

W05589/19

WINCHESTER CITY COUNCIL
PLANNING DEPARTMENT
Winchester
City Council
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13 FEB 2006

Unless the act provides a relevant exception to copyright,
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The council does not accept responsibility for the accuracy
of these plans.

Carousel Park, Basingstoke Road, Micheldever



Legend

Scale: 1:2500

N

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Organisation	Winchester City Council
Department	Development Services
Comments	UPRN: 010000028754
Date	14 July 2005
SLA Number	00018301

W05589/19



Winchester
City Council

WINCHESTER CITY COUNCIL
PLANNING DEPARTMENT

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13 FEB 2006

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Carousel Park,
Basingstoke Road, Micheldever



Winchester City Council
Planning Committee

10 APR 2006



PERMISSION GRANTED
SUBJECT TO CONDITIONS

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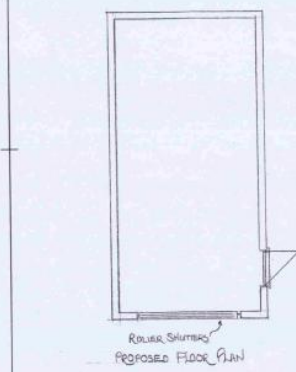
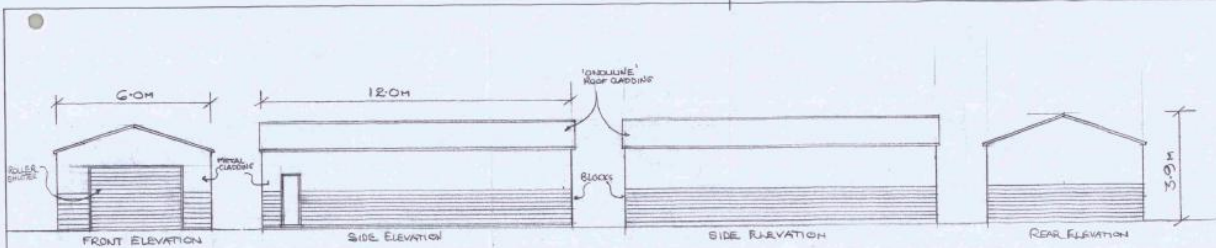
Legend

SCANNED
24 FEB 2006

Scale: 1:1000

Organisation	Winchester City Council
Department	Development Services
Comments	UPRN: 010000028754
Date	14 July 2005
SLA Number	00018301

W0559/19



Winchester City Council
 Planning Committee
 10 APR 2005
 PERMISSION GRANTED
 SUBJECT TO CONDITIONS

Notes
 All dimensions must be checked on site and not scaled from this drawing. **Winchester** plans have been scanned by Local Govt Officer

WINCHESTER CITY COUNCIL
 PLANNING DEPARTMENT
 This copy has been made by or with the authority of the Chief Planning Officer, pursuant to section 13 of the Copyright, Design and Patent Act 1988 (CDPA)
 13 FEB 2006
 Whilst this set provides a virtual comparison to reality, the user must not be misled by the appearance of the drawings. The user must accept responsibility for the accuracy of these plans.

A	Date	Revisions

SCANNED
 24 FEB 2006

Client
 MR M. BLACK

Job Title
 R. CAROUSEL PARK
 BASINGSTOKE ROAD,
 MICHELDEVER
 WINCHESTER
 HANTS

Drawing Title
 GARAGE / WORKSHOP

Scale 1:100

Date DEC 2005 Drawn by

Dep. No.	Rev.

ISSUED 6 September 2010

WINCHESTER CITY COUNCIL

ENFORCEMENT NOTICE

relating to land at Plot 1,
Carousel Park, Basingstoke Road, Micheldever, Winchester, Hampshire, SO21 3BW

H.N. Bone, Head of Legal Services, 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 IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) 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 Plot 1, Carousel Park, Basingstoke Road, Micheldever, Winchester, 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 use as a Travelling Showperson's site to a use for siting of caravans/residential mobile homes for occupation by persons who are not Travelling Showpersons and the storage of vehicles, equipment and materials in association with the operation of businesses unrelated to that of travelling showpeople.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years.

The Council considers it expedient to issue this Notice because:-

The Land was authorised as a Travelling Showperson's site in order to meet an identified need for permanent pitches for Travelling Showpeople. The site has been designed specifically to allow for the storage and manoeuvring of fairground equipment and rides and includes large open storage areas at the rear of each of the plots. The site has good road transport links (with easy access to the M3 and A303) and is very well screened within the locality.

The use of the site by persons who are not travelling showpeople has resulted in the site not meeting the originally identified need and a net loss of land and accommodation for travelling showpeople within Winchester District.

The Council has reason to believe that a large number of persons occupying the site are gypsies and travellers as defined by Circular 1/2006. Whilst there is an existing demand for sites for gypsies and travellers within the district, the Council wishes to ensure that the site remains a Travelling Showpeople site for the reasons stated above.

The development is therefore contrary to Policy CP21 of the emerging Winchester District Development Framework; and the aims and objectives of Circular 04/2007: Planning for Travelling Showpeople.

The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.

5. WHAT YOU ARE REQUIRED TO DO:

- (i) Permanently cease the use of the Land for the siting of residential caravans/mobile homes for occupation by persons who are not travelling showpeople (as defined within Paragraph 15 of Circular 04/2007: Planning for Travelling Showpeople),
- (ii) Permanently remove from the Land all caravans/mobile homes, which are shown on the attached plan in their approximate position marked with an "X",
- (iii) Permanently remove from the Land all sheds, areas of hardstanding, dividing walls and fences within each individual plot and any other domestic and business items and equipment unrelated to the occupation of the site by travelling showpeople and their dependents.

6. TIME FOR COMPLIANCE

3 months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 8 October 2010 unless an appeal is made against it beforehand.

Date : 6 September 2010

Signed: 

Head of Legal Services, on behalf of:
Winchester City Council, City Offices, Colebrook Street, Winchester,
Hampshire SO23 9LJ

Not Set

Not Set



Winchester
City Council



Legend

Scale: 1:1667



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Organisation	Winchester City Council
Department	Development Services
Comments	Not Set
Date	12 July 2010
SLA Number	00018301

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 before the date specified in paragraph 7 of the Notice. The enclosed leaflet from the Planning Inspectorate explains what you need to do if you wish to appeal.

Three copies of the enforcement notice are enclosed:

(a) One is for you to send to the Planning Inspectorate if you decide to appeal,

(b) Send the second copy of the appeal form and notice to:-

Head of Legal Services, Winchester City Council, City Offices, Colebrook Street, Winchester, Hants, SO23 9LJ Ref: FS/PL1/11/723

(c) The third copy is for your own records.

