

Issued: 25th October 2022

WINCHESTER CITY COUNCIL

ENFORCEMENT NOTICE

Relating to land and premises
Four Acre Stables, Clewers Hill, Waltham Chase, Southampton,
Hampshire, SO32 2LN.

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 Four Acre Stables, Clewers Hill, Waltham Chase, Southampton, Hampshire, SO32 2LN shown edged red on the attached plan ("the Land").

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

Without planning permission:

- (i) The making of a material change of use of the land from an equestrian use of the land for residential purposes through the stationing of a mobile home in the approximate position marked "X" on the plan;
- (ii) The erection on the land of, outbuildings, kennel, shepherds' hut (the approximate location of the shepherds' hut marked as number "1" on the plan), solar panels, play equipment, trampoline, vehicles, storage containers (the approximate location of the storage containers marked as number "2" on the plan), to facilitate the unauthorised use in (i).
- (iii) The laying of hard surfacing to facilitate the stationing of a mobile home and the development in (i) and (ii) above.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last 10 years.

The continued use of land to station a mobile home for residential purposes, along with the associated development is unacceptable because it fails to meet the criteria set out in Policy DM11 of the Winchester District Local Plan Review. The development is also contrary to Policy MTRA3 and 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 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 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 residential purposes
- ii) Remove from the land the mobile home, outbuildings, kennel, shepherds hut, solar panels, play equipment, trampoline, vehicles, storage containers and all other paraphernalia brought onto the land to facilitate the residential use.
- iii) Dig up and permanently remove the hardstanding facilitating the unauthorised development in (i) and (ii) from the land.
- iv) Remove from the land all materials, rubble, rubbish and debris arising from steps (i) to (iii).
- v) Reseed the land to grass.

6. TIME FOR COMPLIANCE

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

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 29th November 2022 unless an appeal is made against it beforehand.

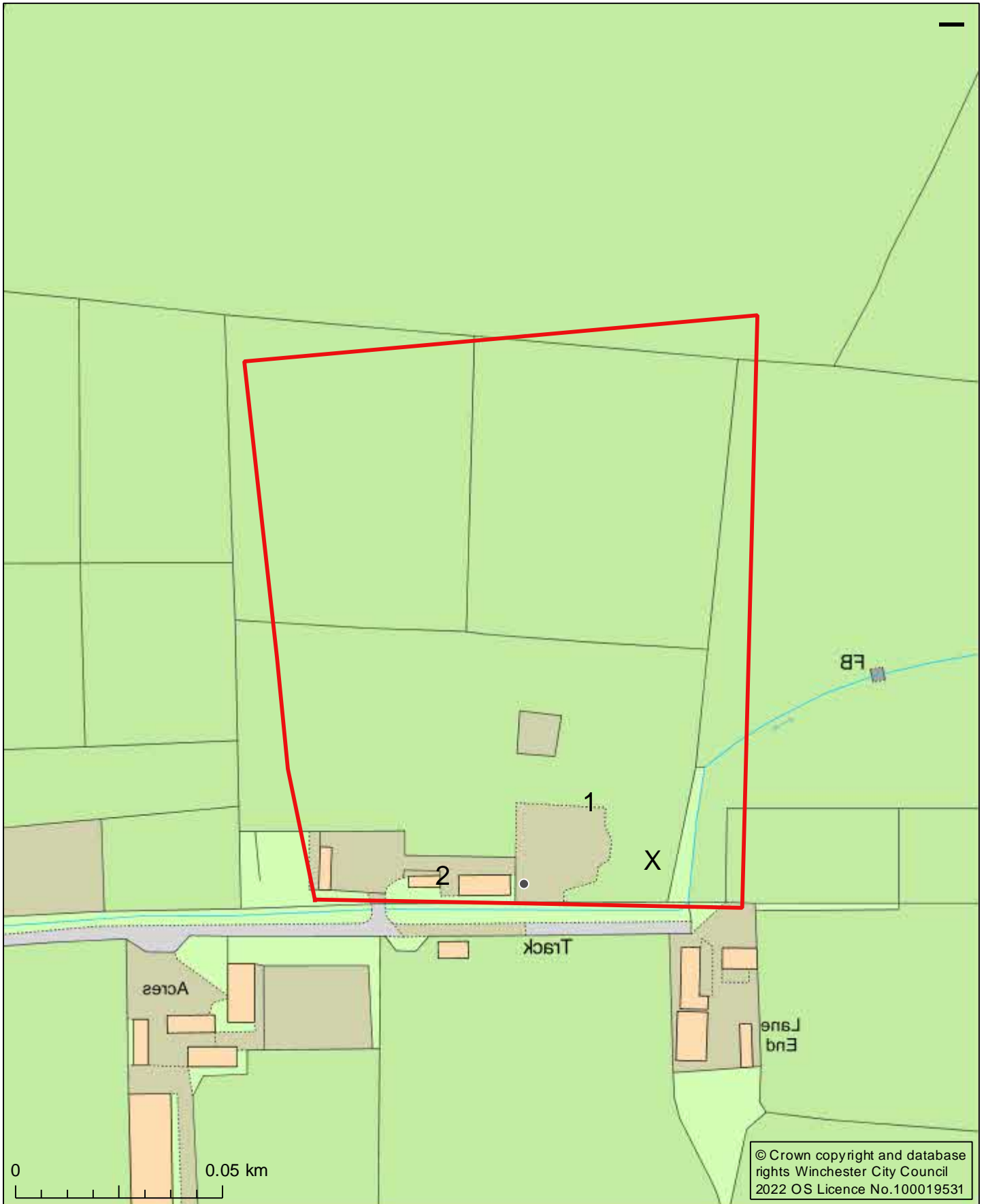
Date: 25th October 2022

Signed



Name: Service Lead - Legal

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



Date: 24/10/2022

Scale: 1:1,250

Author:

Notes:

Legend