 2017.

The site does not make adequate provision for refuse and recycling, provide amenity and recreational space for users, contrary to policy DM17 of the Local Plan Part 2 2017.

There is no identified need for a residential caravan site in the countryside, the site is not essential for operational reasons, and no landscape scheme has been provided contrary to policy DM10 of the Local Plan Part 2 2017.

The site does not provide adequate parking, or allow adequate access and movement within the site contrary to policy DM18 of the Local Plan Part 2 2017.

The enforcement notice requires the following steps to be taken:

1. Cease the use of the Land as a residential caravan site;
2. Remove all caravans, mobile homes, park homes, hardstanding / hard surfacing, fencing, services, storage containers, sheds, porta-loos, animal enclosures, vehicles, machinery, trailers, waste, construction materials, buildings, structures, and any other items associated with the Unauthorised Use from the Land;
3. Restore the Land to its condition before the breach of planning control took place.

TIME FOR COMPLIANCE

6 Months after this Notice takes effect

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

- 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.~~
- c) **That there has not been a breach of planning control.**
- d) ~~That, at the time that 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.**
- g) **The time given to comply with the notice is too short.**

The appeal will be determined on the basis of an **inquiry**. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 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:

Alice Maurice
The Planning Inspectorate
Room
Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by 28 June 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 lead appeal reference APP/L1765/C/22/3296503.**

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