

Notification Letter

Enq To: Appeals Officer
Direct Dial: 01962 848 599

21 June 2023

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

Site Address:	12 The Old Piggery Firgrove Lane North Boarhunt Fareham Hampshire PO17 6JU
Alleged Breach	Without planning permission, the unauthorised material change of use of the land to residential; together with operational development that facilitates that change of use.
Appellant's Name	Mr Joe Keet
LPA Reference	22/00242/COU
Appeal Reference	APP/L1765/C/23/3320888
Appeal Start Date	19.06.2023

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 22.03.2023

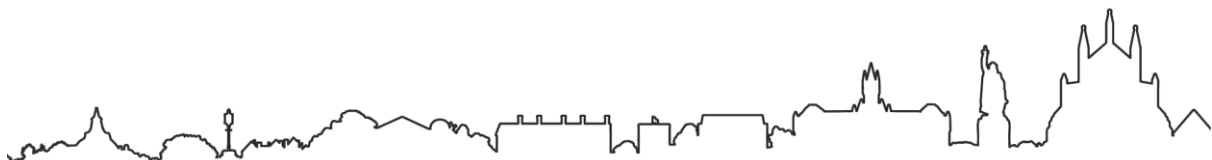
The enforcement notice was issued for the following reasons:

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

The enforcement notice requires the following steps to be taken:

- i. Cease the use of the land as residential.
- ii. Disconnect all services (water, gas, electric, waste, internet etc ..) to the land.
- 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.
- 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.

TIME FOR COMPLIANCE

One year after this 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:

Maisie Milton-Newland
The Planning Inspectorate
Room 3A Eagle
Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by 31 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/23/3320888.**

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

