

## 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/22/3300720**

#### A. APPELLANT DETAILS

Name	Mr Christopher Collins
Address	Ivy Cottage Wickham Road, Curdridge Southampton SO32 2HG
Phone number	07721 532053
Email	graeme@grazingwithgazelles.com
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

#### 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

#### B. AGENT DETAILS

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

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

Name of the Local Planning Authority	Winchester City Council
Date of issue of enforcement notice	06/05/2022
Effective date of enforcement notice	10/06/2022

#### 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 Shedfield Equestrian Centre,

Botley Road  
Shedfield  
Hampshire  
SO32 2HN

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

Please describe the health and safety issues

Plant and machinery is operated at the site.

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.

(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.

The facts are set out in

the box below

The site was used for the repair and maintenance of plant and machinery by my civil engineering and contractors companies Swanwick Construction Company Limited and Swanwick Construction Group Limited since before 2012.

(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

Since the Land was used for the maintenance of machinery for over 10 years it is not necessary to: 1. break up and remove any hardstanding from the Land and 2. lay topsoil and seed with grass the Land to re-instate the Land to its former level and condition.

(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 business occupying the land is IT Autos which carries out motor car repairs and restoration. The

business moved to the site in 2019. Previously IT Autos occupied converted farm buildings at Berry Farm Business Units Curdridge just 4 miles away. Berry Farm had 65 business units employing over 380 employees. The Council granted planning consent for residential development at Berry Farm. The residential developer gave IT Autos up to 9 months to find alternative premises. It is very difficult for a car repair business to find a property that permits car repairs. Also IT Autos is a modest business owned by Ian Tuffins and he cannot afford the annual rents of the urban industrial estates even if they would accept his type of business activities. Like last time IT Autos should be allowed 9 months to find suitable alternative premises. Next it will take 3-4 months for the new lease legal process to be completed following which IT Autos will need time to lift and shift its considerable machinery and equipment. IT Autos has long term historic cars restoration projects which can take up to 12 months especially when the business has to wait up to 3 months for rare parts from the USA. IT Autos has two employees and two others who come in from time to time to deal with demand. Most of the customer base is from an area within a 10 mile radius so IT Autos must find new premises close to the current site. Indeed the short move from Berry Farm lost the business some customers who did not tot travel the extra distance. So this limits the opportunity to find alternativre premises. Ony after IT Autos has entirely vacated will I be able to start to carry out the works listed at 2 to 6 in section 5 of the enforcement notice which includes the demolition of a building. I shall need 3 -4 months to complete those works. For these reasons I submit that the compliance period should be 18 months.

## F. CHOICE OF PROCEDURE

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

### 1. Written Representations

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes  No

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes  No

Please explain.

To see the other commercial uses adjoining the land, the consider the current business activities and to review the extent of the works required by the enforcement notice.

### 2. Hearing

### 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 Yes  No

been decided?

## 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 Christopher Collins

**Date**

08/06/2022 17:00:42

**Name**

Mr Christopher Collins

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:** Collins enforcement notice 6 May 2022.pdf

**Completed by** MR CHRISTOPHER COLLINS

**Date** 08/06/2022 17:00:42