

Mr P Burton
c/o Brimble Lea And Partners
Wessex House
High Street
Gillingham
Dorset SP8 4AG

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

GRANT OF PLANNING PERMISSION

Case No: 02/01022/FUL
W Ref No: W05589/12
Grid Ref: 454108 141899

Change of use of agricultural land to travelling showpeoples' site

Land Rear Drivers Diner Micheldever Winchester Hants

In pursuance of its powers under the above mentioned Act, the Council, as the Local Planning Authority hereby GRANT permission for the above development(s) in accordance with the plans and particulars submitted with your application received on 18 April 2002 as amended by plans received on 6 January 2003 and subject to compliance with the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990.

2. A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall include a method statement demonstrating that the scheme can be implemented without damage to existing trees and shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To improve the appearance of the site in the interests of visual amenity.

3. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Landscape maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation and historic significance.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan for each pitch indicating the positions, design, materials and type of boundary treatment and gates to be erected, the position of all areas of hardstanding and storage, the position and sizes of all residential caravans and any other temporary or permanent structures or buildings and the areas of open amenity space. Development shall be carried out in accordance with the approved details before the pitches are first occupied.

Reason: In the interests of the visual amenities of the area and to control and define the use of the site.

5. No vehicles, equipment, caravans, mobile homes or other structures on the site are to exceed 4.5 metres in height above ground level.

Reason: In the interests of the visual amenity of the area.

6. Details of any floodlighting to be provided on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The floodlighting shall be installed, operated and maintained in accordance with the approved scheme.

Reason: In the interests of the amenities of the occupants of nearby properties.

7. No maintenance, repairs or testing of equipment or vehicles shall be carried out other than between the hours of 0730 and 1800 Monday to Friday and 0730 and 1800 Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of nearby properties.

8. The access road shall be constructed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained for the access and turning of vehicles and for no other purpose.

Reason: In order to protect the amenities of the locality.

9. The site shall not be occupied until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory provision of foul and surface water drainage.

10. There shall be a maximum of three caravans or mobile homes occupied for residential purposes on each pitch. Any additional touring caravans used by the travelling showpeople may be stored within the defined storage areas but may not be occupied for residential purposes at any time.

Reason: To control the number of residential mobile homes and caravans on the site in the interest of the amenity of the area.

11. There shall be no more than 9 family pitches on the site and the pitches may not be sub-divided at any time.

Reason: To control the use of the site and to prevent the sub-division of pitches in the interests of local amenity.

12. There shall be no open storage within the pitches other than within the approved storage areas. The defined storage areas shall not exceed 50% of the area of each pitch.

Reason: In order to protect the amenities of the locality.

13. In the event that the site ceases to be used for the purposes of travelling showpeople, it shall be restored to its former condition. All structures, hardstandings, equipment, vehicles and materials brought onto the site in connection with the use shall be permanently removed from the land within 12 months of the use ceasing.

Reason: To protect the local environment from unnecessary development should the use cease in the future, in an area of countryside where development is only permitted for exceptional reasons.

14. The bunds and ditches shall be constructed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The works shall be completed before the site is first occupied.

Reason: In the interests of the visual amenity of the area.

15. No more than 50 people shall occupy the site at any time.

Reason: To control the number of people occupying the site in the interest of the amenity of the area.

Informatives:

1. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Hampshire County Structure Plan Review: C1, C2, T5, E6, E8

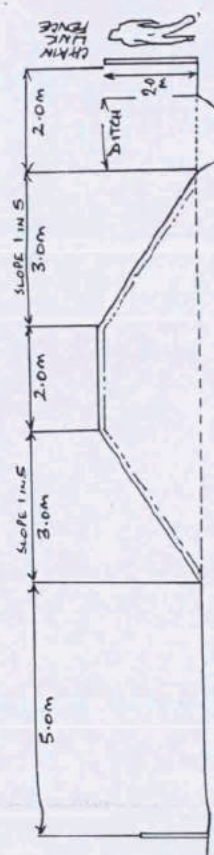
Winchester District Local Plan Proposals: C1, C2, C7, C16, C23, EN4, EN5, EN7, EN15, T8, T9

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: DP1, DP3, DP5, DP6, DP14, C1, C6, C9, C26, T2, T4



Director of Development Services
2 October 2003

**PLANS WERE
HERE IN THIS
DOCUMENT.
THEY HAVE BEEN
SCANNED AND
INDEXED AS
'PLANS'.**



TYPICAL SECTION A - A 1:100



5441/4.

TIME 30CH

DATED 25th September 2003

FRENNY DOE (1)

and

PATRICK BURTON (2)

and

WINCHESTER CITY COUNCIL (3)

and

LLOYDS TSB BANK PLC (4)

D E E D OF VARIATION

S.106 Town and Country Planning Act 1990
concerning Land rear of Drivers Diner
Micheldever Winchester Hampshire

Stephen Whetnall L.LB (Hons)
City Secretary and Solicitor
Winchester City Council
City Offices
Colebrook Street
Winchester
Hampshire

CT/PL1/6/623

T113092

THIS DEED OF VARIATION is made the 25th day of September Two thousand and three BETWEEN FRENNY DOE of Four Oaks Park Braydon Road Lydiard Plain Swindon Wiltshire SN5 0AL (hereinafter called "the Owner") of the first part and PATRICK BURTON of 2 The Nurseries Botley Road Shedfield Hampshire SO32 2HL (hereinafter called "the Developer") of the second part and WINCHESTER CITY COUNCIL of City Offices Colebrook Street Winchester (hereinafter called "the Council") of the third part and LLOYDS TSB BANK PLC (Company registration number 2065) of Plymouth Securities Centre P.O. Box 300, 8 Royal Parade, Plymouth PL1 1JW (hereinafter called "the Lender") of the fourth part

