

Case Ref: 23/00024/CARAVN

Issued: 22nd March 2023

WINCHESTER CITY COUNCIL

ENFORCEMENT NOTICE

relating to land and premises at:

Plot 2 Pony Paddock Land Adjacent to the Chairmakers Arms, Forest Road, Worlds
End, Denmead. Hampshire

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, under 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**

Plot 2 Pony Paddock Land Adjacent to the Chairmakers Arms, Forest Road, Worlds End, Denmead. Hampshire shown edged red on the attached plan ("the Land").

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

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 (shown marked in the approximate positions on the attached plan)

4. **REASONS FOR ISSUING THIS NOTICE**

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 accords 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

5. WHAT YOU ARE REQUIRED TO DO

- 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 scalplings and other materials that have been brought onto the site
- 5) Reseed the area of land with grass

6. 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

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 26th April 2023 unless an appeal is made against it beforehand. This date should be no less than 28 clear days after date of issue,

Date: 22nd March 2023

Signed 

Name: 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: 21/03/2023

Scale: 1:1,250

Author:

Notes:

- A - Residential Caravans
- B - Storage Caravans
- /// - Area covered with scalplings

Legend