

Issued: 22nd March 2023

WINCHESTER CITY COUNCIL

ENFORCEMENT NOTICE

Relating to land at

12 Firgrove Lane (land adjacent to 7A The Old Piggery), North Boarhunt,
Hampshire. PO17 6JU.

LPA ref: 22/00242/COU

Neil McArthur, Service Lead - Legal, Winchester City Council, City Offices, Colebrook Street,
Winchester, Hampshire, SO23 9LJ

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE

ISSUED BY: WINCHESTER CITY COUNCIL

1. THIS NOTICE is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND AFFECTED

Land at 12 Firgrove Lane (land adjacent to 7A The Old Piggery), North Boarhunt, Hampshire. PO17 6JU. Shown edged in red on the attached plan ("the Land").

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the unauthorised material change of use of the land to residential; together with operational development that facilitates that change of use.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Local Planning Authority that the aforementioned breach of planning control occurred within the last ten years.

The development is contrary to policies MTRA3 and MTRA4 of the Winchester District Local Plan Part 1 - Joint Core Strategy, in that it results in inappropriate development within the countryside with no justification.

The development is contrary to Policy CP15 and CP16 of the Winchester District Local Plan Part 1 - Joint Core Strategy, in that it fails to protect and enhance biodiversity across the District by failing to make appropriate provision for the Solent Disturbance and Mitigation Charge Zone. As a result, it is considered that the development would result in significant harm to the Special Protection Area (SPA) and the species that it supports, therefore contravening the legal requirements of the Wildlife and Countryside Act 1981, and the Habitat Regulations.

The development is contrary to Policy CP15 and CP16 of the Winchester District Local Plan Part 1 - Joint Core Strategy, in that it fails to protect and enhance biodiversity across the District by failing to make appropriate mitigation in regard to increased nitrates into the Solent SPAs. As a result, it is considered that the development would result in significant harm to the Special Protection Area (SPA) and the species that it supports, therefore contravening the legal requirements of the Wildlife and Countryside Act 1981, and the Habitat Regulations.

The Council does not consider that planning permission should be granted because planning conditions could not overcome these objections to the development.

5. WHAT YOU ARE REQUIRED TO DO

- i. Cease the use of the land as residential.
- ii. Disconnect all services (water, gas, electric, waste, internet etc..) to the land shown edged red on the attached Plan.
- iii. Permanently remove all buildings, caravans, vehicles, fencing and development associated with the unauthorised material change of use as described in paragraph 3 of this notice from the land shown edged red on the attached Plan.
- iv. Remove any resultant waste from the Land.
- v. Lay topsoil and seed with grass on the Land to reinstate the Land to its former level and condition.


6. TIME FOR COMPLIANCE

One year after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 26th April 2023 unless an appeal is made against it beforehand.

Date: 22nd March 2023

Signed 

Neil McArthur, Service Lead - Legal

On behalf of: Winchester City Council, City Offices, Colebrook Street, Winchester, Hampshire, SO23 9LJ

ANNEX

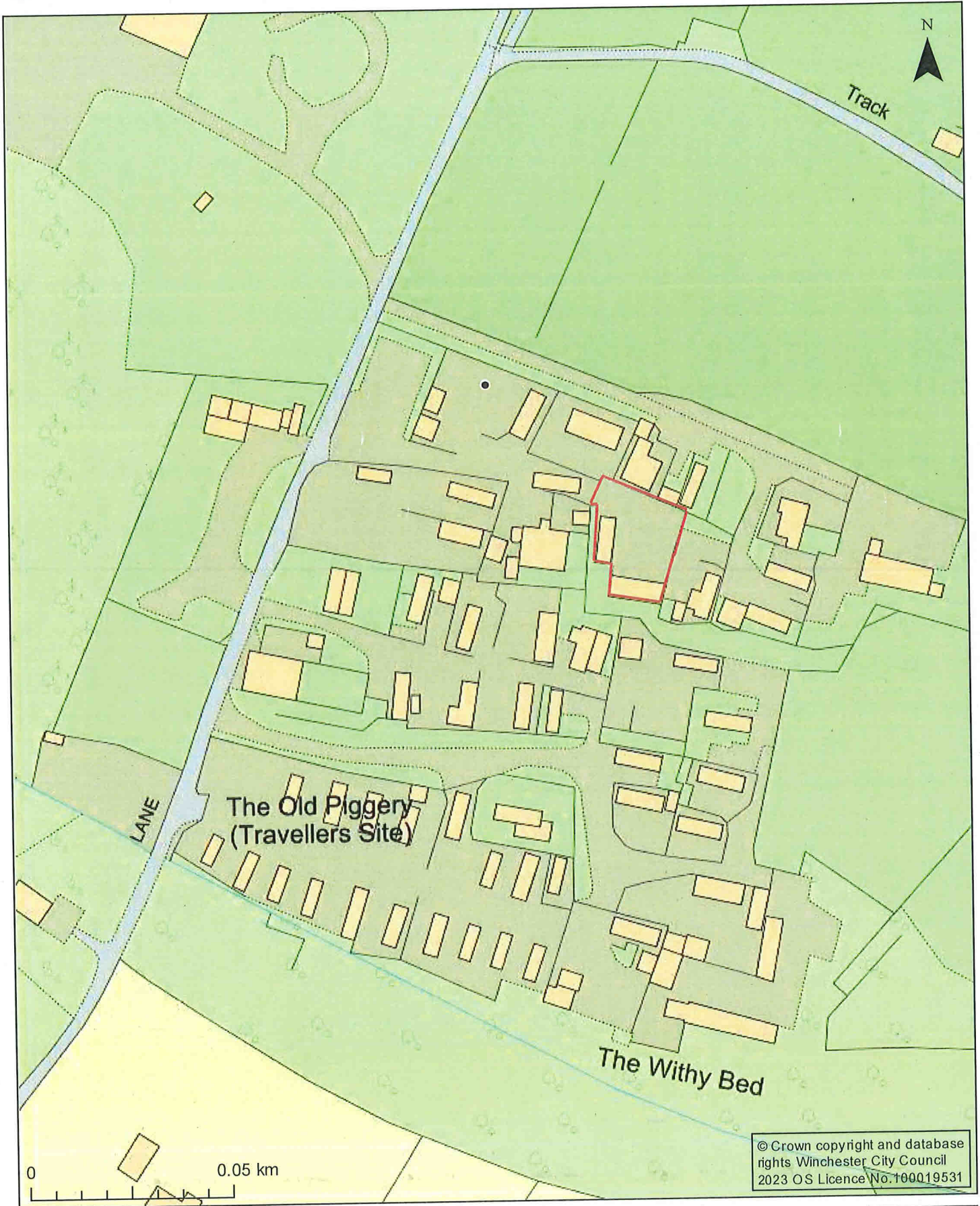
YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate acting on behalf of the Secretary of State before the date specified in paragraph 7 of the notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.



Date: 01/02/2023

Scale: 1:1,250

Author:

Notes: 12 Firgrove Lane

Legend