RECITALS

- (1) The Owner is the registered proprietor of land known as land rear of Drivers Diner Micheldever Winchester Hampshire which includes other land and is registered at HM Land Registry with freehold title absolute under Title Number HP 518980 subject to a mortgage dated 9 February 1996 in favour of the Lender but otherwise free from encumbrances
- (2) That part of the Owner's land (hereinafter called "the Land") to which the obligations set out below relate is shown on the plan annexed hereto and thereon edged in green
- (3) The Council is the Local Planning Authority for the purpose of the Town and Country Planning Act 1990 as amended ("the Act") for the area within which the Land is situate
- (4) This Deed is supplemental to a Deed dated 31 January 1995 between the Council (1) Christopher Kim Wood and Colin Richard Jennings (2) Frennie Doe Senior (3) and Barclays Bank plc (4) as varied by a Deed of Variation dated 7 December 1998 between the Council (1) Frenny Doe (2) and Lloyds Bank plc (3) (hereinafter together called "the Original Agreement As Varied")

III 3092

- (5) The parties hereto have agreed to vary the terms of the Original Agreement As Varied in manner hereinafter appearing.
- (6) This Deed is a Planning Obligation made pursuant to Section 106 of the Act (as amended by Section 12 of the Planning and Compensation Act 1991) and all other powers enabling the parties hereto
- (7) The Lender has agreed to enter into this Deed in manner hereafter appearing.

NOW WITH THIS DEED WITNESSETH as follows:

1. In this Deed:-

- 1.1 Words importing the masculine gender include the feminine and vice versa
- 1.2 Words importing the singular include the plural and vice versa
- 1.3 Words importing persons include companies and corporations and vice versa
- 1.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually
- 1.5 Any reference to a clause or schedule or plan is to one in or attached to this Deed
- 1.6 Any reference to a colour or letter is to a colour or letter on the plan attached to this Deed
- 1.7 In the absence of contrary provision any reference to a statute includes any statutory modification or re-enactment of it and every statutory instrument direction or specification made or issued under the statute or deriving validity from it

III 3092

- 1.8 References to any party to this Deed shall include the successors in title to that party and to any deriving title through or under that party and in the case of the Council the successors to its function as local planning authority
- 1.9 "agreed" or "approved" means agreed or approved in writing and given for the purpose of this Deed
2. The Owner and the Developer hereby covenant as follows:-
 - (a) the building on the Land shown edged blue on the plan annexed hereto shall not be used other than for agricultural purposes
 - (b) that part of the Land shown edged brown on the plan annexed hereto shall be used as an access from the public highway to the land forming the subject matter of the planning application dated 16 April 2002 under Planning Reference Number WO5589/12 and such access shall hereafter remain available for use by the lawful occupiers of the said land
3. The parties hereto confirm that the covenants and conditions contained in the Original Agreement As Varied (save as varied or discharged by this Deed) shall continue in full force and effect
4. The Owner and the Developer agree with the Council to pay the Council's reasonable legal costs in connection with this Deed on the date hereof
5. The Lender hereby consents to the Owner and the Developer entering into the covenants in this Deed
- 6.1 This Agreement constitutes a Deed
- 6.2 This Deed and the planning obligations in it are enforceable by the Council
- 6.3 This Deed shall be registered as a Local Land Charge by the Council pursuant to the provisions of the Local Land Charges Act 1975 and Section 106 (11) of the Act
- 6.4 No person shall be liable for breach of a covenant contained in this Deed after he shall have parted with all interest in the Land or the part in respect

III 3092

of which such breach occurs but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest

7. Nothing in this Deed shall be construed as restricting the exercise by the Council of any powers exercisable by it under the Act or under any other Act PROVIDED ALWAYS that this Agreement shall remain in full force and effect notwithstanding the terms and conditions of any planning permission which may or has been at any time issued by the Council or any other appropriate person or Authority pursuant to the provisions of that Act or any statutory amendment or re-enactment thereof

IN WITNESS whereof the parties hereto have executed this Deed the day and year first before written

SIGNED as his Deed by the said)
FRENNY DOE)
in the presence of:-)



TOGAESNEC
4 High Street
Brims WILLOW
Sunderland SO32 1AB
Chartered Surveyor

SIGNED as his Deed by the said)
PATRICK BURTON)
in the presence of:-)



TOGAESNEC
4 High Street
Brims WILLOW
Sunderland SO32 1AB
Chartered Surveyor

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(As amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE (EN1)

**ISSUED BY: WINCHESTER CITY COUNCIL
("the 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 TO WHICH THE NOTICE RELATES

Land at Carousel Park, Basingstoke Road, Micheldever, Winchester, Hampshire, SO21 3BW shown edged in bold black on the attached plan ("the Land").

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, the material change of use of the Land to a residential caravan site, including the stationing of approximately 100 caravans for residential use ("the Unauthorised Use").

4. REASONS FOR ISSUING THIS NOTICE

The Council considers it expedient to issue this notice because:

The above breach of planning control occurred within the last 10 years.

The use of the Land as a residential caravan site is contrary to policy TR3 of the Winchester Gypsy and Traveller DPD 2019 ("the DPD") - the Land is allocated for travelling showpersons' use and should be occupied by people meeting the definition of travelling showpeople in order to meet an identified need. (W020).

There are approximately 100 caravans, static caravans, or park homes on the site, which is outside any defined settlement and subject to policy MTRA4 of the Winchester District Local Plan Part 1 which resists residential development

unless there is an operational need for a countryside location. The site is safeguarded for travelling showpersons' plots (policies TR1 and TR3) and it has not been demonstrated that there is a need for additional provision in accordance with the requirements of policy TR5. The breach is detrimental to the protection of the countryside and the amenities of occupiers of the site.

The visual impact of the site on the adjacent Black Wood SINC and its locality is not contained through the provision and retention of a suitable bund and landscaping around the whole site boundary contrary to policies TR3 and TR7 of the DPD and policies DM1, DM16, and DM23 of the Local Plan Part 2.

Due to its layout and density the site does not provide sufficient vehicle turning space or minimise conflict between pedestrians and vehicles contrary to policies TR7 of the DPD and DM18 of the Local Plan Part 2.

The density of the site does not allow for mixed-use yards that would accommodate space for the storage of equipment associated with the needs of travelling showpeople contrary to policy TR7 of the DPD and Policy F paragraph 19 of DCLG Planning Policy for Traveller sites 2015.

The site lacks an adequate area of open space for safe children's play contrary to policies TR7 of the DPD and DM17 of the Local Plan Part 2.

