

Notification Letter

Enq To: Appeals Officer  
 Direct Dial: 01962 848 599

7 February 2023

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

<b>Site Address:</b>	<b>Greenclose Wangfield Lane Curdridge Southampton Hampshire SO32 2DA</b>
<b>Alleged Breach</b>	<b>Without planning permission the occupation of the dwelling Greenclose by a person who does not meet the requirements of condition 3 of application 86/01902/OLD which states;</b>  <b>“The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 290(1) of the Town and County Planning Act 1971, or in forestry (including any dependents of such persons residing with him) or a widow or widower of such a person.”</b>
<b>Appellant’s Name</b>	<b>Mr Eric John Newbury</b>
<b>LPA Reference</b>	<b>17/00362/BCOND</b>
<b>Appeal Reference</b>	<b>APP/L1765/C/22/3313363</b>
<b>Appeal Start Date</b>	<b>27.01.2023</b>

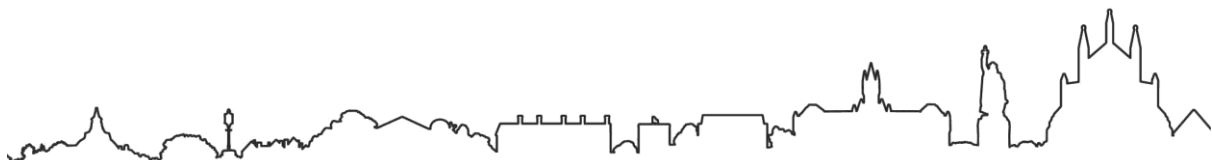
I refer to the above details. An appeal has been made to the Secretary of State against an enforcement notice issued by Winchester City Council on 12.08.2022

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 dwelling was approved with a condition limiting occupation in order to overcome policy objections to ensure the dwelling would be used for an agricultural residency. The use of the dwelling for non-agricultural purposes is therefore contrary to policies MTRA 4 Development in the Countryside of the Winchester Local Plan Part 1 and policies DM11 Housing for Essential Rural Workers Winchester Local Plan Part 2.

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 occupation of the property by persons not complying with condition 3 of application 86/01902/OLD which states;

“The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971, or in forestry (including any dependents of such persons residing with him) or a widow or widower of such a person.”

#### TIME FOR COMPLIANCE

For step i) above: 12 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:

Paul Eland  
The Planning Inspectorate  
Room 3B  
Temple Quay House  
2 The Square

Bristol  
BS1 6PN

**All representations must be received by 10 March 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/22/3313363.**

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](http://www.winchester.gov.uk) using the following link [www.winchester.gov.uk/enforcement-appeal](http://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