

Issued: 6 May 2022

**WINCHESTER CITY COUNCIL**

**ENFORCEMENT NOTICE**

Relating to land and premises

The Red House also known as “the white cottage”, Botley Road, Shedfield,  
Southampton, Hampshire, SO32 2HN

Catherine Knight, Service Lead - Legal Services, Winchester City Council, City Offices,  
Colebrook Street, Winchester, Hampshire, SO23 9LJ

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990  
(as amended by the Planning and Compensation Act 1991)**

**ENFORCEMENT NOTICE**

**ISSUED BY: WINCHESTER CITY COUNCIL**

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) 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 AFFECTED**  
The Red House also known as “the white cottage”, Botley Road, Shedfield, Southampton, Hampshire, SO32 2HN shown edged red on the attached plan A ("the Land").
3. **THE BREACH OF PLANNING CONTROL ALLEGED**  
Without planning permission the material change of use of the building shown hatched green on the attached plan B to use as a single dwelling house
4. **REASONS FOR ISSUING THIS NOTICE**  
It appears to the Council that the above breach of planning control has occurred within the last four years.

The material change of use through the conversion of an existing ancillary building to create a wholly independent new dwelling, along with the associated operational development is unacceptable as it is contrary to Policies DS1, MTRA3 MTRA4 of the Winchester Local Plan Part 1 and the NPPF 2019.

The development is contrary to Policy CP15 and CP16 of the Winchester District Local Plan Part 1 - Joint Core Strategy, in that it fails to protect and enhance biodiversity across the District by failing to make appropriate provision for the Solent Disturbance and Mitigation Charge Zone. As a result, it is considered that the development would result in significant harm to the Special Protection Area (SPA) and the species that it supports, therefore contravening the legal requirements of the Wildlife and Countryside Act 1981, the Habitat Regulations.

The development is contrary to Policy CP15 and CP16 of the Winchester District Local Plan Part 1 - Joint Core Strategy, in that it fails to protect and enhance biodiversity across the District by failing to make appropriate mitigation in regard

to increased nitrates into the Solent SPAs. As a result, it is considered that the development would result in significant harm to the Special Protection Area (SPA) and the species that it supports, therefore contravening the legal requirements of the Wildlife and Countryside Act 1981, the Habitat Regulations.

The development is considered to cause harmful overlooking impacts and is considered to be contrary to policy DM17 of the Winchester District Local Plan Part 2.

The unauthorised development is served by an access onto Botley road where visibility is severely restricted in both directions, and the additional use of this access is prejudicial to highway safety contrary to the objectives of Policy DM18 – Access and Parking of The Winchester District Local Plan Part 2 - Development Management and Site Allocations (LPP2).

The Council do not consider that planning permission should be given because planning conditions could not overcome these objections to the development.

**5. WHAT YOU ARE REQUIRED TO DO**

- (i)* Cease the use of the building shown hatched green on the attached plan (“Plan B”) for residential occupation.
- (ii)* Remove from the building all fixtures, fittings and alterations that have been installed to facilitate the unauthorised use in (i).
- (iii)* Remove the fence in the approximate location marked between A and B with a black line on the attached plan (“Plan B”).
- (iv)* Permanently remove from the land all materials, rubble, rubbish and debris arising from steps (i) to (iii).


**6. TIME FOR COMPLIANCE**

For all steps 5(i) – 5(iv), **9 (nine)** months from the date the notice takes effect.