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.



Certificate of Service

I, Mr Thomas Ernest Patchell a Principal Planning Officer (Enforcement) employed by Winchester City Council HEREBY CERTIFY THAT on 7 September 2010, I served two copies of an Enforcement Notice (of which this is a true copy) with an explanatory letter addressed to:

The Occupiers

of

Plot 1
Carousel Park
Basingstoke Road
Micheldever
Winchester
Hampshire
SO21 3BW

By handing it to [REDACTED] at the proper address.

Signed: [REDACTED]

Dated: 7/9/2010





Certificate of Service

I, Mr Thomas Ernest Patchell a Principal Planning Officer (Enforcement) employed by Winchester City Council HEREBY CERTIFY THAT on 7 September 2010, I served one copy of an Enforcement Notice (of which this is a true copy) with an explanatory letter addressed to:



of



By handing it to the said person at the proper address.

Signed:



Dated: 7/9/2010



ISSUED 6 September 2010

WINCHESTER CITY COUNCIL

ENFORCEMENT NOTICE

relating to land at Plot 2,
Carousel Park, Basingstoke Road, Micheldever, Winchester, Hampshire, SO21 3BW

H.N. Bone, Head of Legal Services, 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 IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) 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 Plot 2, Carousel Park, Basingstoke Road, Micheldever, Winchester, 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 use as a Travelling Showperson's site to a use for siting of caravans/residential mobile homes for occupation by persons who are not Travelling Showpersons and the storage of vehicles, equipment and materials in association with the operation of businesses unrelated to that of travelling showpeople.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years.

The Council considers it expedient to issue this Notice because:-

The Land was authorised as a Travelling Showperson's site in order to meet an identified need for permanent pitches for Travelling Showpeople. The site has been designed specifically to allow for the storage and manoeuvring of fairground equipment and rides and includes large open storage areas at the rear of each of the plots. The site has good road transport links (with easy access to the M3 and A303) and is very well screened within the locality.

The use of the site by persons who are not travelling showpeople has resulted in the site not meeting the originally identified need and a net loss of land and accommodation for travelling showpeople within Winchester District.

The Council has reason to believe that a large number of persons occupying the site are gypsies and travellers as defined by Circular 1/2006. Whilst there is an existing demand for sites for gypsies and travellers within the district, the Council wishes to ensure that the site remains a Travelling Showpeople site for the reasons stated above.

The development is therefore contrary to Policy CP21 of the emerging Winchester District Development Framework; and the aims and objectives of Circular 04/2007: Planning for Travelling Showpeople.

The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.

5. WHAT YOU ARE REQUIRED TO DO:

- (i) Permanently cease the use of the Land for the siting of residential caravans/mobile homes for occupation by persons who are not travelling showpeople (as defined within Paragraph 15 of Circular 04/2007: Planning for Travelling Showpeople),
- (ii) Permanently remove from the Land all caravans/mobile homes, which are shown on the attached plan in their approximate position marked with an "X",
- (iii) Permanently remove from the Land all sheds, buildings, areas of hardstanding, dividing walls and fences and any other domestic and business items and equipment unrelated to the occupation of the site by travelling showpeople and their dependents [apart from those fences specifically granted planning permission under reference number 05/01605/FUL (Retrospective planning permission for the erection of fences) and 06/00441/FUL (construction of a garage workshop for the servicing and repair of travelling showman vehicles and equipment).]

6. TIME FOR COMPLIANCE

3 months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 8 October 2010 unless an appeal is made against it beforehand.

Date : 6 September 2010

Signed: 

Head of Legal Services, on behalf of:
Winchester City Council, City Offices, Colebrook Street, Winchester,
Hampshire SO23 9LJ

Not Set

Not Set



Legend



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Organisation	Winchester City Council
Department	Development Services
Comments	Not Set
Date	12 July 2010
SLA Number	00018301

Scale: 1:1667

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 before the date specified in paragraph 7 of the Notice. The enclosed leaflet from the Planning Inspectorate explains what you need to do if you wish to appeal.

Three copies of the enforcement notice are enclosed:

- (a) One is for you to send to the Planning Inspectorate if you decide to appeal,
- (b) Send the second copy of the appeal form and notice to:-

Head of Legal Services, Winchester City Council, City Offices, Colebrook Street, Winchester, Hants, SO23 9LJ Ref: FS/PL1/11/723
- (c) The third copy is for your own records.

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.

ISSUED 6 September 2010

WINCHESTER CITY COUNCIL

ENFORCEMENT NOTICE

relating to land at Plot 3,
Carousel Park, Basingstoke Road, Micheldever, Winchester, Hampshire, SO21 3BW

H.N. Bone, Head of Legal Services, 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 IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) 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 Plot 3, Carousel Park, Basingstoke Road, Micheldever, Winchester, 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 use as a Travelling Showperson's site to a use for siting of caravans/residential mobile homes for occupation by persons who are not Travelling Showpersons and the storage of vehicles, equipment and materials in association with the operation of businesses unrelated to that of travelling showpeople.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years.

The Council considers it expedient to issue this Notice because:-

The Land was authorised as a Travelling Showperson's site in order to meet an identified need for permanent pitches for Travelling Showpeople. The site has been designed specifically to allow for the storage and manoeuvring of fairground equipment and rides and includes large open storage areas at the rear of each of the plots. The site has good road transport links (with easy access to the M3 and A303) and is very well screened within the locality.

The use of the site by persons who are not travelling showpeople has resulted in the site not meeting the originally identified need and a net loss of land and accommodation for travelling showpeople within Winchester District.

The Council has reason to believe that a large number of persons occupying the site are gypsies and travellers as defined by Circular 1/2006. Whilst there is an existing demand for sites for gypsies and travellers within the district, the Council wishes to ensure that the site remains a Travelling Showpeople site for the reasons stated above.

The development is therefore contrary to Policy CP21 of the emerging Winchester District Development Framework; and the aims and objectives of Circular 04/2007: Planning for Travelling Showpeople.

The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.

5. WHAT YOU ARE REQUIRED TO DO:

- (i) Permanently cease the use of the Land for the siting of residential caravans/mobile homes for occupation by persons who are not travelling showpeople (as defined within Paragraph 15 of Circular 04/2007: Planning for Travelling Showpeople),
- (ii) Permanently remove from the Land all caravans/mobile homes, which are shown on the attached plan in their approximate position marked with an "X",
- (iii) Permanently remove from the Land all sheds, buildings, dividing walls and fences, vehicles and all other domestic and business items apart from those specifically granted planning permission under reference numbers 05/01605/FUL (Retrospective planning permission for the erection of fences).

