



**Winchester**  
City Council

Mr & Mrs Fernandez  
The Bungalow  
Botley Road  
Bishops Waltham  
SO32 1DR

Our Ref 18/00159/COU  
Your Ref:  
Enq to: Sue Newman  
Direct Dial: 01962 848374  
Email: [snewman@winchester.gov.uk](mailto:snewman@winchester.gov.uk)

Please quote Our Ref: on all correspondence

5 December 2019

Dear Mr & Mrs Fernandez,

**TOWN & COUNTRY PLANNING ACT 1990-SECTION 171C  
PLANNING CONTRAVENTION NOTICE**

**Without planning permission the change of use of a domestic swimming pool to commercial use at The Bungalow Botley Road Bishops Waltham Southampton Hampshire SO32 1DR**

It appears to the Local Planning Authority that a breach of planning control has taken place at the above site. In order for the Local Planning Authority to fully assess the planning issues, certain information is required. I therefore serve on you a Planning Contravention Notice under the above section of the Act as it would appear that you/your Company are the owner, occupier, or have another interest in the land, or are or have been allegedly involved in the carrying out of works or operations on the land or buildings or are using it for a purpose as detailed in the Notice.

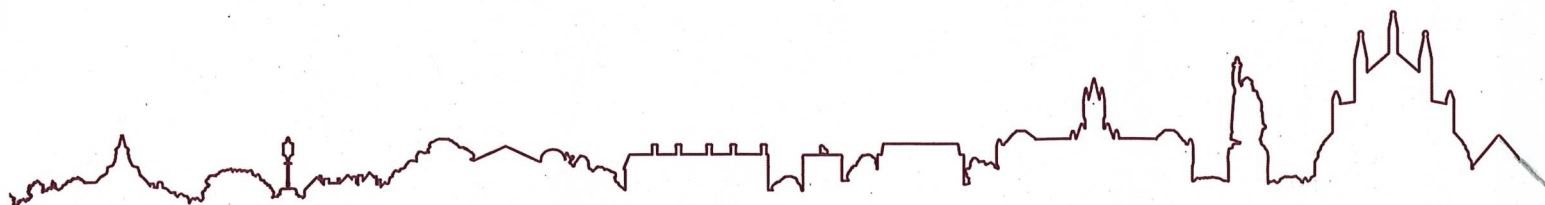
Please can we request that you complete this form yourself and not through a third party as this helps to ensure the accuracy and quality of the information provided.

Please ensure the completed document is returned directly to me within the statutory period.

Yours sincerely

*Sue Newman*

Sue Newman  
Planning Enforcement







**Winchester**  
City Council

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

TOWN AND COUNTRY PLANNING ACT 1990  
(as amended by the Planning and Compensation Act 1991)

WINCHESTER CITY COUNCIL

**PLANNING CONTRAVENTION NOTICE**

To: Ricky Joseph Fernandez, The Bungalow, Botley Road, Bishops Waltham, SO32 1DR  
Michelle Ann Fernandez, The Bungalow, Botley Road, Bishops Waltham, SO32 1DR

1. **THIS NOTICE** is served by the Council because it appears to them that there may have been a breach of planning control, within section 171A(1) of the above Act, at the land described below. It is served on you as a person who appears to be the owner or occupier of the land or has another interest in it, or who is carrying out operations in, on, over or under the land or is using it for any purpose. The Council require you, in exercise of their powers under section 171C(2) and (3), so far as you are able, to provide certain information about interest in, and activities on, the land.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land at The Bungalow Botley Road Bishops Waltham Southampton Hampshire, shown edged red on the attached plan.

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

The commercial use of the swimming pool and ancillary changing facilities and showers of a domestic swimming facility.

4. **WHAT YOU ARE REQUIRED TO DO**

State your interest in the Land and give your full name and address

Your interest in the Land is Homeowner

Your name and address is MR RICKY FERNANDEZ & Michelle Fernandez  
THE BUNGALOW, BROOKLANDS FARM, BOTLEY ROAD,  
BISHOPS WALTHAM, SOUTHAMPTON, SO32 1DR

Your telephone number is... [REDACTED]

Your email address is.. [REDACTED]



1. Please mark on the attached plan all the land that you have an interest in. This should include land which extends beyond the area marked red on the plan.
2. Give the name and address of any other person with an interest in the land edged red on the attached plan.

Bank/Building Society:	Other persons with interest:	Other persons with interest
Interest .....	Interest .....	Interest .....
Name .....	Name .....	Name .....
Address .....	Address .....	Address .....
.....	.....	.....
.....	.....	.....
.....	.....	.....

3. When was the swimming pool and associated facilities first used for a commercial purpose not incidental to the use of the dwellinghouse?

