

## 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/22/3300697**

#### 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 <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does the appeal relate to an existing property?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
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 on 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.

The facts are set out in

the box below

There is an acute shortage of small general industrial premises with yards in South Hampshire which are affordable to small businesses. Many such premises were previously available as former agricultural buildings but many of these have been lost to higher value uses eg through conversion to residential uses as a result of changes to "permitted development" rights or through redevelopment such as occurred at Bury Farm, Curbridge, Hampshire where a number of small industrial businesses were displaced locally due to the construction of the North Whiteley Strategic Development Area.

Southern Blast and Paint Limited ( Homestead Concrete Plumbing has merged into Southern Blast and Paint Limited) have operational requirements to be located in Shedfield because of the location of the majority of its customer base and the lack of alternative premises for its business being the shot blasting and re-painting of agricultural vehicles and equipment, commercial vehicles, construction plant and machinery, gates and other metal structures.

The business employs two permanent employees with others being contracted to work from time to time to meet customer demands.

These small local businesses cannot afford the cost of premises within industrial estates in urban areas because rental costs are considerably higher Southern Blast and Paint Limited is paying £1,312 per month for the premises at Shedfield. If comparable premises could be found on a south Hampshire urban industrial estate the monthly rent would be in excess of £4,000.

Winchester City Council's development plan is demonstrably out of date. Its Local Plan Part 1: Joint Core Strategy which includes the spatial strategy for guiding new development was adopted in 2013, and the Local Plan Part 2: Development Management and Allocations, which allocates land for development in accordance with the spatial strategy, was adopted in 2017.

The National Planning Policy Framework (2021) sets out a "presumption in favour of sustainable development". At Paragraph 11, it states:

"For decision-taking, this means:

(inter alia)

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

I. the application of policies in this Framework that protect areas or assets of particular importance

provides a clear reason for refusing the development proposed, or;  
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

In my submission, neither of these exceptions relate to the appeal development, such that the tilted balance provided by the "presumption in favour" in Paragraph 11 d) should apply in this case.

The Council's adopted Core Strategy, Chapter 8 – Prosperous Economy - sets out that the local plan creates "a framework for encouraging economic prosperity and generating economic growth" over a 20 year period, but that strategy focusses on five "key sectors" (being "public administration and business services, land based industries, tourism and recreation, knowledge and creative industries, and retail"). Policy CP8 states that:

"The Local Planning Authority will support development within the District's five key economic sectors....This will be achieved through the retention of appropriate premises and, where feasible and consistent with the spatial strategy, new development to ensure that there is an adequate supply of land and premises, suitable to maintain a diverse and successful local economy."

This focus on five key sectors has been at the expense of other sectors of the local economy including general industrial businesses but, in any event, the spatial strategy on which the development plan's policies are predicated is out of date.

Local Plan Part 2 Policy MTRA4 – Development in the Countryside – describes the types of development which will be permitted in the countryside. This includes "development which has an operational need for a countryside location". Such an operational need applies in this case, as described above.

- (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

Commercial uses exist in the neighbouring locality. It is not necessary to remove any hardstanding, lay topsoil and seed with grass.

- (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

Southern Blast and Paint Limited will need to find alternative premises in order for them to relocate from the land. Given the short supply of comparable units in the local market, a period of 12 - 15 months should be allowed for this; thereafter, all other steps required will take around 3 -4 months to complete, such that the minimum period for compliance should be increased to 18 months.

The nature of the current business, shot blasting and spray painting, requires the business owners to find a location that would permit such activities. Most industrial estates in Hampshire prohibit such commercial activities. Even if the business owners found suitable premises within 9 months, the compliance period should allow for 3-4 months for the new lease legal process to be completed and then the relocation of the substantial equipment. Only after the business has vacated will I be able to enter the site and start to carry out the works described at paragraphs 2 to 8 of section 5 of the enforcement notice.

## 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.

The Inspector will wish to see the other activities which are adjoining the site, the access provision, the locality in connection with other uses, the size and commercial work of the current business.

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 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 Christopher Collins

**Date**

08/06/2022 14:33:34

**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 Shedfield.pdf

**Completed by** MR CHRISTOPHER COLLINS

**Date** 08/06/2022 14:33:34