

EN2 – Notification Letter

 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 1 Carousel Park Basingstoke Road Micheldever Winchester Hampshire SO21 3BW
Alleged breach:	ENFORCEMENT NOTICE: EN2 Without planning permission, the breach of conditions 10, 11, and 15 of planning permission 02/01022/FUL of 2 October 2003 being: <i>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.</i> <i>11. There shall be no more than 9 family pitches on the site and the pitches may not be sub-divided at any time.</i> <i>15. No more than 50 people shall occupy the site at any time.</i>
Appellant's name:	Mr Freddie Loveridge
Appeal reference:	APP/L1765/C/22/3296768
Appeal start date:	17.05.2022

Site Address:	PLOT 2C Carousel Park Basingstoke Road Micheldever Winchester Hampshire SO21 3BW
Alleged breach:	ENFORCEMENT NOTICE: EN2 Without planning permission, the breach of conditions 10, 11, and 15 of planning permission 02/01022/FUL of 2 October 2003 being: <i>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.</i> <i>11. There shall be no more than 9 family pitches on the site and the pitches may not be sub-divided at any time.</i> <i>15. No more than 50 people shall occupy the site at any time.</i>
Appellant's name:	Mr Anthony O'Donnell
Appeal reference:	APP/L1765/C/22/3296772
Appeal start date:	17.05.2022



Site Address:	PLOT 3 Carousel Park Basingstoke Road Micheldever Winchester Hampshire SO21 3BW
Alleged breach:	ENFORCEMENT NOTICE: EN2 Without planning permission, the breach of conditions 10, 11, and 15 of planning permission 02/01022/FUL of 2 October 2003 being: <i>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.</i> <i>11. There shall be no more than 9 family pitches on the site and the pitches may not be sub-divided at any time.</i> <i>15. No more than 50 people shall occupy the site at any time.</i>
Appellant's name:	Mr Patrick Flynn
Appeal reference:	APP/L1765/C/22/3296774
Appeal start date:	17.05.2022

Site Address:	PLOT 6 Carousel Park Basingstoke Road Micheldever Winchester Hampshire SO21 3BW
Alleged breach:	ENFORCEMENT NOTICE: EN2 Without planning permission, the breach of conditions 10, 11, and 15 of planning permission 02/01022/FUL of 2 October 2003 being: <i>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.</i> <i>11. There shall be no more than 9 family pitches on the site and the pitches may not be sub-divided at any time.</i> <i>15. No more than 50 people shall occupy the site at any time.</i>
Appellant's name:	Mr Hughie Stokes
Appeal reference:	APP/L1765/C/22/3296777
Appeal start date:	17.05.2022

Site Address:	PLOT 8 Carousel Park Basingstoke Road Micheldever Winchester Hampshire SO21 3BW
Alleged breach:	ENFORCEMENT NOTICE: EN2 Without planning permission, the breach of conditions 10, 11, and 15 of planning permission 02/01022/FUL of 2 October 2003 being: <i>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.</i> <i>11. There shall be no more than 9 family pitches on the site and the pitches may not be sub-divided at any time.</i> <i>15. No more than 50 people shall occupy the site at any time.</i>
Appellant's name:	Mr Danny Carter
Appeal reference:	APP/L1765/C/22/3296779
Appeal start date:	17.05.2022

Site Address:	PLOT 9 Carousel Park Basingstoke Road Micheldever Winchester Hampshire SO21 3BW
Alleged breach:	ENFORCEMENT NOTICE: EN2 Without planning permission, the breach of conditions 10, 11, and 15 of planning permission 02/01022/FUL of 2 October 2003 being: <i>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.</i> <i>11. There shall be no more than 9 family pitches on the site and the pitches may not be sub-divided at any time.</i> <i>15. No more than 50 people shall occupy the site at any time.</i>
Appellant's name:	Mr Patrick Stokes
Appeal reference:	APP/L1765/C/22/3296782
Appeal start date:	17.05.2022

Site Address:	PLOT 9B Carousel Park Basingstoke Road Micheldever Winchester Hampshire SO21 3BW
Alleged breach:	ENFORCEMENT NOTICE: EN2 Without planning permission, the breach of conditions 10, 11, and 15 of planning permission 02/01022/FUL of 2 October 2003 being: <i>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.</i> <i>11. There shall be no more than 9 family pitches on the site and the pitches may not be sub-divided at any time.</i> <i>15. No more than 50 people shall occupy the site at any time.</i>
Appellant's name:	Mr Oliver Crumlish
Appeal reference:	APP/L1765/C/22/3296784
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 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.

The enforcement notice requires the following steps to be taken:

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 plan 02-44-01 of December 2002 (condition 11).

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/22/3296768.**

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