

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(As amended by the Planning and Compensation Act 1991)

**ENFORCEMENT NOTICE
(EN2)**

**ISSUED BY: WINCHESTER CITY COUNCIL
("the Council")**

1. THIS NOTICE is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (b) of section 171A(1) 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 TO WHICH THE NOTICE RELATES

Land at Carousel Park, Basingstoke Road, Micheldever, Winchester, Hampshire, SO21 3BW shown edged in bold black on the attached plan ("the Land").

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, the breach of conditions 10, 11, and 15 of planning permission 02/01022/FUL of 2 October 2003 being:

10. There shall be a maximum of three caravans or mobile homes occupied for residential purposes on each pitch. Any additional touring caravans used by the travelling showpeople may be stored within the defined storage areas but may not be occupied for residential purposes at any time.

11. There shall be no more than 9 family pitches on the site and the pitches may not be sub-divided at any time.

15. No more than 50 people shall occupy the site at any time.

4. REASONS FOR ISSUING THIS NOTICE

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 TR3 of the Winchester Gypsy and Traveller DPD 2019 ("the DPD") - 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 approximately 100 caravans, static caravans, or park homes on the site, which is outside any defined settlement and subject to policy MTRA4 of the Winchester District Local Plan Part 1 which resists residential development unless there is an operational need for a countryside location. The site is safeguarded for travelling showpersons' plots (policies TR1 and TR3) and it has not been demonstrated that there is a need for additional provision in accordance with the requirements of policy TR5. The breach is detrimental to the protection of the countryside and the amenities of occupiers of the site.

The visual impact of the site on the adjacent Black Wood SINC and its locality is not contained through the provision and retention of a suitable bund and landscaping around the whole site boundary contrary to policies TR3 and TR7 of the DPD and policies DM1, DM16, and DM23 of the Local Plan Part 2.

Due to its layout and density the site does not provide sufficient vehicle turning space or minimise conflict between pedestrians and vehicles contrary to policies TR7 of the DPD and DM18 of the Local Plan Part 2.

The density of the site does not allow for mixed-use yards that would accommodate space for the storage of equipment associated with the needs of travelling showpeople contrary to policy TR7 of the DPD and Policy F paragraph 19 of DCLG Planning Policy for Traveller sites 2015.

The site lacks an adequate area of open space for safe children's play contrary to policies TR7 of the DPD and DM17 of the Local Plan Part 2.

Details of wastewater infrastructure, including a foul drainage assessment and surface water drainage have not been provided contrary to policy TR7 of the DPD.

Adequate and appropriate provision for the safe storage of waste and recycling is not provided contrary to policies TR7 of the DPD and DM17 of the Local Plan Part 2.

Commercial activities take place on the land contrary to policy TR7 of the DPD.

The site is away from existing settlements, is outside areas allocated in the development plan, and is not well planned or soft landscaped in such a way that positively enhances the environment, increases openness, and promotes healthy lifestyles contrary to Policy H paragraph 25 and 26 of DCLG Planning Policy for Traveller sites 2015.

5. WHAT YOU ARE REQUIRED TO DO TO REMEDY THE BREACH OF PLANNING CONTROL

1. Cease the use of the Land for siting more than three caravans or mobile homes per pitch occupied for residential purposes (condition 10);
2. Cease the use of the Land for occupation by more than 50 people (condition 15);
3. Restore the layout of the Land to comprise no more than 9 family pitches as shown on the attached plan 02-44-01 of December 2002 (condition 11).

6. TIME FOR COMPLIANCE

6 Months after this Notices takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 12 April 2022 unless an appeal is made against it beforehand.

