

Enq To: Appeals Officer
Direct Dial: 01962 848 599



4 January 2023

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

Site Address:	Field To The North Of Dradfield Lane Soberton Hampshire
Alleged Breach	Without planning permission, the unauthorised erection of a Polytunnel.
Appellant's Name	Mr N Butler
LPA Reference	21/00381/WKS
Appeal Reference	APP/L1765/C/22/3311622
Appeal Start Date	15.12.2022

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 17.10.2022

The enforcement notice was issued for the following reasons:

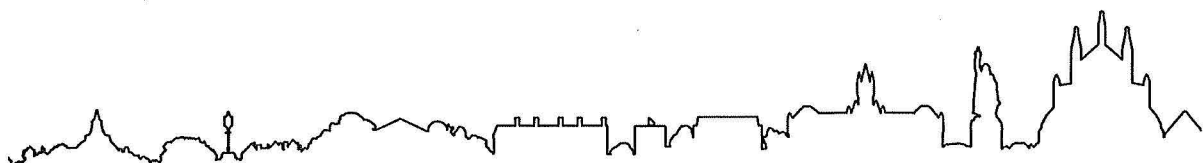
It appears to the Local Planning Authority that the aforementioned breach of planning control has occurred within the last four years.

The development (polytunnel) fails to accord with policy CP17 of the Winchester District Local Plan Part 1 – Joint Core Strategy and policy DM17 (iii) of the Local Plan Part 2 and Paragraph 167 of the NPPF in that it has resulted in additional surface water exacerbating the cumulative impact of flooding in the local area.

Planning conditions would not overcome these objections and therefore, the Council does not consider that planning permission should be granted.

The enforcement notice requires the following steps to be taken:

- 1) Remove the unauthorised polytunnel from the site including any fixtures and footings used for the siting of the polytunnel.



TIME FOR COMPLIANCE - (i) Step 1 at paragraph 5 above: 6 months.

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:

Paul Eland
The Planning Inspectorate
Room 3B
Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by 2 February 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/22/3311622.**

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

