

Issued: 26 August 2022

WINCHESTER CITY COUNCIL

ENFORCEMENT NOTICE

Relating to land at:
Southfield Nursery also known as S&D Nurseries, Dradfield Lane, Soberton,
Southampton, Hampshire, SO32 3QD

Neil McArthur, Service Lead- Legal, 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 NOTICE is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (b) of section 171A(1) 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**

Land at Southfield Nursery also known as S&D Nurseries, Dradfield Lane, Soberton, Southampton, Hampshire, SO32 3QD shown edged red on the attached plan ("the Land").

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

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").

Condition 1 states:

"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".

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.

4. **REASONS FOR ISSUING THIS NOTICE**

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.

5. WHAT YOU ARE REQUIRED TO DO

- 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.

6. TIME FOR COMPLIANCE

For all steps (i) to (iii) **9** months from the date the notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **23 September 2022** unless an appeal is made against it beforehand.

Date: 26 August 2022



Signed

Name: Neil McArthur, Service Lead - Legal

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

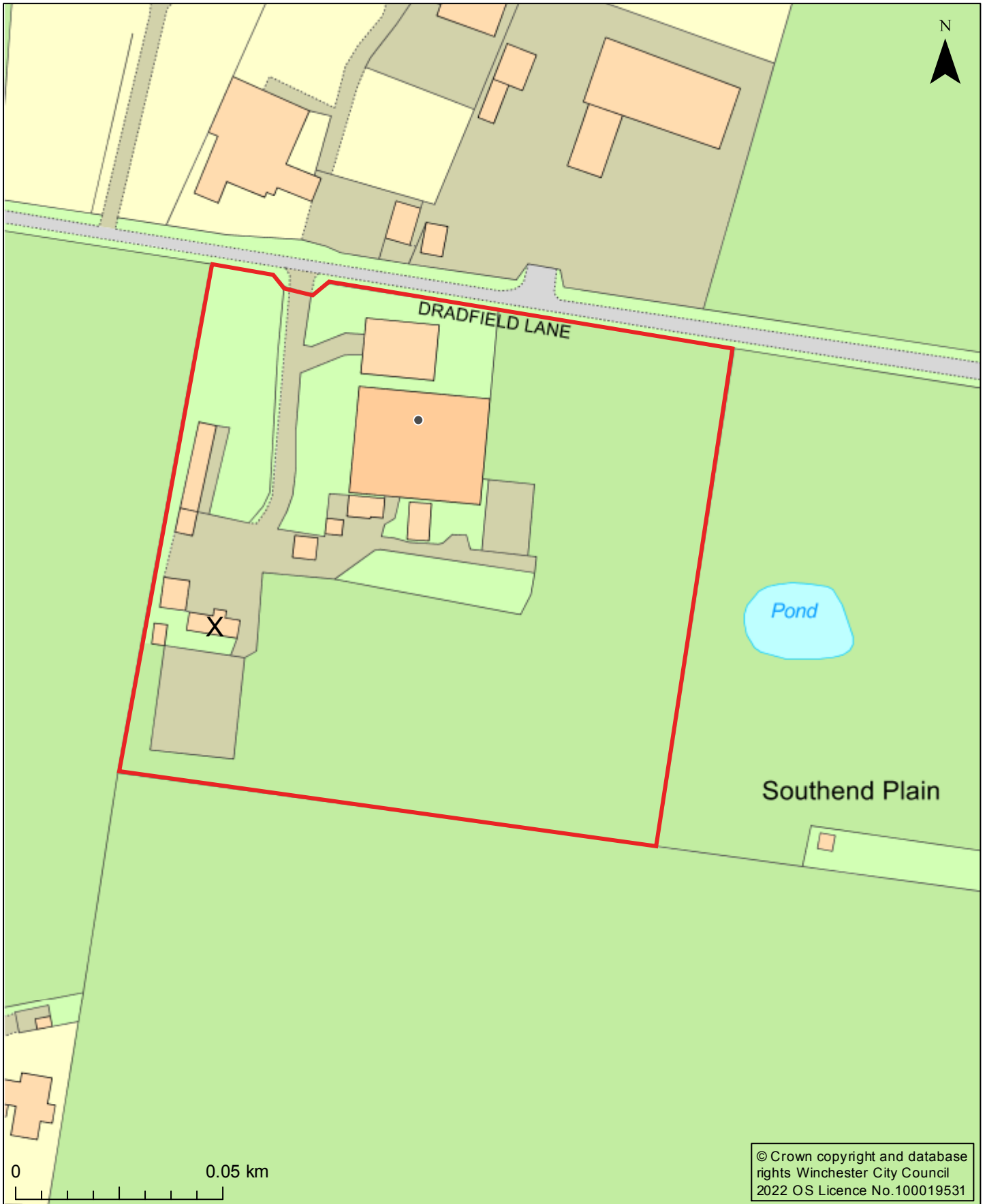
ANNEX

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 enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal

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.



Date: 09/06/2022

Scale: 1:1,250

Author:

Notes:

Legend