

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/22/3309990

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	29/09/2022
Effective date of enforcement notice	31/10/2022

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

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.

(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.

The facts are set out in

the box below

The land shown red on the enforcement notice plan (Site) has a long history of commercial uses. In about 1989 the then owner obtained planning permission for landfill activities to take place on the Site and the adjoining land to the west. I understand that the landfill activities began in 1992. The landfill project was completed some years later .

Next planning consent was granted to construct a solar farm on the Site and the adjoining land to the west. The solar farm was constructed by the solar farm company. The Site formed part of the construction site which extended beyond the location of the solar panels. I purchased from the landowner the Site and other land which is owned by me with title no. HP814043.

Since the Site had been part of the solar panel construction site it was flat and compacted having been used by the construction company for locating and storing plant, equipment and materials. It was therefore suitable to continue to use the Site for the same uses. Before buying the Site I rented the Site from the landowner for commercial uses including the storage of plant and machinery. This use has further continued since the Site became mine.

Since there is a shortage of such open storage in the locality other companies have rented sections of the Site from me. The current business occupants and the dates on which each occupant moved on their part of the Site are as follows:

Test Valley Enviromental - 17 January 2020

RGSC Limited - 21 June 2021

MJN - 1 March 2022

Yeomans Citroen - 28 April 2022

Prime Access Scaffolding - 5 July 2021.

The uses are storage of plant, machinery, equipment and vehicles - the occupants continuing my uses which have taken place since before September 2012.

Fencing has been erected from time to time. I do not agree that the blue line on the plan is a retaining wall. There is a change in level of the ground.

(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

If my appeal on ground (d) is unsuccessful I consider that the steps required are excessive. The Site has been part of a construction site, a solar panel farm development and storage yards for many years. There has been no grass on the site during that time. The ground has been compacted. The requirements to remove any hardstanding and to lay topsoil and seed with grass are excessive. The ground levels were created by the landfill and solar farm construction activities so it is an excessive requirement to "restore the land to its original levels " whatever that might mean. What are the original levels? The so called retaining wall cannot be removed since it is part of the ground levels. I do not understand the requirement to remove "miscellaneous items " this is too vague and should be deleted from the notice.

(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

It will be difficult for the current occupying businesses to find suitable alternative open storage in the locality. The six month compliance time period is too short. The occupants will each need to find new premises; finalise new leases; relocate; and then I will require time to carry out the required works. The time period should be 15 months. The continued longer use will not cause any harm to the locality.

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 review the location of the Site in context to the neighbouring activities and the layout of the Site.

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

Please give details, including our reference number(s), if known.

APP/L1765/C/22/3300697
APP/L1765/C/22/3300720
App/L1765/C/22/3300722

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

29/10/2022 13:43:54

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: CD47247C-0977-494B-8B5B-BBA2ECE5279A.29 09 22 Enf Notice 07 FINAL.pdf

Completed by MR CHRISTOPHER COLLINS

Date 29/10/2022 13:43:54