



## **Final Comments**

**SITE:** Land and premises at Greenclose also known as Lower Parklands, Wangfield Lane, Curdrige, Southampton, Hampshire, SO32 2DA

**APPEALS BY:** Mr John Newbury

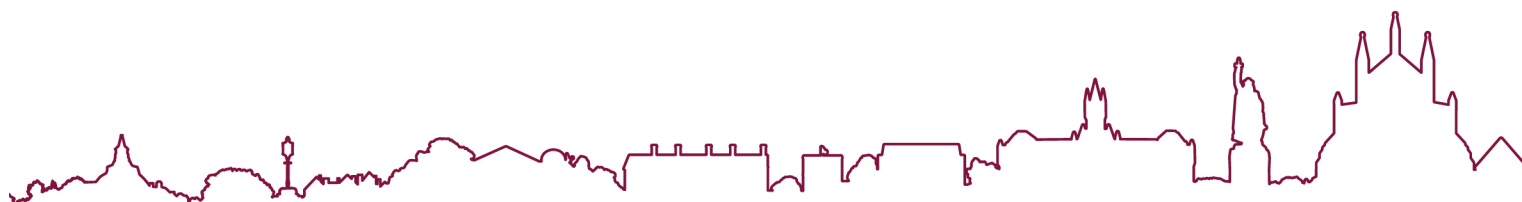
**AGAINST ENFORCEMENT NOTICE**

**Appeal reference: APP/L1765/C/22/3313365**



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## 1. INTRODUCTION

1.1 This statement follows the Council's initial comments and provides the final comments for the appeal.

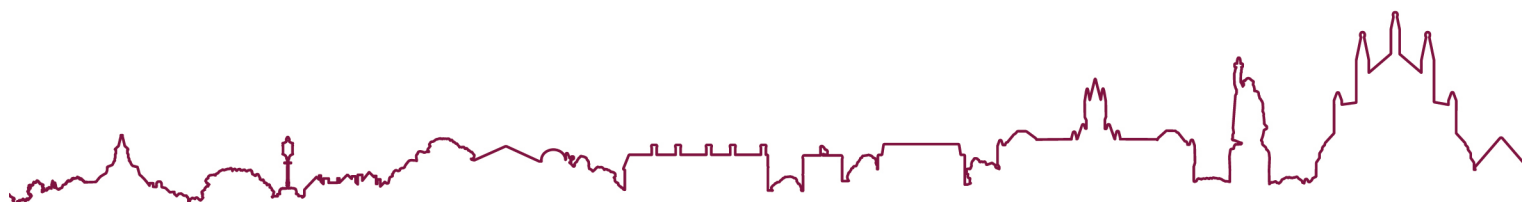
1.2 In this statement the Council responds to points raised by the Appellant in their initial statement.

1.3 The evidence that I have prepared and provide in this written statement is true and has been prepared and given in accordance with the Royal Town Planning Institute guidance. I confirm that opinions expressed are my true and professional opinions.

## 2. RESPONSE TO GROUND (b) - That those matters have not occurred.

2.1 The fencing appears to have been erected at the same time as the unauthorised operation began on the land, the subdivision in this manner does not appear to play a part in the lawful use of the land. This was previously agricultural and appeared to include the grazing of animals, as such surely the boundary treatments originally on the land would have proved sufficient to keep grazing animals within the area. Animals grazing on the land are visible in the satellite imagery below in 2013 where no such fencing was on the land – prior to the caravan storage.

2.2 Aerial imagery shows that in 2013 the hardsurfacing areas shown on the notice plan in their current design were not present on the land, then in 2015 one section appears and is shown storing caravans, a further area appears in the 2017 imagery on the land and is again shown storing caravans. No evidence has been provided to show the historic hardsurfacing in this area, or that it was even used for agricultural purposes but even if there were a historic hardsurface this was clearly replaced with the newer tarmac surface as per the aerial imagery provided below. The other area precluded from the notice appears to be a historic apron hardsurfacing around the agricultural barn hence why it has not been included within the requirements for removal.



