

Enforcement Appeal By John Newbury
Relating to land at
Greenclose, Wangfield Lane Southampton SO322DA

Appeal Ref
APP/1765/C/22/3313365

LPA REF 17/00362/BCOND Notice 2

Introduction

- 1 The Enforcement Notice was attached to the appeal form.
- 2 The grounds of appeal are (b) (c) (d)
- 3 The accompanying plan red line includes the residential property known as Greenclose. This was separated from the agricultural holding in June 2009, and should be excluded from a new plan
- 4 Planning permission was granted W/9459/2 to provide a separate access to the proposed site of the agricultural dwelling

History

- 1 The Land subject to this appeal was part of a holding which included the Hampshire County Council Farm, Lower Wangfield, immediately opposite. The land was farmed by the Hill family, mainly for beef cattle rearing.
- 2 In 1986 planning permission was granted for the erection of an agricultural workers dwelling. This was built approximately 2 years later.
- 2 The alteration to the existing access to provide a sole access to the residential curtilage of the new dwelling was also implemented.
- 3 The holding was unable to support 4 families, and the farming activities were run down, and the assets were divided up.
- 4 Peter Hill became the sole owner of the land.
- 5 It was his intention to sell the land and re-invest in a sheep farm in the West Country.
- 6 He decided the land would realise a better value if it could be used for equestrian purposes.
- 7 This led him to apply for a 40m x 20m menage. This was permitted.
- 8 Construction began only in preparation of the ground, and never went beyond that.
- 9 A farm became available, and Peter wanted to sell quickly. Trevor the brother of Peter bought the land in October 2011, and carried out agricultural activities on the land with no equine use.

10 An agricultural barn had been erected on the land and Trevor Hill continued to use this for agricultural machinery storage.

11 Trevor Hill had no intention of continuing the menage, and it became an unusable area of mud.

12 In light of this Trevor filled it with hardcore and tarmacked over the top, which allowed for more machinery storage. (APPX A)

13 When the farm was being worked by the family, cattle were regularly moved around the fields and gateways/pathways became badly worn.

14 In an attempt to mitigate this, other areas of tarmac were laid as shown on the enforcement plan.

15 Trevor Hill decided to sell the land in the summer of 2013.

16 A buyer was found, Mr John Newbury and his partner Patricia, The Appellants in this case.

17 The purchase was completed on 24 March 2014

18 The purchasers took vacant possession on this date.

Ground (b)

19 This ground of appeal only relates (ii) and (iii) in the breach alleged.

20 No buildings have been erected on the land. There are two mobile structures sited on the land. These are used ancillary for the agricultural use of grazing the land.

21 The fencing is for the management of the grazing. It plays no part in the keeping of horses or any equine activities taking place on the land.

22 Neither of the two alleged breaches above, have taken place in the context as worded in The Notice.

23 The laying of the hardstanding was laid for agricultural purposes, many years prior to the arrival of the caravans. Therefore, in the context of the alleged breach it did not occur.

Ground (c)

24 The fencing is permitted development. It is less than 2m in height, and its purpose is for grassland management, during grazing.

25 The tarmac hardstanding was laid at least 15 years ago under agricultural P D

Ground (d)

24 This ground only relates to part of (ii) and (iii) . The fencing has been in place since the Hill family farmed the land. Beef cattle grazed the fields, and the fencing was part of grazing management. The fencing must be in place continuously for 4 years, to become immune from ENF. Should this ground fail, and the fence removed it can be put back to control any future grazing or agricultural need, as a fall back.

25 It has already been said the tarmac has been in place for at least 15 years or more. The laying of this tarmac is operational development and is immune from enforcement, having been in situ permanently in excess of 4 yrs.

John Newbury