

Notification Letter

Enq To: Appeals Officer
Direct Dial: 01962 848 599

20 December 2022

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

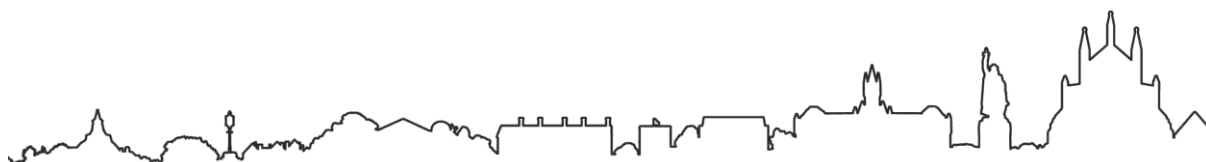
Site Address:	Four Acre Stables Clewers Hill Waltham Chase Southampton Hampshire SO32 2LN
Alleged breach:	Without planning permission: (i) The making of a material change of use of the land from an equestrian use of the land for residential purposes through the stationing of a mobile home; (ii) The erection on the land of, outbuildings, kennel, shepherds' hut, solar panels, play equipment, trampoline, vehicles , storage containers, 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.
Appellant's name:	Shaun Nicholas Manning
Appeal reference:	APP/L1765/C/22/3311957
Appeal start date:	13.12.2022

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 25.10.2022

The enforcement notice was issued for the following reasons:

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.

The enforcement notice requires the following steps to be taken:

- 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.

TIME FOR COMPLIANCE

For all steps (i) to (v); 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:

Elaine Simpson
The Planning Inspectorate
Room 3B
Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by 24 January 2023. 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/22/3311957.**

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