2017 September

4. When did you first receive payment for the use of the swimming pool for commercial purposes?

2017 - September

5. Provide details of the company names, addresses and contacts of each business that has used or uses the swimming pool, and the dates when they commenced and ceased.

(a) Company name: Baby Squids - Laura Skilton

Address: .....

Contact: LKISA - Lucy Williams

Dates: .....



(b) Company name:.....  
Address:.....

Contact:.....

Dates:.....

(c) Company name:.....  
Address:.....

Contact:.....

Dates:.....

(d) Company name:.....  
Address:.....

Contact:.....

Dates:.....

6. Describe the type of services that are offered by each business?

(a) Baby and Pre School lessons / Pre School → Junior lessons

Does this include pre-arranged / appointment only swimming lessons to individuals? **YES/NO**

Pre-arranged group sessions / classes **YES/NO**

Open to the public – pay at the door **YES/NO**

(b) .....

Does this include pre-arranged / appointment only swimming lessons to individuals? **YES/NO**

Pre-arranged group sessions / classes **YES/NO**

Open to the public – pay at the door **YES/NO**

(c) .....

Does this include pre-arranged / appointment only swimming lessons to individuals? **YES/NO**

Pre-arranged group sessions / classes **YES/NO**

Open to the public – pay at the door **YES/NO**

(d) .....

Does this include pre-arranged / appointment only swimming lessons to individuals? **YES/NO**

Pre-arranged group sessions / classes **YES/NO**

Open to the public – pay at the door YES/NO

7. Do you charge for the use of the swimming pool YES/NO

Please provide the listed timetable for each business currently using the swimming pool?

Business 1 Baby Squids  
Mon - Fri 10am - 12 / Sat 9 - 12

Business 2 LWSA  
Mon - Thur 4 - 6 pm

Business 3 /

8. How many hours per day/week is the swimming pool used for commercial purposes?

Hours per day 4

Hours per week 21

9. How long is each session?

Business 1 Baby Squids - 30 minute lesson

Business 2 LWSA - 30 minute lesson

Business 3 /

10. Are spectators permitted to any of the sessions? YES/NO

If yes, give details of which sessions, and where they sit and/or stand to watch.....

1 Parent per child in pool / watching

11. How many parking spaces are provided for customers / users / spectators of the swimming pool?

Onsite 12 Cars

Offsite

12. Mark on the attached map where onsite and offsite parking is located.

13. Is the car park accessed from an A, B or C classified road? YES/NO

If no, is the car park accessed by a private road, driveway or footpath YES/NO

Give details. The road to our property is privately owned  
by ourselves / Private parking at address

14. How many parking spaces are provided for occupiers of and visitors to the dwellinghouse?

12

15. How many of the customers / users of the swimming pool arrive by:

- |                        |         |         |       |          |        |        |
|------------------------|---------|---------|-------|----------|--------|--------|
| a) Car                 | per day | min - 2 | Max 5 | per week | Min 12 | Max 30 |
| b) Bus                 | per day |         |       | per week |        |        |
| c) Walk                | per day | min - 1 | Max 3 | per week | Min 6  | Max 18 |
| d) Cycle               | per day | min - 1 | Max 2 | per week | Min 6  | Max 12 |
| e) Other, please state |         |         |       |          |        |        |
|                        | per day |         |       | per week |        |        |

Signe

Dated

19/12/2019

**Time within which the information must be provided:**

within twenty-one (21) days, beginning with the day on which this notice is served on you.

**The notice must be returned to:** Sue Newman

**5. OPPORTUNITY TO MAKE REPRESENTATIONS IN RESPONSE TO THIS NOTICE**

If you wish to make an offer to refrain from carrying out any operations or activities, or to undertake any remedial works; or to make any other representations about this Notice you should do so, in writing, when replying to the questions asked in the Notice.

(You should note that these arrangements do not remove the obligation on you to return the Notice fully completed, within the specified 21 day period).

**6. WARNING**

It is an offence to fail, without reasonable excuse, to comply with any requirements of this notice within twenty-one (21) days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of £1,000. Continuing failure to comply following a conviction will constitute a further offence.



It is also an offence knowingly or recklessly to give information, in response to this notice, which is false or misleading in a material particular. The maximum penalty on conviction of this offence is a fine of £5,000.

## 7. ADDITIONAL INFORMATION

If you fail to respond to this notice, the Council may take further action in respect of the suspected breach of planning control. In particular, they may issue an enforcement notice, under section 172 of the 1990 Act, requiring the breach, or any injury to amenity caused by it, to be remedied.

If the Council serve a stop notice, under section 183 of the 1990 Act, section 186(5)(b) of the 1990 Act provides that should you otherwise become entitled (under section 186) to compensation for loss or damage attributable to that notice, no such compensation will be payable in respect of any loss or damage which could have been avoided had you given the Council the information required by this notice, or had you otherwise co-operated with the Council when responding to it.

