

Notification Letter

Enq To: Appeals Officer
Direct Dial: 01962 848 599

20 June 2023

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

Site Address:	Plot 2 Pony Paddock Hipley Road Hambledon Hampshire
Alleged Breach	Without planning permission, the material change of use of the Land from agricultural to a mixed use for residential use of a caravan and storage of caravans and the laying of scalpings to facilitate the mixed use
Appellant's Name	Mrs Bridie Doran
LPA Reference	23/00024/CARAVN
Appeal Reference	APP/L1765/C/23/3320989
Appeal Start Date	13.06.2023

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 13.01.2023

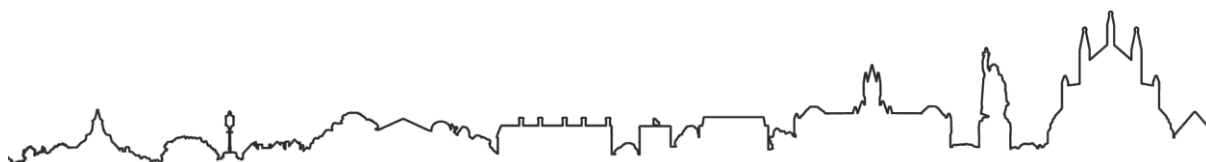
The enforcement notice was issued for the following reasons:

It appears to the Local Planning Authority that the aforementioned breach of planning control occurred within the last 10 years.

The development is contrary to policy 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 and is also contrary to policy DM4 as the council has an adequate supply of gypsy/traveller sites.

The development is contrary to policy DM16 and DM23 of Winchester Local Plan Part 2 and TR7 of the Traveller DPD in that would result in significant harm to the rural characteristics of the area by way of visual and physical intrusion and loss of tranquillity.

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, the Habitat Regulations.

The Solent water environment is internationally important for its wildlife and is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations as well as national protection for many parts of the coastline and their sea. Natural England's advice has outlined serious concerns about high levels of nitrogen and phosphorous input in this water environment with evidence that these nutrients are causing eutrophication (a process which causes excessive growth of green algae) which is having a detrimental impact upon protected habitats and bird species.

In respect of Nitrate impact and mitigation the development fails to accord with the Conservation of Habitats and Species Regulations 2017, and Policy CP11, CP16 and CP21 of the Winchester District Local Plan Part 1.

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

The enforcement notice requires the following steps to be taken:

- 1) Cease the residential use of the site
- 2) Cease the use of the site for the storage of caravans
- 3) Remove all caravans from the site
- 4) Remove all scrapings and other materials that have been brought onto the site
- 5) Reseed the area of land with grass

TIME FOR COMPLIANCE

- 1) Steps 1 and 2 - 6 Months after the notice takes effect
- 2) Step 3, 4 and 5 - 7 Months after 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 a **hearing**. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Hearings Procedure) (England) Rules 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 25 July 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/23/3320989.**

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 using the following link 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