Details of wastewater infrastructure, including a foul drainage assessment and surface water drainage have not been provided contrary to policy TR7 of the DPD.

Adequate and appropriate provision for the safe storage of waste and recycling is not provided contrary to policies TR7 of the DPD and DM17 of the Local Plan Part 2.

Commercial activities take place on the land contrary to policy TR7 of the DPD.

The site is away from existing settlements, is outside areas allocated in the development plan, and is not well planned or soft landscaped in such a way that positively enhances the environment, increases openness, and promotes healthy lifestyles contrary to Policy H paragraph 25 and 26 of DCLG Planning Policy for Traveller sites 2015.

5. WHAT YOU ARE REQUIRED TO DO TO REMEDY THE BREACH OF PLANNING CONTROL

1. Cease the use of the Land as a residential caravan site;
2. Remove all caravans, park homes, mobile homes, hardstanding, hard surfacing, fencing, walls, gates, services, storage containers, sheds, porta-

loos, animal enclosures, vehicles, machinery, trailers, waste, construction materials, buildings, structures, lighting, and any other items associated with the Unauthorised Use from the Land;

3. Restore the Land to its condition before the breach of planning control took place.

6. TIME FOR COMPLIANCE

6 Months after this Notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 12 April 2022 unless an appeal is made against it beforehand.

Dated: 1 March 2022

Signed:



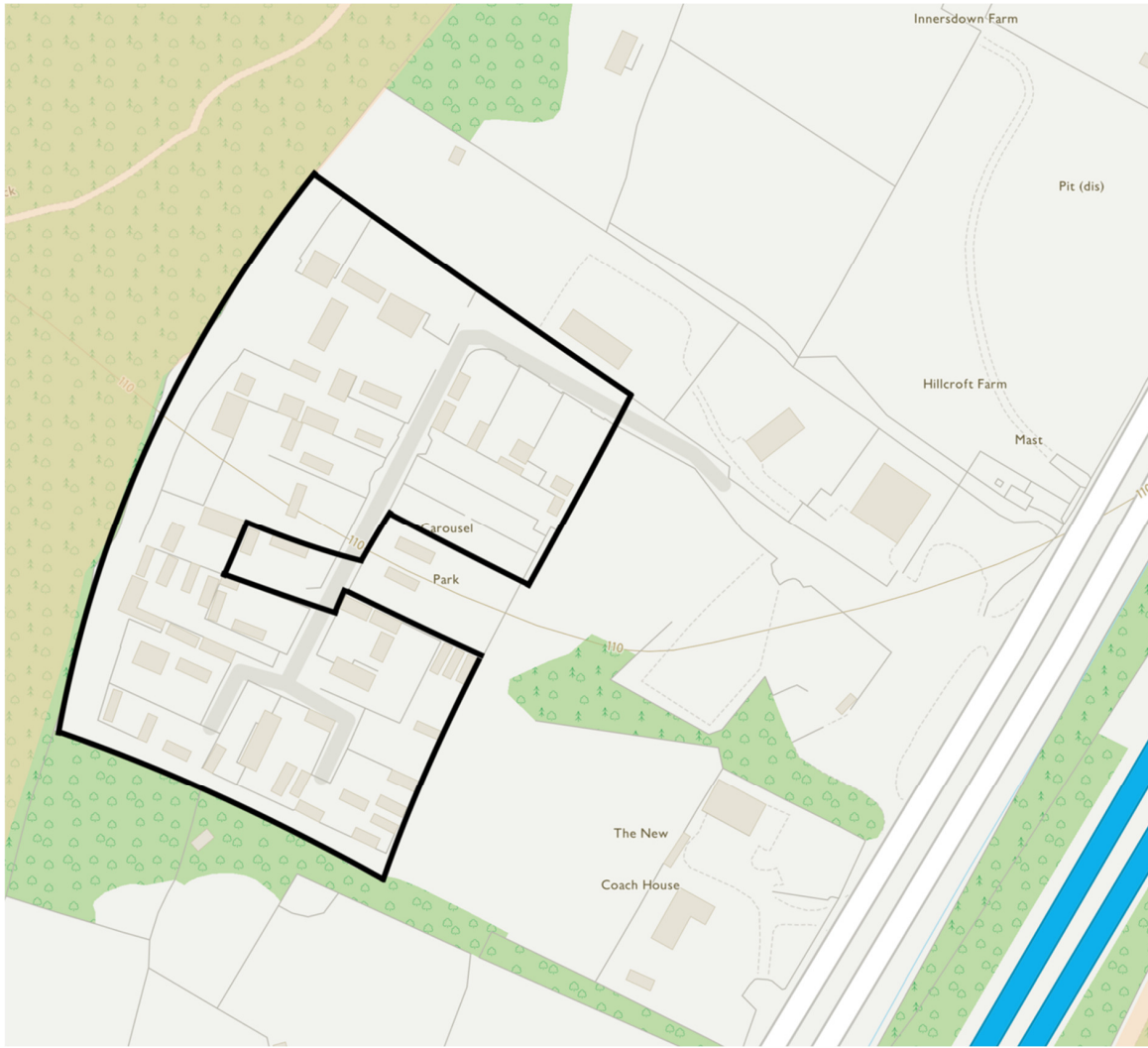
Service Lead – Legal on behalf of Winchester City Council, City Offices,
Colebrook Street, Winchester, Hampshire, SO23 9LJ

Nominated Officer: Julie Pinnock

Telephone Number: 01962 848439

PLAN

Land at Carousel Park shown edged in bold black below.



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.

One copy of the enforcement notice is enclosed for your own records.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal. **Please see the enclosed information sheet at the end of the explanatory notes from The Planning Inspectorate which tells you how to make an appeal (alternatively please follow the below link).**

[link to <http://www.planningportal.gov.uk/uploads/pins/eninfosheet.pdf>]

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.

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(As amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE (EN2)

ISSUED BY: WINCHESTER CITY COUNCIL
("the 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 (b) 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 TO WHICH THE NOTICE RELATES

Land at Carousel Park, Basingstoke Road, Micheldever, Winchester, Hampshire, SO21 3BW shown edged in bold black on the attached plan ("the Land").