6. TIME FOR COMPLIANCE

3 months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 8 October 2010 unless an appeal is made against it beforehand.

Date: 6 September 2010

Signed: 

Head of Legal Services, on behalf of:
Winchester City Council, City Offices, Colebrook Street, Winchester,
Hampshire SO23 9LJ

Not Set

Not Set



Winchester
City Council



Legend



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Scale: 1:1667

Organisation	Winchester City Council
Department	Development Services
Comments	Not Set
Date	12 July 2010
SLA Number	00018301

ANNEX

YOUR RIGHT OF APPEAL

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Head of Legal Services, Winchester City Council, City Offices, Colebrook Street, Winchester, Hants, SO23 9LJ Ref: FS/PL1/11/723

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WHAT HAPPENS IF YOU DO NOT APPEAL

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ISSUED 6 September 2010

WINCHESTER CITY COUNCIL

ENFORCEMENT NOTICE

relating to land at Plot 7,
Carousel Park, Basingstoke Road, Micheldever, Winchester, Hampshire, SO21 3BW

H.N. Bone, Head of Legal Services, 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

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2. **THE LAND AFFECTED**

Land at Plot 7, Carousel Park, Basingstoke Road, Micheldever, Winchester, 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 use as a Travelling Showperson's site to a use for siting of caravans/residential mobile homes for occupation by persons who are not Travelling Showpersons and the storage of vehicles, equipment and materials in association with the operation of businesses unrelated to that of travelling showpeople.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years.

The Council considers it expedient to issue this Notice because:-

The Land was authorised as a Travelling Showperson's site in order to meet an identified need for permanent pitches for Travelling Showpeople. The site has been designed specifically to allow for the storage and manoeuvring of fairground equipment and rides and includes large open storage areas at the rear of each of the plots. The site has good road transport links (with easy access to the M3 and A303) and is very well screened within the locality.

The use of the site by persons who are not travelling showpeople has resulted in the site not meeting the originally identified need and a net loss of land and accommodation for travelling showpeople within Winchester District.

The Council has reason to believe that a large number of persons occupying the site are gypsies and travellers as defined by Circular 1/2006. Whilst there is an existing demand for sites for gypsies and travellers within the district, the Council wishes to ensure that the site remains a Travelling Showpeople site for the reasons stated above.

The development is therefore contrary to Policy CP21 of the emerging Winchester District Development Framework; and the aims and objectives of Circular 04/2007: Planning for Travelling Showpeople.

The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.

5. WHAT YOU ARE REQUIRED TO DO:

- (i) Permanently cease the use of the Land for the siting of residential caravans/mobile homes for occupation by persons who are not travelling showpeople (as defined within Paragraph 15 of Circular 04/2007: Planning for Travelling Showpeople),
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- (iii) Permanently remove from the Land all sheds, areas of hardstanding, dividing walls and fences within each individual plot and any other domestic and business items and equipment unrelated to the occupation of the site by travelling showpeople and their dependents.

6. TIME FOR COMPLIANCE

3 months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 8 October 2010 unless an appeal is made against it beforehand.

Date : 6 September 2010

Signed 

Head of Legal Services, on behalf of:
Winchester City Council, City Offices, Colebrook Street, Winchester,
Hampshire SO23 9LJ

Not Set

Not Set



Winchester
City Council



Legend



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Organisation	Winchester City Council
Department	Development Services
Comments	Not Set
Date	12 July 2010
SLA Number	00018301

Scale: 1:1667

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ISSUED 6 September 2010

WINCHESTER CITY COUNCIL

ENFORCEMENT NOTICE

relating to land at Plot 8,

Carousel Park, Basingstoke Road, Micheldever, Winchester, Hampshire, SO21 3BW

H.N. Bone, Head of Legal Services, Winchester City Council, City Offices, Colebrook
Street, Winchester, Hampshire, SO23 9LJ

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(as amended by the Planning and Compensation Act 1991)**

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2. **THE LAND AFFECTED**

Land at Plot 8, Carousel Park, Basingstoke Road, Micheldever, Winchester, 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 use as a Travelling Showperson's site to a use for siting of caravans/residential mobile homes for occupation by persons who are not Travelling Showpersons and the storage of vehicles, equipment and materials in association with the operation of businesses unrelated to that of travelling showpeople.

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- (ii) Permanently remove from the Land all caravans/mobile homes, which are shown on the attached plan in their approximate position marked with an "X",
- (iii) Permanently remove from the Land all sheds, areas of hardstanding, dividing walls and fences within each individual plot and any other domestic and business items and equipment unrelated to the occupation of the site by travelling showpeople and their dependents.

