

## 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/22/3311632**

#### 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 <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 <input checked="" type="checkbox"/> No <input type="checkbox"/>
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 <input checked="" type="checkbox"/> Post <input type="checkbox"/>

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

Name of the Local Planning Authority	Winchester City Council
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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 replacement gates and despite the proposed gates being acceptable to the LPA was refused because the included polytunnel was not. This is currently being considered at appeal. Therefore, this enforcement appeal should be co-joined with the planning appeal.

Whilst it is not disputed that these gates are not appropriate the appellant has made attempts to seek improved access gates. Replacements that were deemed to be acceptable to the LPA, yet formed part of a refused application, now being considered at appeal. If the planning appeal was allowed this would rectify this matter and allow for improved access gates. It is therefore right and proper that given the LPA had no objections to the proposed replacement gates that this notice be held in abeyance until the outcome of that decision.

(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.
- (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

APP/L1765/W/22/3307421 has already been lodged with the Inspectorate and provides the ground (A) appeal for this notice.

If this appeal were to be allowed this would enable suitable replacement gates to be installed. However, until that decision is received the appellant will need to rely on the security the current gates provide. Once the appeal is determined, if it is allowed the appellant will require time and funds to have the gates specifically made for the site. At least one year should be allowed for this.

## 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

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.

## 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 17:31:28

**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.pdf

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

**Completed by** MR STEPHEN ANDREWS

**Date** 21/11/2022 17:31:28