

Notification Letter

Enq To: Appeals Officer
Direct Dial: 01962 848 599

5 October 2022

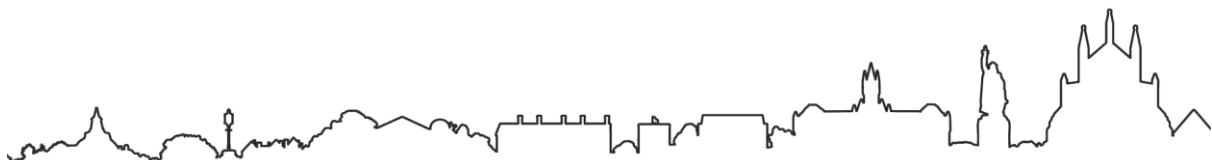
**TOWN AND COUNTRY PLANNING ACT 1990
APPEAL UNDER SECTION 174**

Site Address:	Southfield Nursery Dradfield Lane Soberton Southampton Hampshire SO32 3QD
Alleged breach:	<p>Without planning permission, the breach of condition 1 of the planning permission granted on appeal on 11 March 2014 under Council reference 13/01686/FUL (appeal reference APP/L1765/A/13/2207540) for the continued use of land to station a mobile home for a horticultural worker for a further three years (“the Planning Permission”).</p> <p>Condition 1 states:</p> <p>“The mobile home hereby permitted shall be removed and the land restored to its former condition on or before the expiry of three years from the date of this decision in accordance with a scheme of works submitted to and approved by the Local Planning authority”.</p> <p>This condition has not been complied with in that the mobile home remains stationed on the land and is occupied for residential purposes and the land has not been restored to its former condition.</p>
Appellant’s name:	Mr Kevin John Hall
Appeal reference:	APP/L1765/C/22/3306531
Appeal start date:	29.09.2022

I refer to the above details. An appeal has been made to the Secretary of State against an enforcement notice issued by Winchester City Council on 26.08.2022

The enforcement notice was issued for the following reasons:

It appears to the Council that the mobile home/caravan has not been removed



and remains on the land and is in residential use, in breach of condition 1 of the Planning Permission.

Furthermore, condition 2 of the Planning Permission states: "The occupation of the mobile home shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry of a widow or widower of such a person and any resident dependants". The current occupier does not work solely or mainly in agriculture or forestry and does not meet the terms of condition 2.

The continued use of land to station a mobile home for residential purposes, along with the associated operational development is unacceptable because it fails to meet the criteria set out in Policy DM11 of the Winchester District Local Plan Review. As such it is also contrary to Policy MTRA4 of the LPP1 and the NPPF 2021 in that it has not been demonstrated that there is an essential agricultural need for the proposal.

The breach of planning control has occurred within the last 10 years. The Council do not consider that planning permission should be granted because planning conditions could not overcome these objections to the development.

The enforcement notice requires the following steps to be taken:

- i) Cease the use of the Land for stationing a residential caravan/mobile home;
- ii) Remove from the Land the caravan/mobile home (shown in the approximate location marked "X" on the attached plan), the hard surfacing, outbuildings, storage containers and all paraphernalia brought onto the Land to facilitate the residential use.;
- iii) Reseed the Land to grass.

TIME FOR COMPLIANCE

For all steps (i) to (iii) 9 months from the date the 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 **written representations**. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 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:

Paul Eland
The Planning Inspectorate
Room 3B
Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by 10 November 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 appeal reference APP/L1765/C/22/3306531.**

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