



The Planning Inspectorate

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Your Ref: FSENF

Our Ref: APP/L1765/C/22/3306531

Further appeal references at foot of letter

The Planning Officer
Winchester City Council
Planning Department
City Offices
Colebrook Street
Winchester
Hampshire
SO23 9LJ

29 September 2022

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeals by Mr Kevin Hall, Ms Claire Slater
Site Address: S & D Nurseries, Dradfield Lane , Soberton, Southampton, SO32
3QD

I have received Enforcement Notice Appeal forms and documents for this site. I am the case officer, if you have any questions, please contact me.

I have checked the papers and confirm that the appeal(s) is valid. If I later find out that this is not the case, I will write to you again.

The procedure and starting date

The appellant(s) asked for this appeal to be dealt with by the Hearing procedure. However, we have applied the criteria and considered all representations received, including the appellant(s) preferred choice. We consider that the Written representations procedure is the most suitable for this appeal(s). This will be reviewed at statement stage.

We therefore intend to determine this appeal(s) by this procedure.

The date of this letter is the starting date for the appeal(s). The timetable for the appeal(s) begins from this date.

Sending documents to us and looking at the appeal(s)

If you post your documents, please:

- send one copy of the questionnaire and its supporting documents;
- send two copies of other documents as specified below;
- put the full appeal reference number(s) on each copy.

If you email them, please quote the full appeal reference number. Guidance on communicating with us electronically can be found at: <https://www.gov.uk/government/>

[publications/enforcement-appeals-procedural-guide](#).

You can look at this case through GOV.UK <https://www.gov.uk/appeal-planning-inspectorate> by typing in the appeal reference number and clicking on "Search for Cases".

Grounds of appeal

We accept that the appeal(s) should proceed on ground(s) (a), (f), (g) as set out at Section 174(2) of the 1990 Act.

Keeping to the timetable

You must keep to the timetable set out below and make sure that you send us the relevant documents within these deadlines. This will mean that we can deal with the appeal(s) promptly and fairly. If you do not send us the relevant documents in time, the Inspector will not normally look at them and we will return them to you unless there are exceptional reasons for accepting them. You must note the details of the following timetable because we will not send any reminders.

Inspectors will not accept any documents from you or discuss your appeal(s) at the site visit. Also, Inspectors will not delay their decision to wait for any such documents.

The following documents must be sent within this timetable.

By 13 October 2022

You must notify anyone other than the appellant(s) who was served with the enforcement notice, occupiers of properties near the appeal site and any other persons who, in your opinion, are affected by the breach of planning control, that the appeal(s) has been made. You must include:

- a) a description of the alleged breach of planning control;
- b) a statement of your reasons for issuing the notice(s);
- c) the appellant's grounds of appeal against the notice(s);
- d) an invitation to interested persons to make their views known by writing to the case officer at the above address, quoting our reference number(s). Their representations must be sent within 6 weeks of the starting date, by 10 November 2022. If comments are submitted after the deadline, the Inspector will not normally look at them and they will be returned. Wherever possible they must submit three copies of their letter and you should give warning that their views will be disclosed to the parties to the appeal(s) unless the representations are withdrawn before the 6 weeks deadline;
- e) that the Planning Inspectorate will not acknowledge representations. We will, however, ensure that letters received by the deadline are passed on to the Inspector dealing with the appeal(s);
- f) they can get a copy of our guidance booklet free of charge from you, or on your website, or on GOV.UK (<https://www.gov.uk/government/collections/taking-part-in-a-planning->

[listed-building-or-enforcement-appeal](#))

- g) when and where the appeal documents will be available for inspection; and
- h) that the decision will be published on GOV.UK.

You must provide the following documents to us:

- a) a true copy of the enforcement notice(s) including the statement of reasons why you considered it expedient to issue the notice(s); An electronic version of the enforcement notice (in Word format) must be sent to the email address in this letter. Please remember to include the full appeal reference number.
- b) a true copy of the plan attached to the enforcement notice(s), endorsed to that effect - if the original plan was coloured, the copy should be coloured identically;
- c) the names and address of all persons on whom a copy of the notice(s) was served, under provisions of S172(2) of the 1990 Act.

If you do not provide these documents, the Secretary of State will consider exercising powers under S176(3)(b) of the 1990 Act to quash the notice(s).

You must also make sure that the appellant(s) and I are sent a copy of your completed appeal questionnaire and supporting documents, including the relevant development plan policies, a copy of your notification letter and a list of those notified. You have the opportunity to state your preferred choice of procedure by answering Question 1 of the appeal questionnaire.

By 10 November 2022

Please send me 2 copies of your statement. I will send a copy of your statement to the appellant(s) and send you a copy of their statement. Your statement should include your response to each ground of appeal pleaded by the appellant(s).

If you wish to rely on your reasons for issuing the notice(s) in response to any particular ground of appeal, please say so in your statement.

If the appeal(s) includes ground (a) and the correct fee is received in time or is exempt from the payment of fees (refer to the Fees paragraph of this letter) your statement may need to include any points concerning the planning merits of the alleged breach that you want the Inspector to take into account. You should also say whether you would be prepared to grant planning permission (and give any conditions you would want to impose).

By 01 December 2022

You and the appellant(s) must submit 2 copies of any final comments you and they have on each other's statement and on any comments from interested people or organisations. You must not send your final comments instead of, or to add to your statement. No new evidence is allowed at this stage. I will send you a copy of the appellant's final comments at the appropriate time.

Site Visit

We will arrange for one of our Inspectors to visit the appeal site. If it is decided that the Inspector should be accompanied by the main parties, we will send you details of these arrangements nearer the time. If, however, an unaccompanied site visit can be made you will not be informed in advance and the Inspector should not be approached should you happen to observe him/her whilst he/she is conducting the site visit. If you were to do so the Inspector would of course identify him or herself but would not be able to engage in conversation with you at that time.

Planning obligations - section 106 agreements

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land' or a legally binding undertaking signed unilaterally by a person 'interested in the land'. If you intend to submit a planning obligation you must read the guidance, which is available from: <https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide>.

A certified copy must be submitted to me no later than 9 weeks from the date of this letter.

Withdrawing the appeal(s)

If you hear that the appeal(s) is to be withdrawn, please telephone me immediately. If I receive written confirmation of this from the appellant(s), I will write to you.

Costs

The appellant(s) has been directed to GOV.UK for further information regarding costs – <http://planningguidance.communities.gov.uk/blog/guidance/appeals/>. You should also be aware that costs may be awarded to either party.

Additionally, a Planning Inspector or the Secretary of State may on their own initiative make an award of costs, in full or in part, if they judge that a party has behaved unreasonably resulting in unnecessary appeal expense.

Further information

Further information about the appeals process can be accessed at - <https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide>. I recommend that you read the relevant guidance.

Yours sincerely,

Paul Eland

Paul Eland

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

Linked cases: [APP/L1765/C/22/3306532](#)