The Councils internal GIS imagery taken in 2013



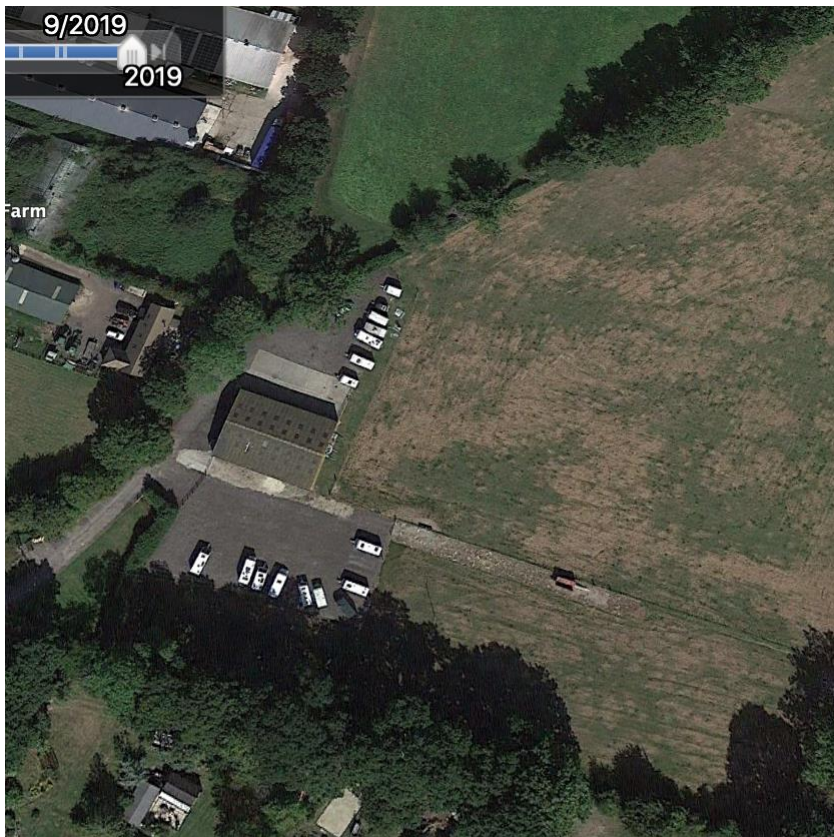
Google Earth 2015 imagery



The Councils internal GIS imagery taken in 2017



Google Earth 2019 imagery



### **3. RESPONSE TO GROUND (c) -** That those matters (if they occurred) do not constitute a breach of planning control.

3.1 In response to the Appellants points 24 and 25 of their statement relating to removal of the fencing and hardsurfacing which is stated to be permitted development. It is considered that these works were conducted to enclose the unauthorised development and uses. The fence subdivides the building from the main parcel of land. The land was previously used for grazing with no such subdivision. Meaning the Council consider the works form part and parcel of the unauthorised use. Further as detailed above the Council dispute that the hardsurfacing shown on the notice plan has been in situ for 15 years, the aerial imagery indicates clearly that the hard surface in its current form has not been in the land in excess of 10 years prior to issuance of the notice.

3.2 There are two purposes which the requirements of an enforcement notice can seek to achieve. Firstly, to remedy any breach of planning control that has occurred, secondly to remedy any injury to amenity caused by the breach. The notice requirements including steps (ii) and (iii) are considered to remedy the breach of planning control. Nothing short of removal of associated operational development (fencing and hardsurfacing) and other aspects that facilitate the unauthorised use would satisfy the purpose of the notice.

### **4. RESPONSE TO GROUND (d) -** That, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.

4.1 The hardsurfacing shown on the plan, fencing and buildings are all considered to have been placed on the land to facilitate an unauthorised use as detailed above. Given this they form part and parcel of the unauthorised change of use of the land and the correct timeframe to be outside of enforcement parameters is 10 years. The Council considers that the cessation of the unauthorised use and removal of the unauthorised development facilitating the use in line with the required steps is necessary in order to remedy the breach and associated harm to amenity, in accordance with S173(4) sections (a) and (b) and no lesser steps would be sensible to impose.

## **5. CONCLUSION**

5.1 For the reasons given above and in the attached appendices, the Inspector is respectfully requested to dismiss this appeal and uphold the enforcement notice in its entirety.