6. TIME FOR COMPLIANCE

3 months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

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Date : 6 September 2010

Signed 

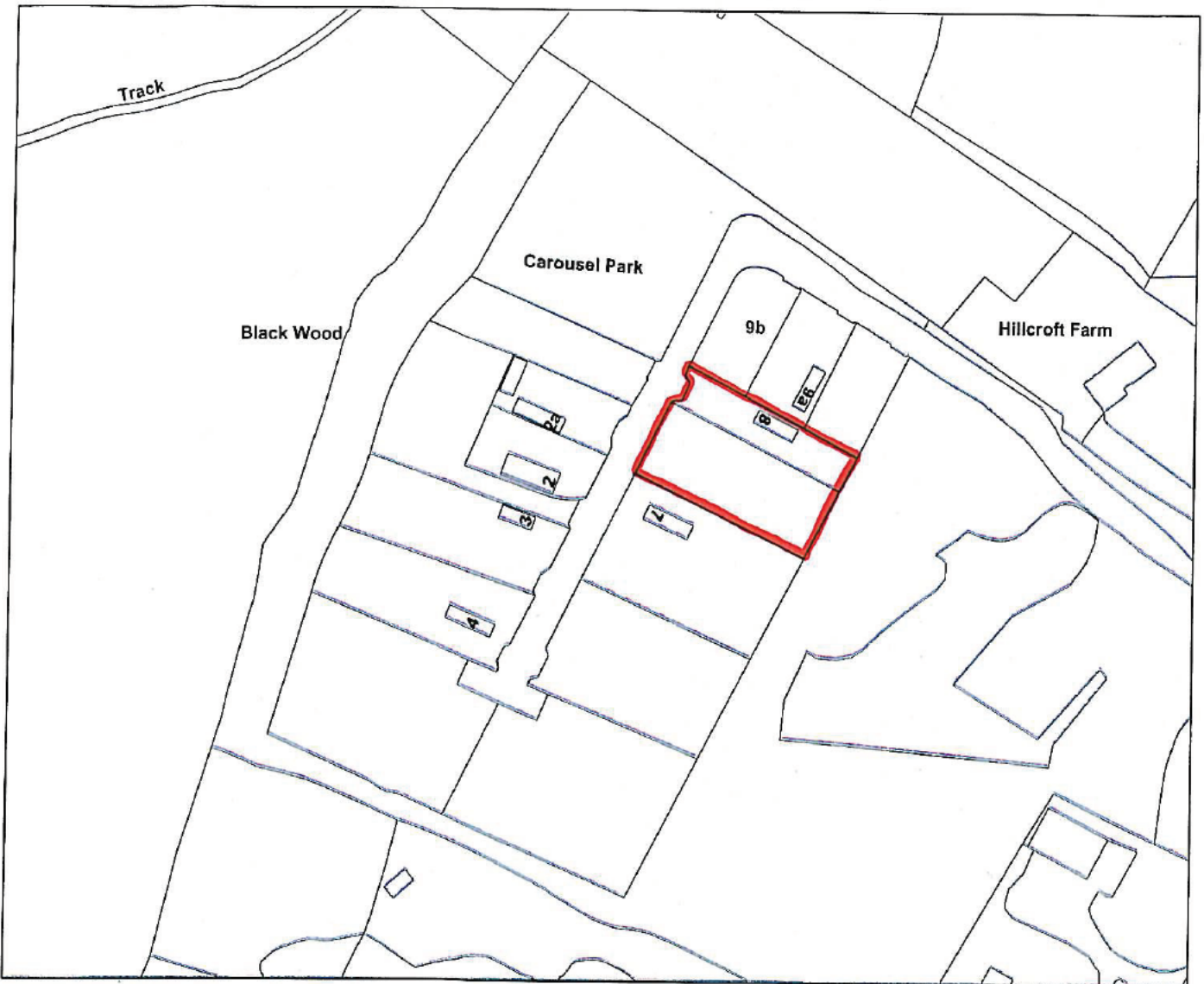
Head of Legal Services, on behalf of:
Winchester City Council, City Offices, Colebrook Street, Winchester,
Hampshire SO23 9LJ

Not Set

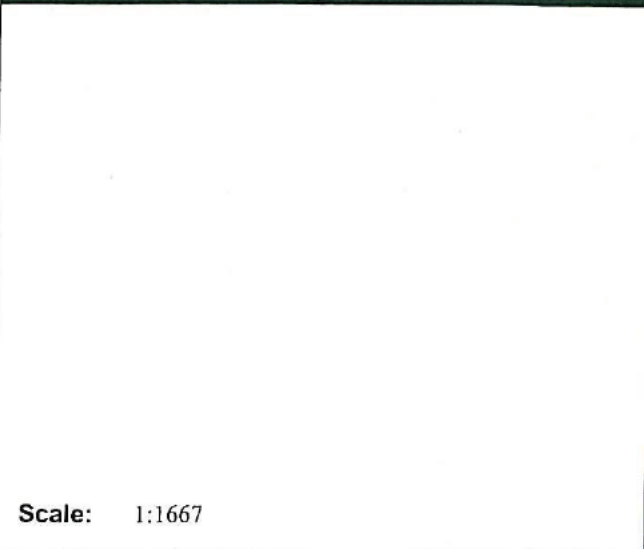
Not Set



Winchester
City Council



Legend



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Organisation	Winchester City Council
Department	Development Services
Comments	Not Set
Date	12 July 2010
SLA Number	00018301

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 before the date specified in paragraph 7 of the Notice. The enclosed leaflet from the Planning Inspectorate explains what you need to do if you wish to appeal.

Three copies of the enforcement notice are enclosed:

(a) One is for you to send to the Planning Inspectorate if you decide to appeal,

(b) Send the second copy of the appeal form and notice to:-

Head of Legal Services, Winchester City Council, City Offices, Colebrook Street, Winchester, Hants, SO23 9LJ Ref: FS/PL1/11/723

(c) The third copy is for your own records.

WHAT HAPPENS IF YOU DO NOT APPEAL

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ISSUED 6 September 2010

WINCHESTER CITY COUNCIL

ENFORCEMENT NOTICE

relating to land at Plot 9,

Carousel Park, Basingstoke Road, Micheldever, Winchester, Hampshire, SO21 3BW

H.N. Bone, Head of Legal Services, 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 IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) 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 Plot 9, Carousel Park, Basingstoke Road, Micheldever, Winchester, 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 use as a Travelling Showperson's site to a use for siting of caravans/residential mobile homes for occupation by persons who are not Travelling Showpersons and the storage of vehicles, equipment and materials in association with the operation of businesses unrelated to that of travelling showpeople.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years.

The Council considers it expedient to issue this Notice because:-

The Land was authorised as a Travelling Showperson's site in order to meet an identified need for permanent pitches for Travelling Showpeople. The site has been designed specifically to allow for the storage and manoeuvring of fairground equipment and rides and includes large open storage areas at the rear of each of the plots. The site has good road transport links (with easy access to the M3 and A303) and is very well screened within the locality.

The use of the site by persons who are not travelling showpeople has resulted in the site not meeting the originally identified need and a net loss of land and accommodation for travelling showpeople within Winchester District.

The Council has reason to believe that a large number of persons occupying the site are gypsies and travellers as defined by Circular 1/2006. Whilst there is an existing demand for sites for gypsies and travellers within the district, the Council wishes to ensure that the site remains a Travelling Showpeople site for the reasons stated above.

The development is therefore contrary to Policy CP21 of the emerging Winchester District Development Framework; and the aims and objectives of Circular 04/2007: Planning for Travelling Showpeople.

The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.

5. WHAT YOU ARE REQUIRED TO DO:

- (i) Permanently cease the use of the Land for the siting of residential caravans/mobile homes for occupation by persons who are not travelling showpeople (as defined within Paragraph 15 of Circular 04/2007: Planning for Travelling Showpeople),
- (ii) Permanently remove from the Land all caravans/mobile homes, which are shown on the attached plan in their approximate position marked with an "X",
- (iii) Permanently remove from the Land all sheds, areas of hardstanding, dividing walls and fences within each individual plot and any other domestic and business items and equipment unrelated to the occupation of the site by travelling showpeople and their dependents.