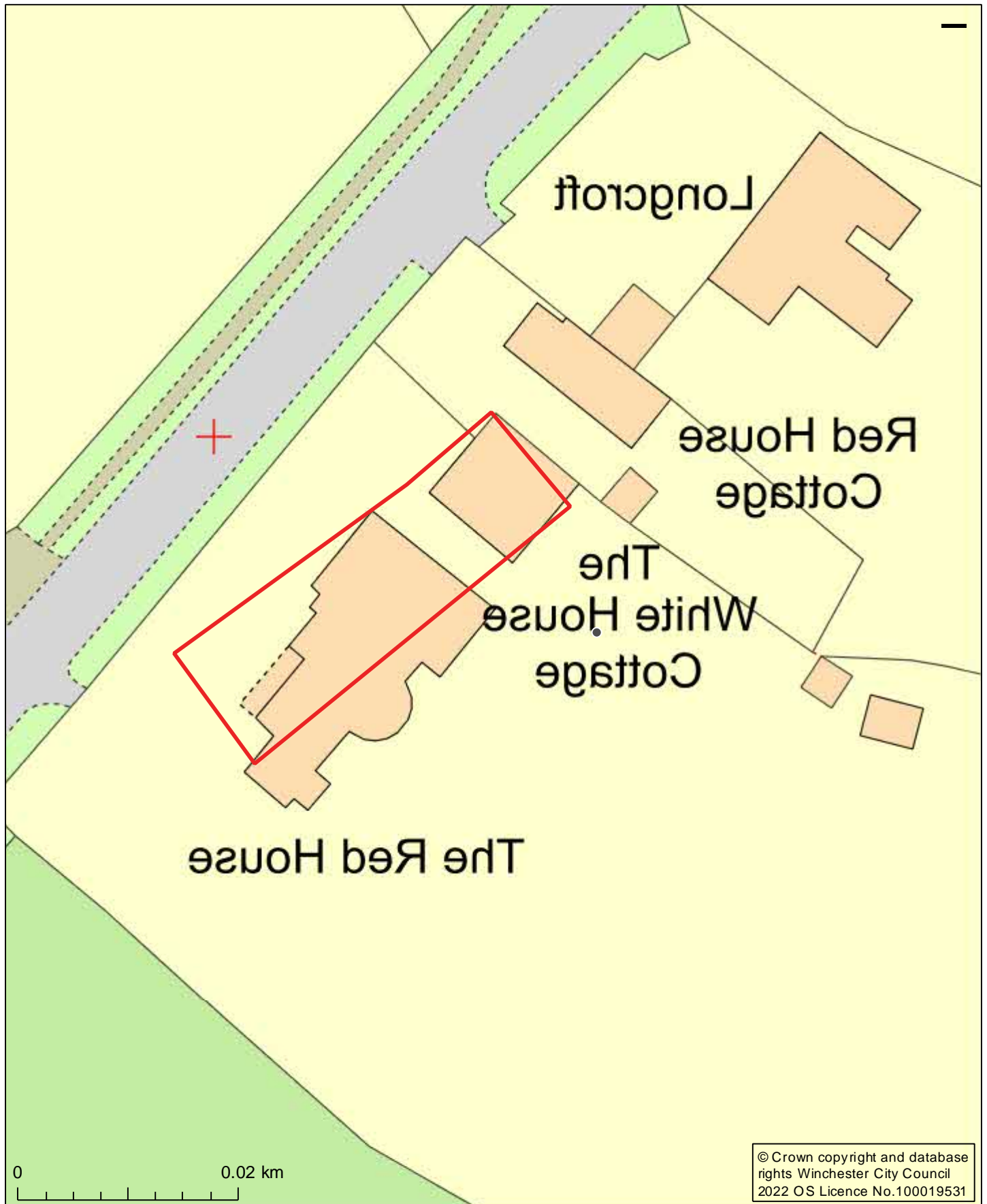
**7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **6 June 2022** unless an appeal is made against it beforehand.

