

## 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/22/3311622**

#### A. APPELLANT DETAILS

Name

Mr Nick Butler

Address

Land to the east of Dradfield Industrial Estate  
Dradfield Lane  
Soberton Southampton  
Hampshire  
SO32 3QD

Preferred contact method

Email  Post

#### 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

Name

Mr Stephen Andrews

Company/Group Name

SDA Planning Ltd

Address

19 Well Copse Close  
Horndean  
Waterlooville  
Hants  
PO8 0HB

Phone number

07415873657

Email

stephen.andrews@sdaPlanning.co.uk

Preferred contact method

Email  Post

#### C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

Winchester City Council

LPA reference number (if applicable)	21/00381/WKS
Date of issue of enforcement notice	17/10/2022
Effective date of enforcement notice	22/11/2022

#### D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes  No

Address Land to the east of Dradfield Industrial Estate  
Dradfield Lane  
Soberton Southampton  
Hampshire  
SO32 3QD

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.

The facts are set out in  the box below

APP/L1765/W/22/3307421 has already been lodged with the Inspectorate and provides the ground (A) appeal for this notice. Planning permission was sought for the polytunnel and was subsequently refused and is currently being considered at appeal. Therefore, this enforcement appeal should be co-joined with the planning appeal.

Little or no regard has been given to the existing improvements to site drainage or the fact that the polytunnel is surrounded by grass which will naturally absorb water run-off, as the site did without the presence of the polytunnel.

Far from being contrary to development plan policy or increasing flood risk, the development provides a functional purpose for the lawful agricultural use with significant improvements made to site drainage that has had clear benefits in reducing flooding locally. The local planning authority will be unable to demonstrate that this is not the case.

It has also been demonstrated that the development is reflective of other development along Dradfield Lane and for the most part retains its rural character and appearance with no wider presence of the development within the landscape. A view supported by the local planning authority in their determination.

(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.

(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

The LPA state that planning conditions could not be attached to overcome their objection. However, their only issue was drainage. Whilst it is maintained that drainage has previously been dealt with under permitted development provisions and that there is no basis to refuse the application on drainage grounds, a drainage condition could have been attached to a planning approval. A common practice for all development.

(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

The appellant would require 12 months to remove the polytunnel on the basis of the vegetables being grown within the polytunnel. In order to prevent significant loss the appellant would require the ability to finish the growing season and make alternative arrangements for the growing of all stock and then the removal of the structure. This will also be weather dependant.

## 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.

To assess the development in full and to see the drainage measures within 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

a) the date of the relevant application

b) the date of the LPA's decision (if any)

2. Are there any planning reasons why a fee should not be paid for this appeal? Yes  No   
 the box below

APP/L1765/W/22/3307421 has already been lodged against the refusal of planning permission and forms the ground (A) appeal for this enforcement appeal. This appeal should therefore be co-joined with the existing appeal.

## 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/W/22/3307421

## I. SUPPORTING DOCUMENTS

01. Enforcement Notice:

see '[Appeal Documents](#)' section

02. Plan (if applicable and not already attached)

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 Stephen Andrews

**Date**

21/11/2022 17:13:35

**Name**

Mr Stephen Andrews

**On behalf of**

Mr Nick Butler

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:** Enforcement Notice Polytunnel.pdf

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 02. The Plan.  
**File name:** Plan Enforcement Notice.pdf

**Completed by** MR STEPHEN ANDREWS

**Date** 21/11/2022 17:13:35