6. TIME FOR COMPLIANCE

3 months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 8 October 2010 unless an appeal is made against it beforehand.

Date : 6 September 2010

Signed 

Head of Legal Services, on behalf of:
Winchester City Council, City Offices, Colebrook Street, Winchester,
Hampshire SO23 9LJ

Not Set

Not Set



Winchester
City Council



Legend

Scale: 1:1667



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Winchester City Council
 Planning Department
 07 OCT 2010
RECEIVED

Application for Planning Permission. Town and Country Planning Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Title: First name: Surname:

Company name:

Street address:

Town/City:

County:

Country:

Postcode:

Telephone number:

Country Code	National Number	Extension Number
<input type="text"/>	<input type="text"/>	<input type="text"/>

Mobile number:

<input type="text"/>	<input type="text"/>	<input type="text"/>
----------------------	----------------------	----------------------

Fax number:

<input type="text"/>	<input type="text"/>	<input type="text"/>
----------------------	----------------------	----------------------

Email address:

Are you an agent acting on behalf of the applicant? Yes No

2. Agent Name, Address and Contact Details

Title: First Name: Surname:

Company name:

Street address:

Town/City:

County:

Country:

Postcode:

Telephone number:

Country Code	National Number	Extension Number
<input type="text"/>	<input type="text"/>	<input type="text"/>

Mobile number:

<input type="text"/>	<input type="text"/>	<input type="text"/>
----------------------	----------------------	----------------------

Fax number:

<input type="text"/>	<input type="text"/>	<input type="text"/>
----------------------	----------------------	----------------------

Email address:

3. Description of the Proposal

Please describe the proposed development including any change of use:

Has the building, work or change of use already started? Yes No If Yes, please state the date when the building, work, or use started:

Has the building, work or change of use been completed? Yes No If Yes, please state the date when the building, work, or change of use was completed:

4. Site Address Details

Full postal address of the site (including full postcode where available)

Description:

House:	<input type="text"/>	Suffix:	<input type="text"/>
House name:	Carousel Park		
Street address:	Micheldever		
Town/City:	Winchester		
County:	Hampshire		
Postcode:	SO21 3BW		

Description of location or a grid reference
(must be completed if postcode is not known):

Easting:	454423
Northing:	142649

5. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? Yes No

6. Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicle access proposed to or from the public highway? Yes No

Is a new or altered pedestrian access proposed to or from the public highway? Yes No

Are there any new public roads to be provided within the site? Yes No

Are there any new public rights of way to be provided within or adjacent to the site? Yes No

Do the proposals require any diversions/extinguishments and/or creation of rights of way? Yes No

7. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? Yes No

Have arrangements been made for the separate storage and collection of recyclable waste? Yes No

8. Authority Employee/Member

With respect to the Authority, I am:
(a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

Do any of these statements apply to you? Yes No

9. Materials

Please state what materials (including type, colour and name) are to be used externally (if applicable):

Walls - description:

Description of *existing* materials and finishes:

See Plans

Description of *proposed* materials and finishes:

See Plans

Roof - description:

Description of *existing* materials and finishes:

See Plans

Description of *proposed* materials and finishes:

See Plans

Windows - description:

Description of *existing* materials and finishes:

See Plans

Description of *proposed* materials and finishes:

See Plans

9. (Materials continued)

Doors - description:

Description of existing materials and finishes:

See Plans

Description of proposed materials and finishes:

See Plans

Boundary treatments - description:

Description of existing materials and finishes:

See Plans

Description of proposed materials and finishes:

See Plans

Vehicle access and hard standing - description:

Description of existing materials and finishes:

See Plans

Description of proposed materials and finishes:

See Plans

Lighting - add description

Description of existing materials and finishes:

N/A

Description of proposed materials and finishes:

N/A

Others - description:

Type of other material:

See Plans

Description of existing materials and finishes:

See Plans

Description of proposed materials and finishes:

See Plans

Are you supplying additional information on submitted plan(s)/drawing(s)/design and access statement? Yes No

If Yes, please state references for the plan(s)/drawing(s)/design and access statement:

09_313_D&A Statement
 09_313_001 Location Plan
 09_313_002 Site Layout
 09_313_003 Building Plans and Elevations

10. Vehicle Parking

Please provide information on the existing and proposed number of on-site parking spaces:

Type of vehicle	Existing number of spaces	Total proposed (including spaces retained)	Difference in spaces
Cars	0	0	0
Light goods vehicles/public carrier vehicles	0	0	0
Motorcycles	0	0	0
Disability spaces	0	0	0
Cycle spaces	0	0	0
Other (e.g. Bus)	0	0	0
Short description of Other			

11. Foul Sewage

Please state how foul sewage is to be disposed of:

Mains sewer Package treatment plant Unknown
 Septic tank Cess pit

Other

Are you proposing to connect to the existing drainage system? Yes No Unknown

12. Assessment of Flood Risk

Is the site within an area at risk of flooding? (Refer to the Environment Agency's Flood Map showing flood zones 2 and 3 and consult Environment Agency standing advice and your local planning authority requirements for information as necessary.)

Yes No

If Yes, you will need to submit an appropriate flood risk assessment to consider the risk to the proposed site.

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?

Yes No

Will the proposal increase the flood risk elsewhere?

Yes No

How will surface water be disposed of?

Sustainable drainage system

Main sewer

Pond/lake

Soakaway

Existing watercourse

13. Biodiversity and Geological Conservation

To assist in answering the following questions refer to the guidance notes for further information on when there is a reasonable likelihood that any important biodiversity or geological conservation features may be present or nearby and whether they are likely to be affected by your proposals.

Having referred to the guidance notes, is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, OR on land adjacent to or near the application site:

a) Protected and priority species

Yes, on the development site Yes, on land adjacent to or near the proposed development No

b) Designated sites, important habitats or other biodiversity features

Yes, on the development site Yes, on land adjacent to or near the proposed development No

c) Features of geological conservation importance

Yes, on the development site Yes, on land adjacent to or near the proposed development No

14. Existing Use

Please describe the current use of the site:

Travelling Showperson Site

Is the site currently vacant? Yes No

Does the proposal involve any of the following?

If yes, you will need to submit an appropriate contamination assessment with your application.

Land which is known to be contaminated? Yes No

Land where contamination is suspected for all or part of the site? Yes No

A proposed use that would be particularly vulnerable to the presence of contamination? Yes No

15. Trees and Hedges

Are there trees or hedges on the proposed development site? Yes No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character? Yes No

If Yes to either or both of the above, you may need to provide a full Tree Survey, at the discretion of your local planning authority. If a Tree Survey is required, this and the accompanying plan should be submitted alongside your application. Your local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to construction - Recommendations'.

16. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or waste? Yes No

17. Residential Units

Does your proposal include the gain or loss of residential units? Yes No

18. All Types of Development: Non-residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace? Yes No

19. Employment

If known, please complete the following information regarding employees:

	Full-time	Part-time	Equivalent number of full-time
Existing employees	0	0	0
Proposed employees	0	0	0

20. Hours of Opening

If known, please state the hours of opening for each non-residential use proposed:

Use	Monday to Friday		Saturday		Sunday and Bank Holidays		Not Known
	Start Time	End Time	Start Time	End Time	Start Time	End Time	

21. Site Area

What is the site area?

01.50 hectares

22. Industrial or Commercial Processes and Machinery

Please describe the activities and processes which would be carried out on the site and the end products including plant, ventilation or air conditioning. Please include the type of machinery which may be installed on site:

N/A

Is the proposal for a waste management development?

Yes No

23. Hazardous Substances

Is any hazardous waste involved in the proposal?

Yes No

24. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

The agent The applicant Other person

25. Certificates (Certificate B)

Certificate of Ownership - Certificate B

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/The applicant certifies that I have/the applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land or building to which this application relates.

Notice recipient	Date notice served
------------------	--------------------

Title: Mr First name: Matthew Surname: Green

Person role: Agent Declaration date: 24/09/2010 Declaration made

25. Certificates (Agricultural Land Declaration)

Agricultural Land Declaration

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

Agricultural Land Declaration - You Must Complete Either A or B

(A) None of the land to which the application relates is, or is part of an agricultural holding.

(B) I have/The applicant has given the requisite notice to every person other than myself/the applicant who, on the day 21 days before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below:

If any part of the land is an agricultural holding, of which the applicant is the sole tenant, the applicant should complete part (B) of the form by writing 'sole tenant - not applicable' in the first column of the table below

Title: Mr First Name: Matthew Surname: Green

Person role: Agent Declaration date: 24/09/2010 Declaration Made

26. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information.

Date 24/09/2010

Client: Maurice Black Project Title: Carousel Park, Micheldever, Winchester Project Ref: 09_313_BLAC3 Date: 29/09/2010	GREEN PLANNING SOLUTIONS LLP Unit D Lunesdale, Upton Magna Business Park, Upton Magna, Shrewsbury SY4 4TT Tel: 01743 709364 email: admin@gpsllp.co.uk
DESIGN & ACCESS STATEMENT	Winchester City Council Planning Department 07 OCT 2010

Site: Carousel Park, Micheldever, Winchester, Hampshire, SO21 3BW

Applicant: Maurice Black

Application for: The use of land as a travelling showpersons site.

1.0 Brief & design process.

1.01 The applicant seeks permission to provide the use of land as a travelling showpersons site

2.0 Location and Layout

2.01 The site lies in an area of countryside approximately 2 km north of East Stratton. It is located on the A33 lying to the west of this road. The site is bounded; to the north and west by woodland and to the east and south by agricultural land. The nearest bus stop is at the entrance to the site and provides a regular service to the surrounding towns and villages and the services therein.

2.02 The application site has an area of 1.50 hectares.

2.03 The single storey utility/day rooms are positioned to allow convenient access to the stationed caravans during the day. The utility/day rooms will provide facilities that enable the occupants of the caravans to minimize the recognised hazards associated with cooking and fire in the close confines of caravans and provide facilities for washing and bathing and the maintenance of basic hygiene.

3.0 Appearance and Access

3.01 The site is accessed from the A33 to the east of the land a main access track enters to the north east of the site and feeds each plot to the centre of the site.

3.02 As the proposals are for private use with no public access required it has reasonably been determined that no specific provision for disabled access is required.

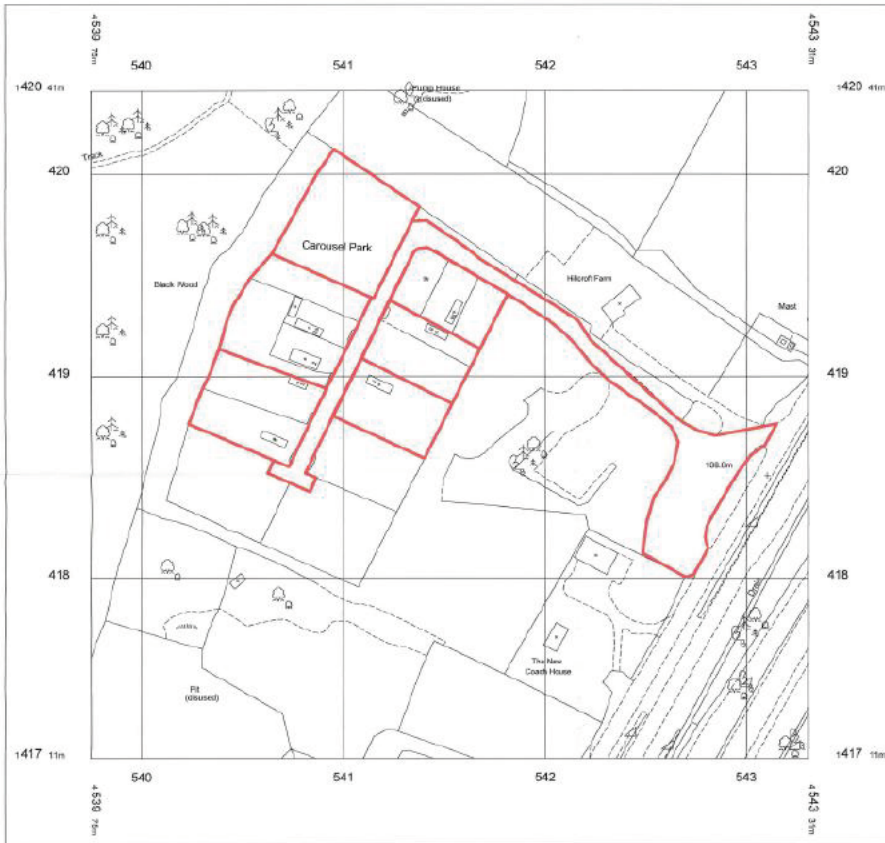
3.03 The materials overall scale and form of the utility/day-room building are appropriate to a countryside location with features typical of the tradition of agricultural buildings of this scale in the countryside.