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, the breach of conditions 10, 11, and 15 of planning permission 02/01022/FUL of 2 October 2003 being:

10. There shall be a maximum of three caravans or mobile homes occupied for residential purposes on each pitch. Any additional touring caravans used by the travelling showpeople may be stored within the defined storage areas but may not be occupied for residential purposes at any time.

11. There shall be no more than 9 family pitches on the site and the pitches may not be sub-divided at any time.

15. No more than 50 people shall occupy the site at any time.

4. REASONS FOR ISSUING THIS NOTICE

The Council considers it expedient to issue this notice because:

The above breach of planning control occurred within the last 10 years.

The use of the Land as a residential caravan site is contrary to policy TR3 of the Winchester Gypsy and Traveller DPD 2019 ("the DPD") - the Land is allocated for travelling showpersons' use and should be occupied by people meeting the definition of travelling showpeople in order to meet an identified need. (W020).

There are approximately 100 caravans, static caravans, or park homes on the site, which is outside any defined settlement and subject to policy MTRA4 of the Winchester District Local Plan Part 1 which resists residential development unless there is an operational need for a countryside location. The site is safeguarded for travelling showpersons' plots (policies TR1 and TR3) and it has not been demonstrated that there is a need for additional provision in accordance with the requirements of policy TR5. The breach is detrimental to the protection of the countryside and the amenities of occupiers of the site.

The visual impact of the site on the adjacent Black Wood SINC and its locality is not contained through the provision and retention of a suitable bund and landscaping around the whole site boundary contrary to policies TR3 and TR7 of the DPD and policies DM1, DM16, and DM23 of the Local Plan Part 2.

Due to its layout and density the site does not provide sufficient vehicle turning space or minimise conflict between pedestrians and vehicles contrary to policies TR7 of the DPD and DM18 of the Local Plan Part 2.

The density of the site does not allow for mixed-use yards that would accommodate space for the storage of equipment associated with the needs of travelling showpeople contrary to policy TR7 of the DPD and Policy F paragraph 19 of DCLG Planning Policy for Traveller sites 2015.

The site lacks an adequate area of open space for safe children's play contrary to policies TR7 of the DPD and DM17 of the Local Plan Part 2.

Details of wastewater infrastructure, including a foul drainage assessment and surface water drainage have not been provided contrary to policy TR7 of the DPD.

Adequate and appropriate provision for the safe storage of waste and recycling is not provided contrary to policies TR7 of the DPD and DM17 of the Local Plan Part 2.

Commercial activities take place on the land contrary to policy TR7 of the DPD.

The site is away from existing settlements, is outside areas allocated in the development plan, and is not well planned or soft landscaped in such a way that positively enhances the environment, increases openness, and promotes healthy lifestyles contrary to Policy H paragraph 25 and 26 of DCLG Planning Policy for Traveller sites 2015.

5. WHAT YOU ARE REQUIRED TO DO TO REMEDY THE BREACH OF PLANNING CONTROL

1. Cease the use of the Land for siting more than three caravans or mobile homes per pitch occupied for residential purposes (condition 10);
2. Cease the use of the Land for occupation by more than 50 people (condition 15);
3. Restore the layout of the Land to comprise no more than 9 family pitches as shown on the attached plan 02-44-01 of December 2002 (condition 11).

6. TIME FOR COMPLIANCE

6 Months after this Notices takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 12 April 2022 unless an appeal is made against it beforehand.

Dated: 1 March 2022

Signed:

A large black rectangular box redacting the signature of the Service Lead.

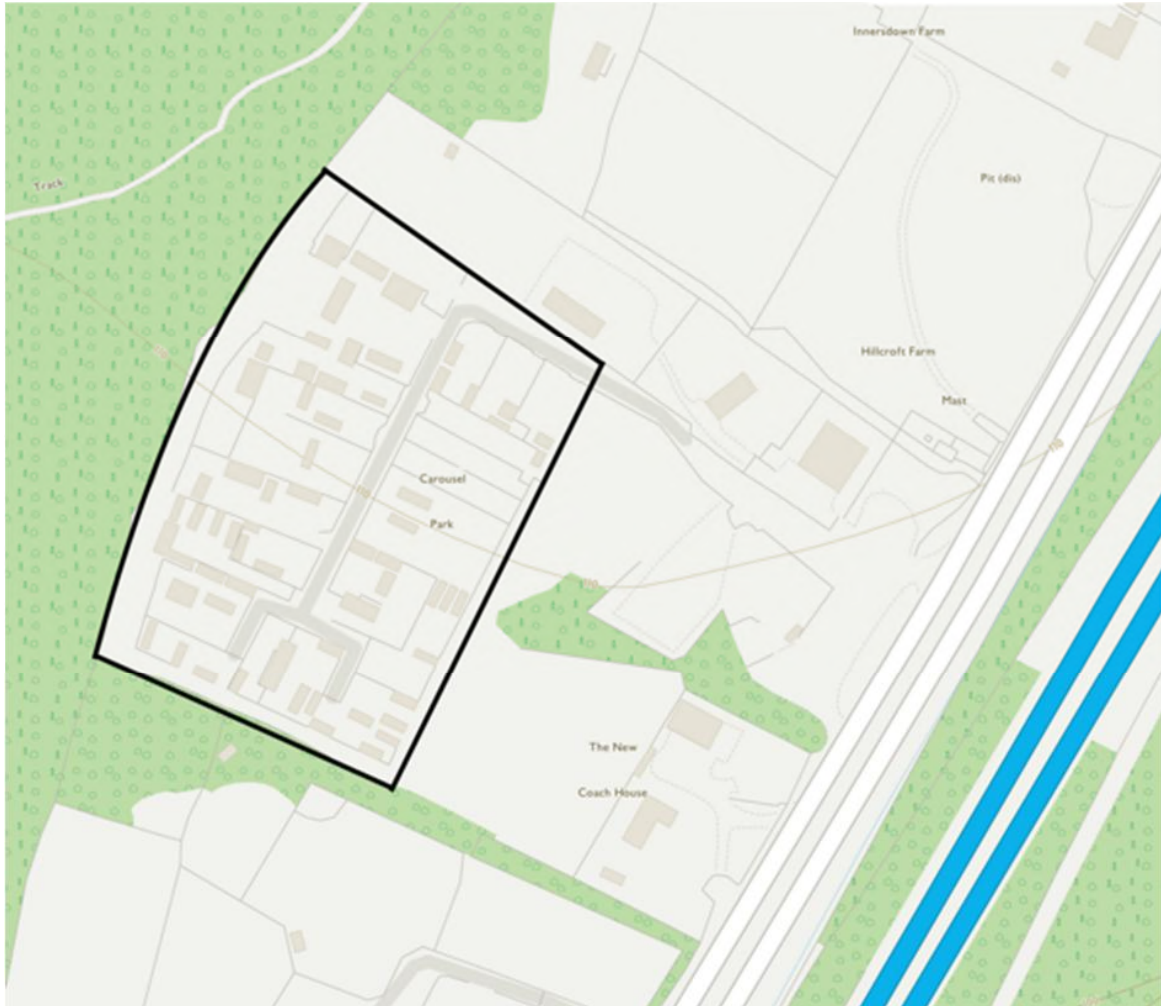
Service Lead – Legal on behalf of Winchester City Council, City Offices,
Colebrook Street, Winchester, Hampshire, SO23 9LJ