Dated: 1 March 2022

Signed:



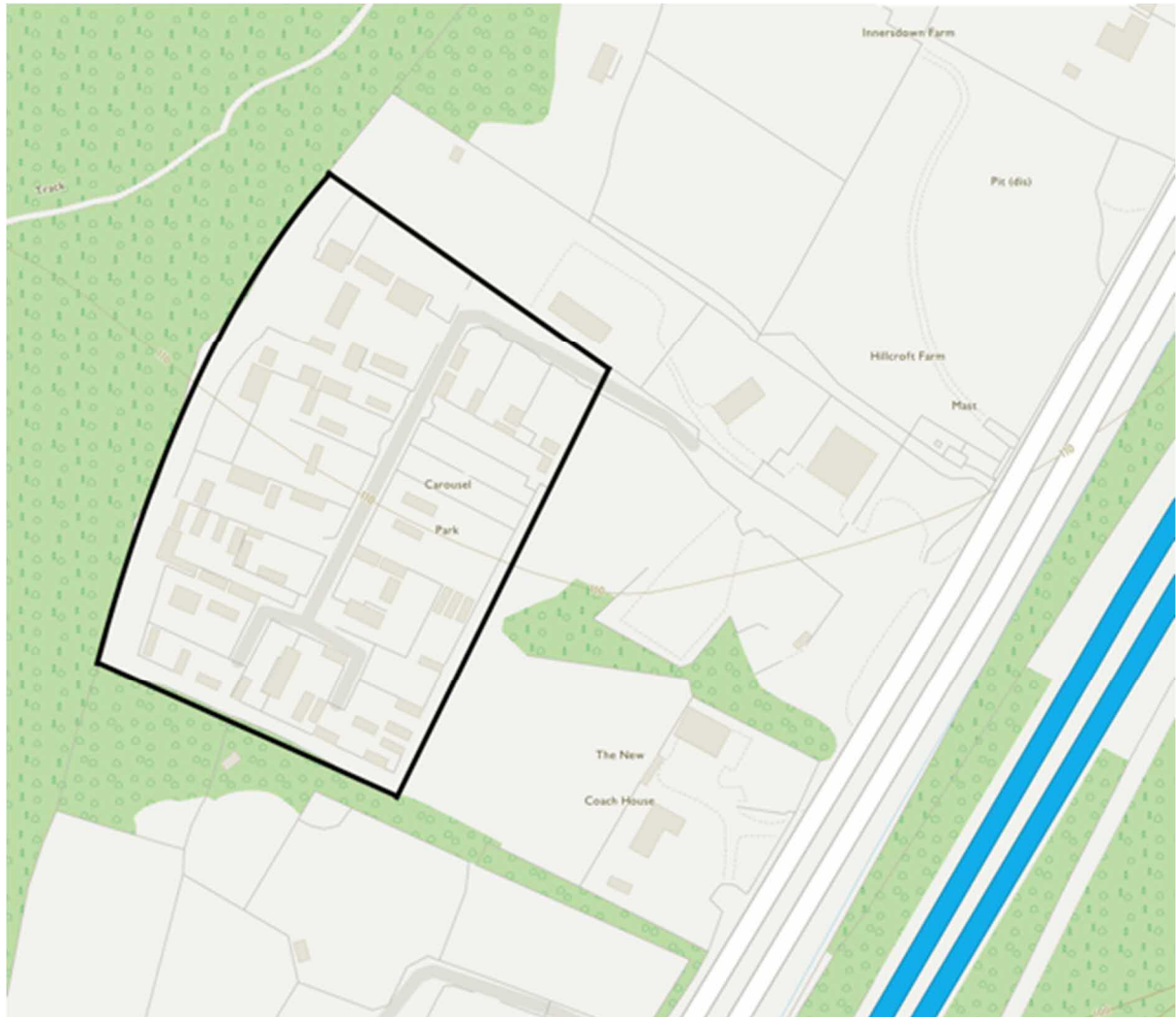
Service Lead – Legal on behalf of Winchester City Council, City Offices,
Colebrook Street, Winchester, Hampshire, SO23 9LJ