<p>PROPOSED DEVELOPMENT THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE LOCAL PLANNING AUTHORITY.</p>			
<p>LEGEND</p> <ul style="list-style-type: none"> New Build Access Area Carving Accessibility Carving Footprint Working Area Existing Building/Structure 			
No.	Date	Revision	Author
1	09/03/2023	Issue for comment	Maurice Black
2	09/03/2023	Issue for comment	Maurice Black
3	09/03/2023	Issue for comment	Maurice Black
4	09/03/2023	Issue for comment	Maurice Black
<p>Client: Maurice Black</p>			
<p>Project Name: Carousel Park, Winchester</p>			
<p>Planning No: Site Layout</p>			
Scale @ A1:	Scale @ A3:	Date of Issue:	Client:
1:1000	1:1000	09/03/2023	09_313_BLA03 Planning
<p>Drawing No: 09_313_002</p>			

10/09/2021/Full
M08520/201

Ordnance Survey
OS Sitemap

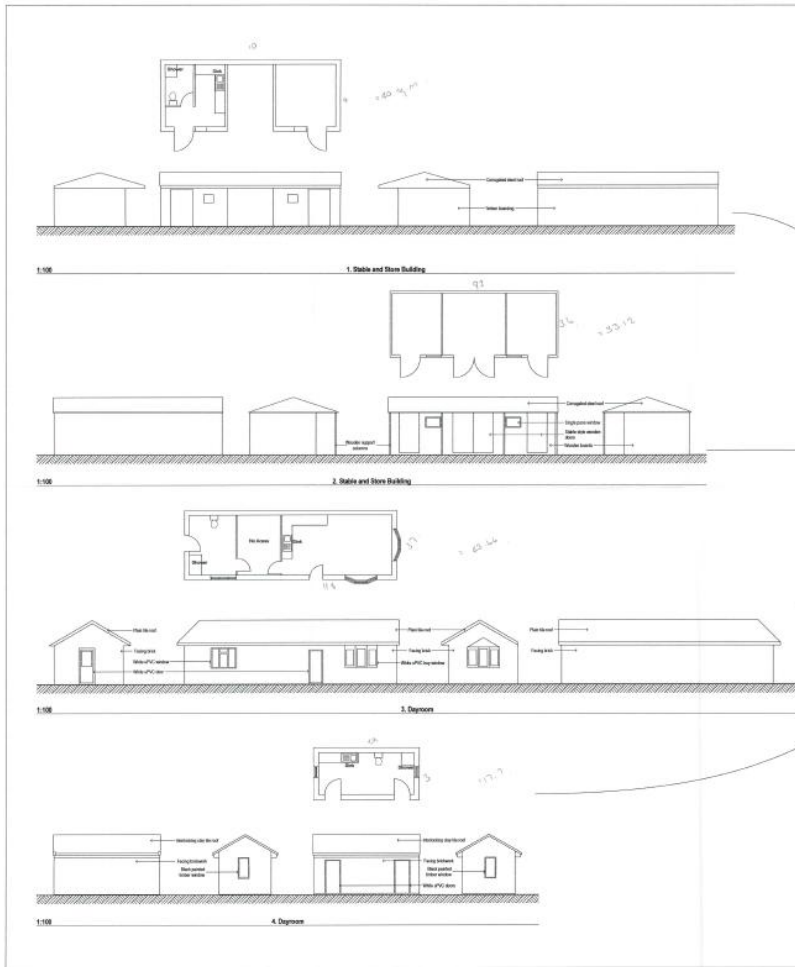


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1:250

Location Plan

<p>Health & Safety Information © Ordnance Survey Ltd. © Ordnance Survey Limited</p>																																																			
<p>LEGEND Application Boundary</p>																																																			
<table border="1"> <tr> <td>App.</td> <td>Grid Reference</td> <td>Local Planning Authority</td> <td>Notes</td> </tr> <tr> <td>Plan.</td> <td>Date</td> <td>Drawn/Checked</td> <td>Author</td> </tr> <tr> <td colspan="2"> </td> <td colspan="2"> GPO: D Lonsdale Upsons Way Business Park Stroud G14 4TT </td> </tr> <tr> <td colspan="4"> GPO: Maurice Black </td> </tr> <tr> <td colspan="4"> Project Site: Carousel Park, Winchester </td> </tr> <tr> <td colspan="4"> Drawing Title: Location Plan </td> </tr> <tr> <td>Scale @ A1</td> <td>Date of Release</td> <td colspan="2">Drawn:</td> </tr> <tr> <td>1:250</td> <td></td> <td colspan="2"></td> </tr> <tr> <td>Project No:</td> <td>Issue Code:</td> <td colspan="2"></td> </tr> <tr> <td>09_313_BLAC3</td> <td>Planning</td> <td colspan="2"></td> </tr> <tr> <td>Drawing No:</td> <td>154</td> <td colspan="2"></td> </tr> <tr> <td>09_313_001</td> <td></td> <td colspan="2"></td> </tr> </table>				App.	Grid Reference	Local Planning Authority	Notes	Plan.	Date	Drawn/Checked	Author			GPO: D Lonsdale Upsons Way Business Park Stroud G14 4TT		GPO: Maurice Black				Project Site: Carousel Park, Winchester				Drawing Title: Location Plan				Scale @ A1	Date of Release	Drawn:		1:250				Project No:	Issue Code:			09_313_BLAC3	Planning			Drawing No:	154			09_313_001			
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NO.	DATE	REVISION	AUTHOR
1	09/13/2023	ISSUED FOR PERMIT	MAURICE BLACK
Green Planning Solutions 1000 N. 10th St., Suite 100 Lincoln, NE 68502 Phone: (402) 441-1111 Email: info@gpsol.com			
Maurice Black Project: Carousel Park, Winchester Drawing No: 1. Stable and Store Building, 2. Stable and Store Building, 3. Dayroom, 4. Dayroom Scale: 1:100, 1:1250 Project: 09_313_BLAC3 Planning Drawing No: 09_313_003			



Appeal Decisions

Inquiry opened on 11 October 2011

Site visits made on 11 and 14 October 2011

by **D E Morden MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 December 2011

Land at Carousel Park, Basingstoke Road, Micheldever, Hants, SO21 3BW

Appeal A: APP/L1765/C/10/2138144 (Plot 1)

Appeal B: APP/L1765/C/10/2138149 (Plot 2)

Appeal C: APP/L1765/C/10/2138150 (Plot 3)

Appeal D: APP/L1765/C/10/2138152 (Plot 7)

Appeal E: APP/L1765/C/10/2138153 (Plot 8)

Appeal F: APP/L1765/C/10/2138155 (Plot 9)

Summary of Decisions: The appeals are allowed and the Notices all as corrected and varied are quashed as set out in the Formal Decisions at paragraphs 29 - 34 below.