Nominated Officer: Julie Pinnock

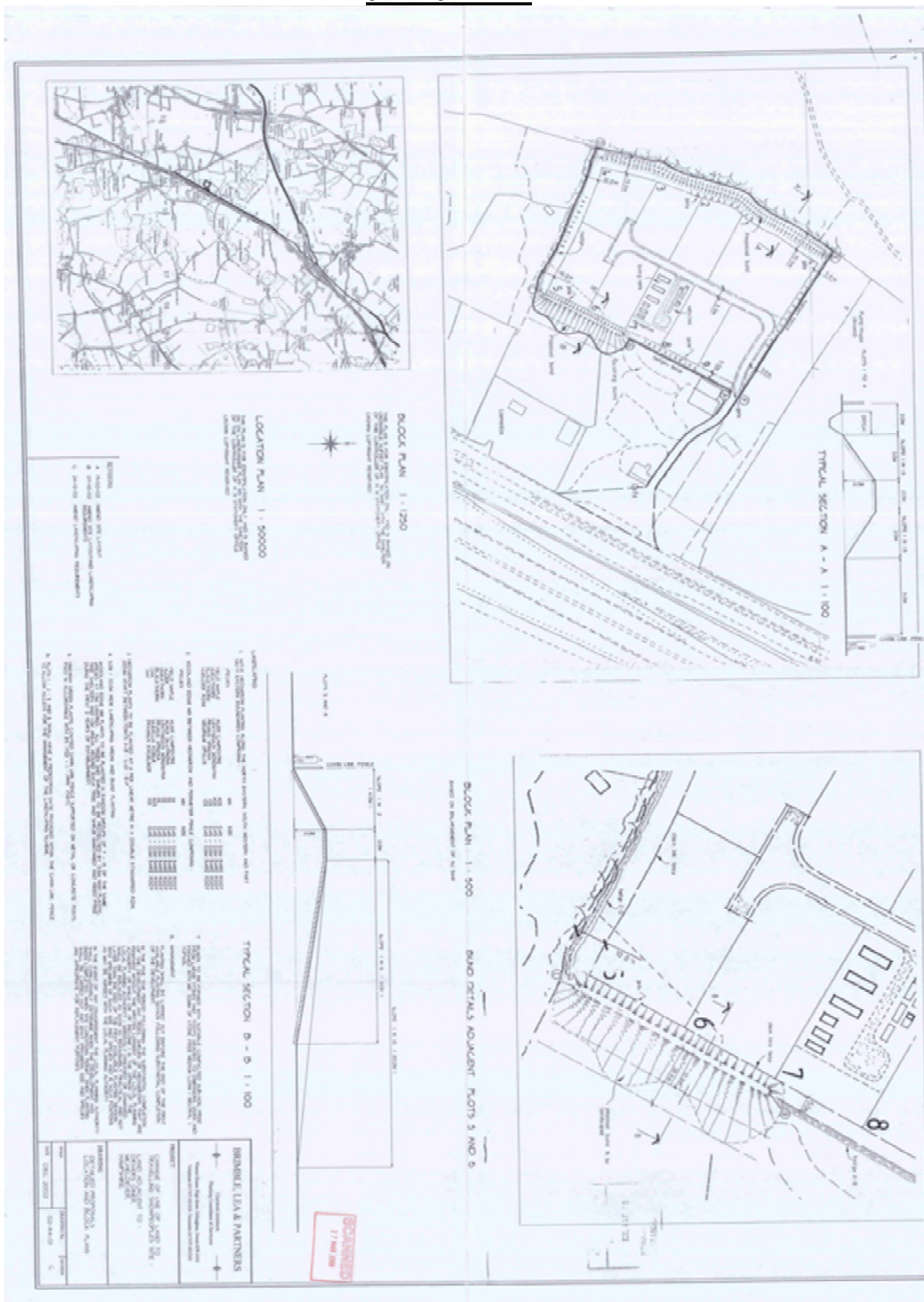
Telephone Number: 01962 848439

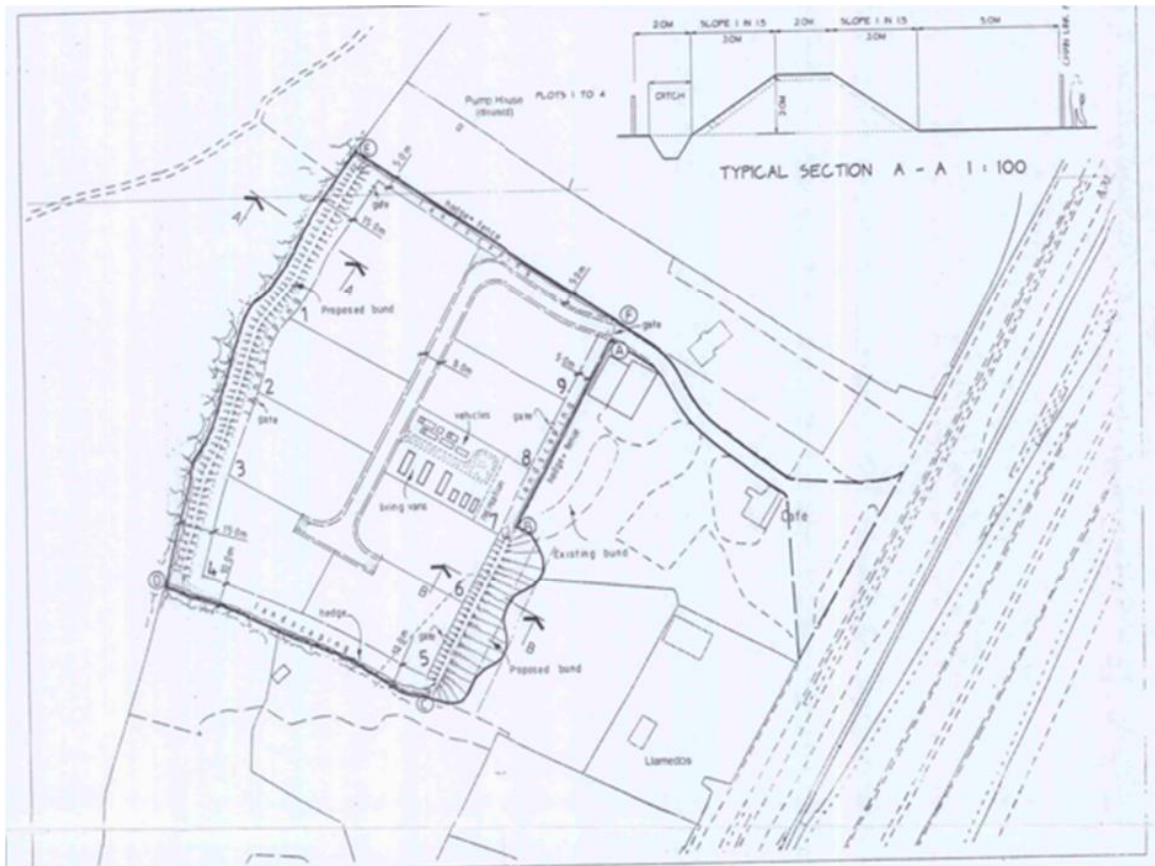
PLAN

Land at Carousel Park shown edged in bold black below.



02-44-01 PLAN





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.

One copy of the enforcement notice is enclosed for your own records.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal. **Please see the enclosed information sheet at the end of the explanatory notes from The Planning Inspectorate which tells you how to make an appeal (alternatively please follow the below link).**

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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.

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(As amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE (EN3)

**ISSUED BY: WINCHESTER CITY COUNCIL
("the 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 TO WHICH THE NOTICE RELATES

Land at Carousel Park, Basingstoke Road, Micheldever, Winchester, Hampshire, SO21 3BW shown edged in bold black on the attached plan ("the Land").

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, the material change of use of the Land to a residential caravan site for 10 caravans ("the Unauthorised Use").

4. REASONS FOR ISSUING THIS NOTICE

The Council considers it expedient to issue this notice because:

The above breach of planning control occurred within the last 10 years.

The use of the Land as a residential caravan site is contrary to policy MTRA4 of the Local Plan part 1. The Land is allocated for travelling showpersons' use and should be occupied by people meeting the definition of travelling showpeople in order to meet an identified need. (W020).

There are 10 caravans / static caravans on the Land. The number of caravans or other forms of accommodation is overly intensive and results in a lack adequate private outdoor amenity and recreational space, storage, or provision for parking