Nominated Officer: Julie Pinnock

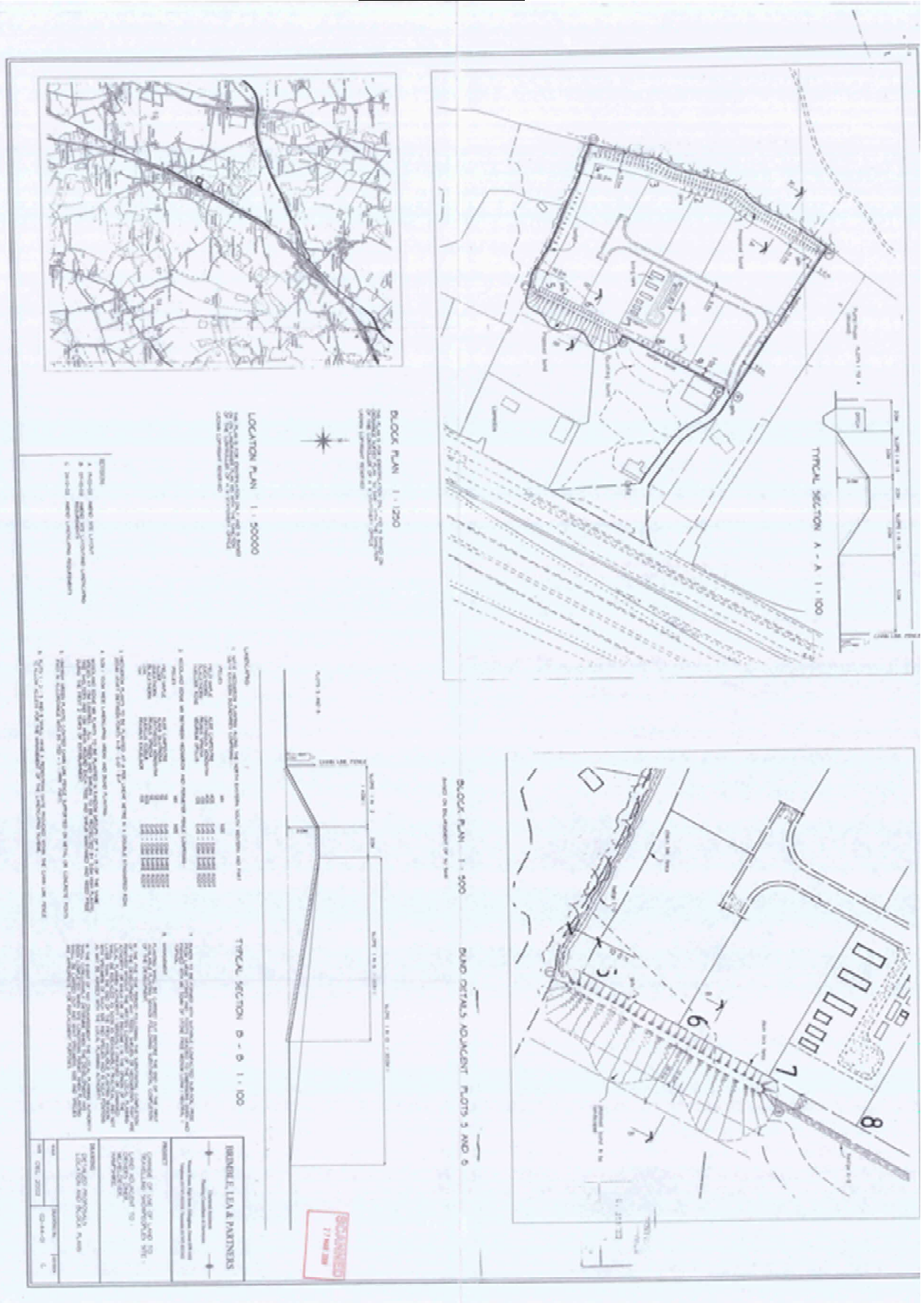
Telephone Number: 01962 848439

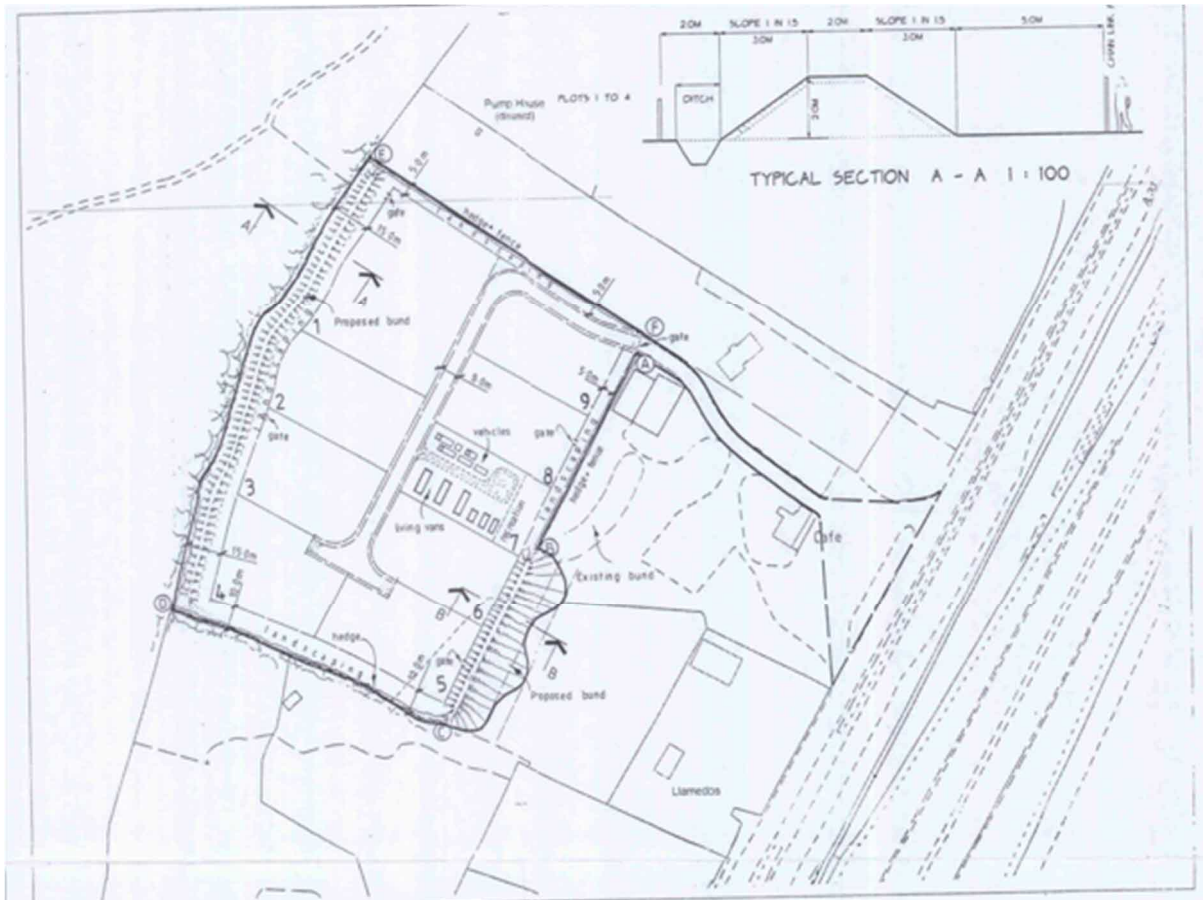
PLAN

Land at Carousel Park shown edged in bold black below.



02-44-01 PLAN





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 acting on behalf of the Secretary of State **before** the date specified in paragraph 7 of the notice.

One copy of the enforcement notice is enclosed for your own records.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal. **Please see the enclosed information sheet at the end of the explanatory notes from The Planning Inspectorate which tells you how to make an appeal (alternatively please follow the below link).**

[link to <http://www.planningportal.gov.uk/uploads/pins/eninfosheet.pdf>]

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.