Date: 6 May 2022

Signed ...  .....  
Catherine Knight, Service Lead – Legal

on behalf of: Winchester City Council, City Office, Colebrook Street, Winchester, Hampshire, SO23 9LJ



Date: 04/04/2022

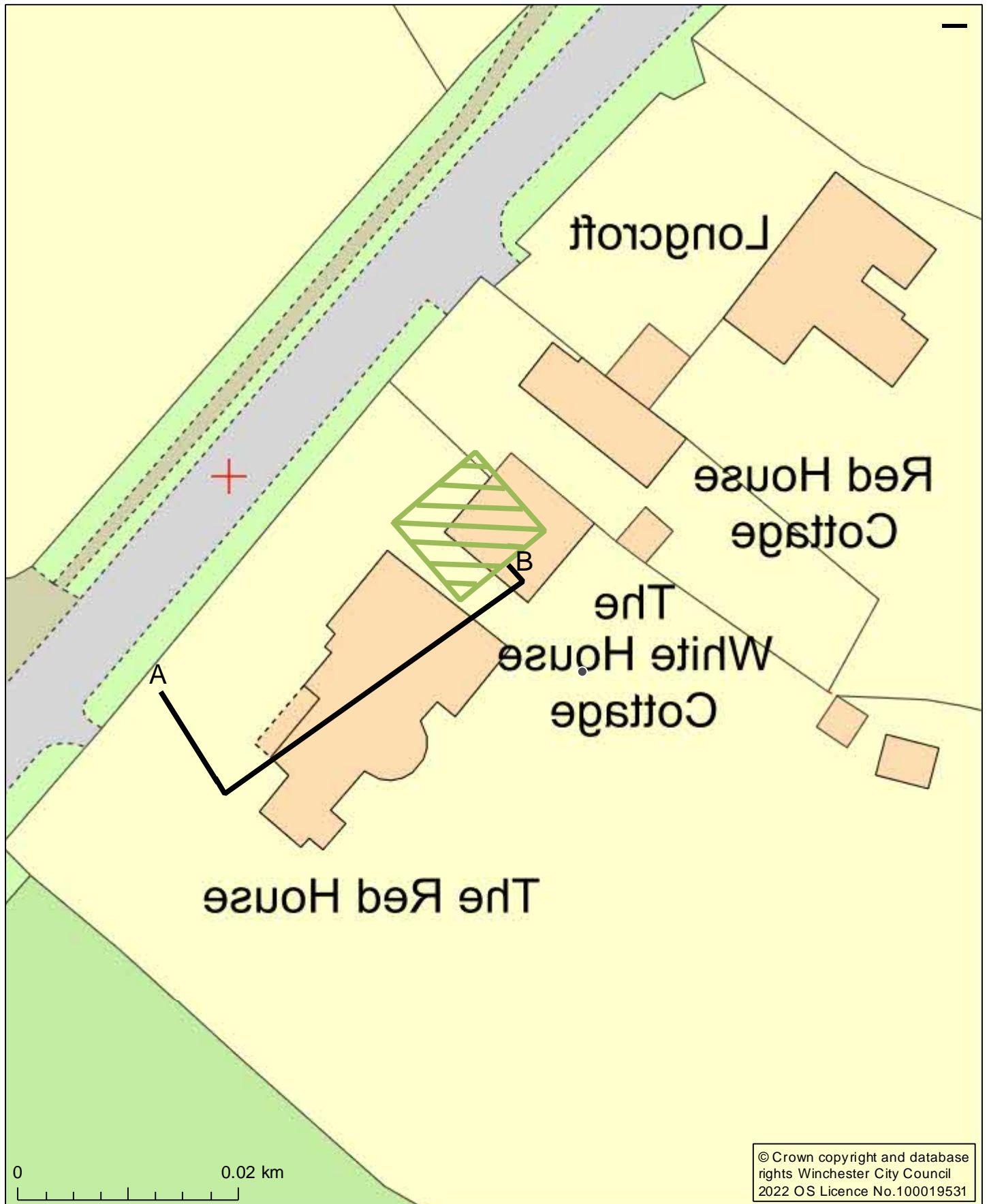
Scale: 1:469

Author:

Notes:

Legend

# PLAN A



Date: 04/04/2022

Scale: 1:469

Author:

Notes:

Legend

# PLAN B

## **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.

The link below is to the information sheet published by the Planning Inspectorate which gives details of how to make an appeal:

<http://www.planningportal.gov.uk/uploads/pins/enfinfo sheet.pdf>.

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

### **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.