and turning which is detrimental to the occupiers of the Land and contrary to policy DM17 of the Local Plan Part 2 2017.

The development is outside of defined settlement boundaries and has an unacceptable effect on the rural character of the area through visual intrusion and incongruous features contrary to policy DM1 and DM23 of the Local Plan Part 2 2017.

The site does not provide boundary treatments that respond positively to the local context contrary to policy DM16 of the Local Plan Part 2 2017.

The site does not make adequate provision for refuse and recycling, provide amenity and recreational space for users, contrary to policy DM17 of the Local Plan Part 2 2017.

There is no identified need for a residential caravan site in the countryside, the site is not essential for operational reasons, and no landscape scheme has been provided contrary to policy DM10 of the Local Plan Part 2 2017.

The site does not provide adequate parking, or allow adequate access and movement within the site contrary to policy DM18 of the Local Plan Part 2 2017.

5. WHAT YOU ARE REQUIRED TO DO TO REMEDY THE BREACH OF PLANNING CONTROL

1. Cease the use of the Land as a residential caravan site;
2. Remove all caravans, mobile homes, park homes, hardstanding / hard surfacing, fencing, services, storage containers, sheds, porta-loos, animal enclosures, vehicles, machinery, trailers, waste, construction materials, buildings, structures, and any other items associated with the Unauthorised Use from the Land;
3. Restore the Land to its condition before the breach of planning control took place.

6. TIME FOR COMPLIANCE

6 Months after this Notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 12 April 2022 unless an appeal is made against it beforehand.

Dated: 1 March 2022

Signed:



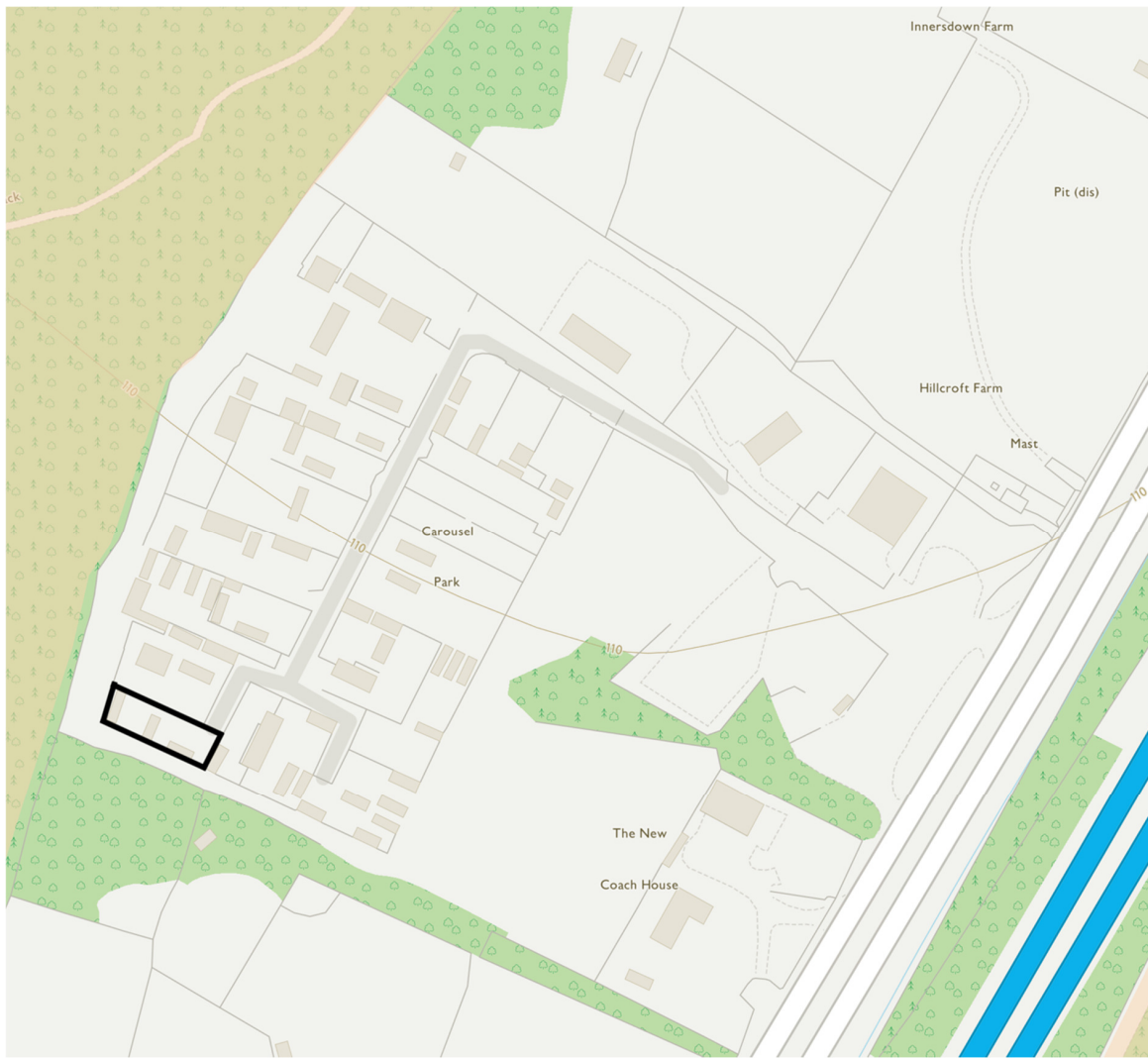
Service Lead – Legal on behalf of Winchester City Council, City Offices,
Colebrook Street, Winchester, Hampshire, SO23 9LJ

Nominated Officer: Julie Pinnock

Telephone Number: 01962 848439

PLAN

Land at Carousel Park shown edged in bold black.



ANNEX

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TOWN AND COUNTRY PLANNING ACT 1990

(As amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE (EN4)

**ISSUED BY: WINCHESTER CITY COUNCIL
("the 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 TO WHICH THE NOTICE RELATES

Land at Carousel Park, Basingstoke Road, Micheldever, Winchester, Hampshire, SO21 3BW shown edged in bold black on the attached plan ("the Land").

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, the material change of use of the Land to a residential caravan site for 10 caravans ("the Unauthorised Use").

4. REASONS FOR ISSUING THIS NOTICE

The Council considers it expedient to issue this notice because:

The above breach of planning control occurred within the last 10 years.

The use of the Land as a residential caravan site is contrary to policy MTRA4 of the Local Plan part 1. The Land is allocated for travelling showpersons' use and should be occupied by people meeting the definition of travelling showpeople in order to meet an identified need. (W020).

There are 10 caravans / static caravans on the Land. The number of caravans or other forms of accommodation is overly intensive and results in a lack adequate private outdoor amenity and recreational space, storage, or provision for parking

and turning which is detrimental to the occupiers of the Land and contrary to policy DM17 of the Local Plan Part 2 2017.

The development is outside of defined settlement boundaries and has an unacceptable effect on the rural character of the area through visual intrusion and incongruous features contrary to policy DM1 and DM23 of the Local Plan Part 2 2017.

The site does not provide boundary treatments that respond positively to the local context contrary to policy DM16 of the Local Plan Part 2 2017.

The site does not make adequate provision for refuse and recycling, provide amenity and recreational space for users, contrary to policy DM17 of the Local Plan Part 2 2017.

There is no identified need for a residential caravan site in the countryside, the site is not essential for operational reasons, and no landscape scheme has been provided contrary to policy DM10 of the Local Plan Part 2 2017.

The site does not provide adequate parking, or allow adequate access and movement within the site contrary to policy DM18 of the Local Plan Part 2 2017.

5. WHAT YOU ARE REQUIRED TO DO TO REMEDY THE BREACH OF PLANNING CONTROL

1. Cease the use of the Land as a residential caravan site;
2. Remove all caravans, mobile homes, park homes, hardstanding / hard surfacing, fencing, services, storage containers, sheds, porta-loos, animal enclosures, vehicles, machinery, trailers, waste, construction materials, buildings, structures, and any other items associated with the Unauthorised Use from the Land;
3. Restore the Land to its condition before the breach of planning control took place.

6. TIME FOR COMPLIANCE

6 Months after this Notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 12 April 2022 unless an appeal is made against it beforehand.