Date: 5 December 2019

Signed: *David Townsend*

David Townsend  
Team Leader - Enforcement

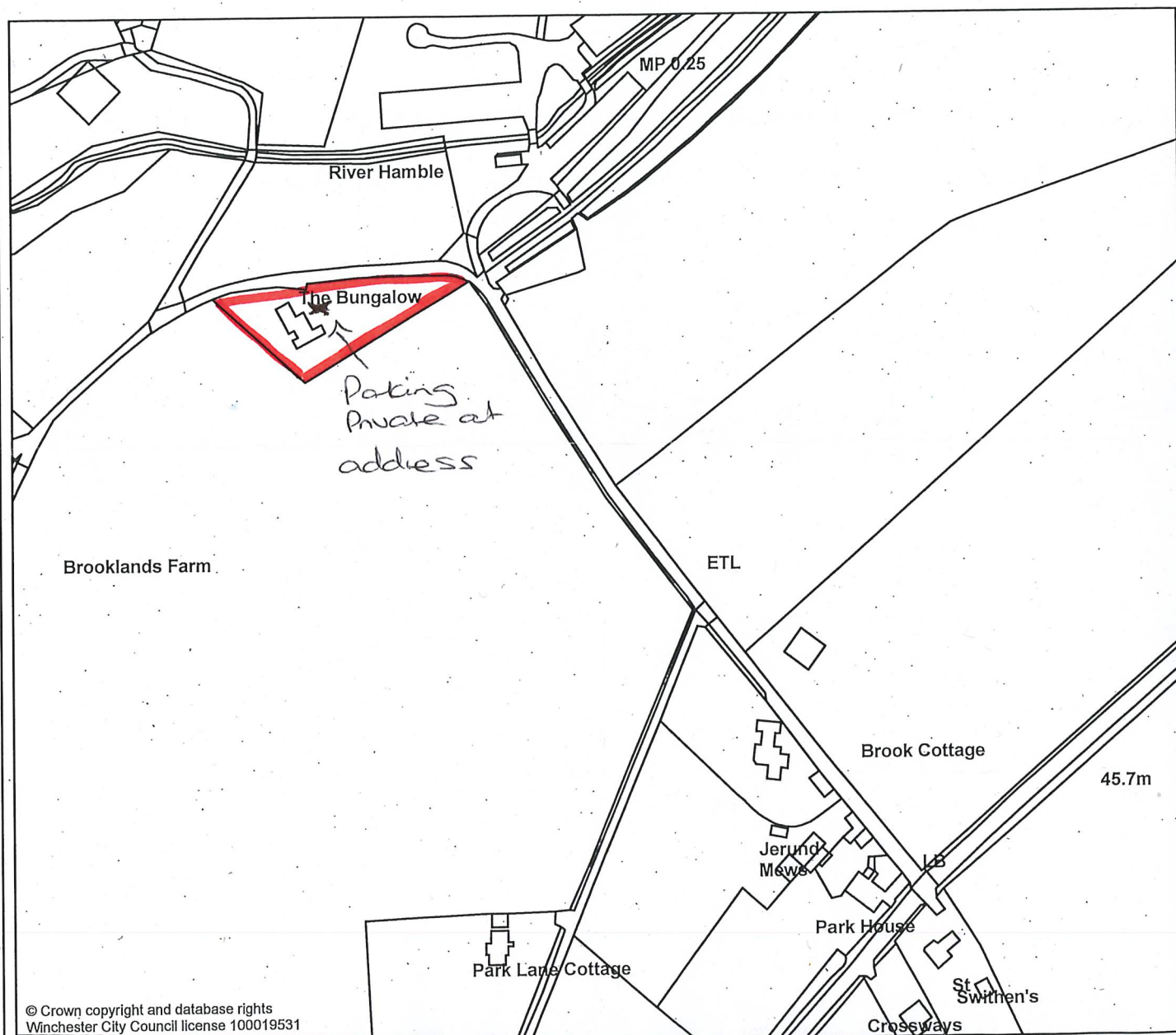
On behalf of: **WINCHESTER CITY COUNCIL, CITY OFFICES, COLEBROOK STREET,  
WINCHESTER, HAMPSHIRE, SO23 9LJ**

# The Bungalow

Botley Road, Bishops Waltham, SO32 1DR



**Winchester**  
City Council



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## Legend

**Scale:** 0 25 50 100 Meters

**Winchester City Council**  
City Offices  
Colebrook Street  
Winchester  
SO23 9LJ

**Tel. 01962 848 512**  
**website: [www.winchester.gov.uk](http://www.winchester.gov.uk)**

Organisation	Winchester City Council
Department	Winchester GIS
Comments	18/00159/COU
Date	04/12/2019
PSMA Number	100019531