Dated: 1 March 2022

Signed:



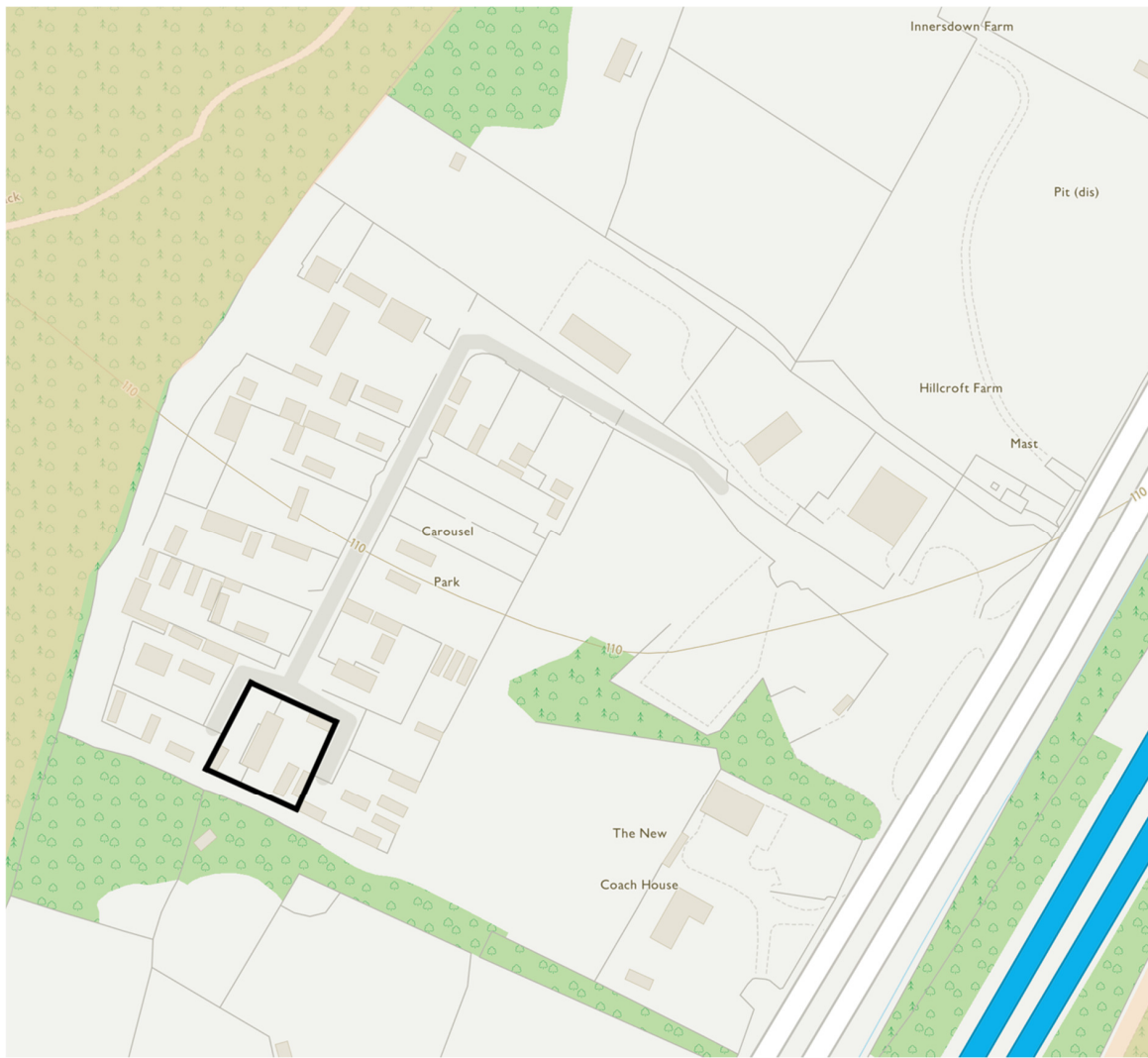
Service Lead – Legal on behalf of Winchester City Council, City Offices,
Colebrook Street, Winchester, Hampshire, SO23 9LJ

Nominated Officer: Julie Pinnock

Telephone Number: 01962 848439

PLAN

Land at Carousel Park shown edged in bold black.



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.

One copy of the enforcement notice is enclosed for your own records.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal. **Please see the enclosed information sheet at the end of the explanatory notes from The Planning Inspectorate which tells you how to make an appeal (alternatively please follow the below link).**

[link to <http://www.planningportal.gov.uk/uploads/pins/eninfosheet.pdf>]

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.

Title Number : HP722336

This title is dealt with by HM Land Registry, Weymouth Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy.

This extract shows information current on 1 MAR 2022 at 09:00:50 and so does not take account of any application made after that time even if pending in HM Land Registry when this extract was issued.

REGISTER EXTRACT

Title Number	: HP722336
Address of Property	: Plot 1, Carousel Park, Basingstoke Road, Micheldever, Winchester (SO21 3BW)
Price Stated	: £10,000
Registered Owner(s)	: D [REDACTED] VERIDGE of [REDACTED]
Lender(s)	: None

Title number HP722336

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 1 MAR 2022 at 09:00:50. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

A: Property Register

This register describes the land and estate comprised in the title.

HAMPSHIRE : WINCHESTER

- 1 (02.07.1996) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Plot 1, Carousel Park, Basingstoke Road, Micheldever, Winchester (SO21 3BW).
- 2 (21.03.2005) The land has the benefit qualified as in the Note below of the rights granted by but is subject to the rights reserved by a Transfer dated 7 March 2005 made between (1) Frenny Doe and (2) James Patrick Burton.

NOTE 1: The right of way over the private driveway is excluded from this registration in so far as it falls outside title number HP518980

NOTE 2: Copy filed under HP655638.
- 3 (21.03.2005) The Transfer dated 7 March 2005 referred to above contains provisions as to light or air and boundary structures.
- 4 (10.12.2009) The Transfer dated 5 November 2009 referred to in the Charges Register contains a provision as to light or air.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 [REDACTED] ARREN LOVERIDGE of [REDACTED]
- 2 (10.12.2009) The price stated to have been paid on 5 November 2009 was £10,000.

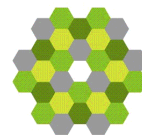
C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (10.12.2009) The land is subject to the rights reserved by a Transfer of the land in this title dated 5 November 2009 made between (1) James Patrick Burton and (2) Darren Loveridge.

NOTE: Copy filed.

End of register



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HM Land Registry endeavours to maintain high quality and scale accuracy of title plan images. The quality and accuracy of any print will depend on your printer, your computer and its print settings. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by HM Land Registry, Weymouth Office.