Appeal G: APP/L1765/A/11/2148378

Land forming Plots 1-3 and Plots 7-9 Carousel Park, Basingstoke Road, Micheldever, Hants, SO21 3BW

Decision: I take no further action on this appeal.

Application for costs

1. At the Inquiry an application for costs was made by the appellants against Winchester City Council. This application is the subject of a separate Decision.

Procedural/Preliminary matters

2. There was considerable discussion at the start of the inquiry (and one or two long adjournments) to clarify a number of matters in the enforcement notices and the appellants' exact grounds of appeal. During the discussions a number of concessions were made by both parties and various grounds of appeal were withdrawn and certain requirements in the Notices deleted. A number of agreements were reached and I deal with these in detail below.
3. Looking firstly at the Notices themselves, the parties agreed that there had been a sale of some land and what was shown as Plots 1 and 2 on the Notice Plans was no longer correct. A strip of land shown as being part of Plot 1 had been sold to Plot 2 (reflected by the plot boundaries shown on the application the subject of the S78 appeal) and it was agreed that I should correct the Notice Plans to reflect this change in ownership, particularly as that strip of land, now in Plot 2, contained a building/structure.
4. Turning to the allegations (all six were identical), it was agreed that all should include 'the erection of buildings/structures on the land'. Some Notices had included a requirement to remove various buildings/structures but none showed all the buildings/structures on the various plots and not all the Notices

- required their removal. Whilst this was widening the scope of the Notices it was agreed by both parties as they were keen to sort out matters at this inquiry rather than possibly having to go through any part of the process again.
5. There was also agreement that a lot of the buildings/structures could remain either because it was accepted that they were immune from enforcement action or because the Council agreed not to require their removal. I will vary the requirements as well as correcting all the Notices to reflect the agreements reached and identify the buildings that the Council still wanted the appellants to remove.
 6. The Notices for Plots 1, 2, 7, 8 and 9 had included a requirement to remove areas of hard standing. I suggested that all the Notices should include the laying of areas of hard standing in the allegation but following discussions after the first site visit it was agreed to delete any reference to a hard standing in any of the Notices. Much had been approved in the original planning permission and whilst some had been laid without permission within the four years preceding the issue of the notices, the Council agreed (as with some of the buildings/structures) to take no further action on that. Again, I will correct/vary the Notices as necessary to reflect the agreements reached.
 7. There was discussion concerning the various walls and fences that had been erected on the plots and agreement was reached regarding some of those. The Notices will be varied to set out only those that the Council wish to see removed (basically some internal dividing walls/fences on plots 1, 7, 8 and 9). The Council also stated that it was content to delete the requirement (which was in all the Notices) to remove 'any other domestic and business items and equipment unrelated to the occupation of the site by travelling show people and their dependents.' I will also make that variation to the Notices.
 8. In showing the additional up to date information (referred to in the paragraphs above) on the corrected plans there will be some caravans/mobile homes marked that were not there when the Notices were issued and there will be others that were shown that have since been moved off the land. Other than on Plot 8 (where the caravan that was there has been replaced by a structure that the Council wishes to see removed) I will show all the caravans/mobile homes that I found and all those that were there on the date the Notices were issued. I will vary the requirements so that they require all caravans/mobile homes to be removed not just those marked in a particular way on the plans.
 9. One further matter concerns the use of the word 'permanently' in all of the requirements. Its inclusion is superfluous and I shall vary the requirements to delete it. Should any of the requirements of a confirmed Notice not be complied with at any time in the future, the Council can take immediate action by prosecution; the word 'permanently' is not necessary.
 10. On the basis of the discussions and the subsequent agreements reached by the parties the appellants withdrew in their entirety all the appeals on grounds (c) and (d). They continued to seek planning permission through the ground (a) appeals for the remaining buildings/structures and walls/fences that the Council wished to see removed. In my view there will be no injustice caused to any party if I determine the appeals on this basis. Corrected plans are attached to the decision to show the correct boundaries to Plots 1 and 2 and to identify all fences, walls, structures and buildings on the plots with those that the Council wish to see removed clearly marked by hatching and/or notation.

11. Evidence on factual matters at the Inquiry was taken on oath.

The appeals on Ground (b) – Appeals A - E

12. The appellants submitted two separate arguments on this ground; firstly, that the planning permission should be interpreted as being simply 'use as a residential caravan site' and not restricted to just travelling show people and secondly, that the occupants, in any event, were travelling show people so even if the permission restricted who could occupy the site, the existing occupants came within that restriction. If either argument was successful, there had been no breach of planning control, so the appeals should succeed and the Notices should be quashed.

The 2003 planning permission

13. Dealing with the appellants claim regarding the planning permission, it was granted in 2003 (on an application made in 2002). On the application forms the proposal was described as 'Change of use of land to travelling show people's use'. Planning permission was granted (subject to 15 conditions and following the completion of a s.106 agreement) on 2 October 2003 with the same description of the development in the decision notice heading. Whilst there were conditions restricting the number of residential caravans that could be sited on the pitches to three, the number of pitches on the site to nine and the number of people to 50 at any one time, none of the conditions attached to the planning permission restricted the occupation of the development to travelling show people.

14. There was no dispute that the permission had been implemented and, so far as could be determined from the available records, conditions that required various matters to be agreed had been submitted and implemented. There was no submission, therefore, that what had taken place was development without any planning permission.

15. There have been a number of Court judgements which over the years have set out the principles to be followed in seeking to construe the scope of a planning permission and no submissions were made suggesting any alternative views on the general points set out for example in *R v Ashford BC Ex parte Shepway DC [1999] PLCR* and *I'm Your Man v SSE [1999] PLCR 109* (a case upon which the appellants placed great emphasis and dealt with one particular aspect which I shall come on to after the more general principles).

16. In *Ashford* which itself referred to two earlier decisions (*Slough BC v SSE [1995] JPL 1128* and *Miller-Mead v MOHLG [1963] 2 QB 196*) the Court re-stated that the general rule is that, in construing a planning permission which is clear, unambiguous and valid on its face, regard may only be had to the planning permission itself, including the conditions and the express reasons given for imposing those conditions. The rule excludes the planning application and other extrinsic evidence unless the planning permission incorporates it by reference (the reason being that the public should be able to rely on a document which is plain on its face and without having to consider whether there is any discrepancy between the permission and the application).

17. It went on further to state that there was no magic formula on incorporation; some words sufficient to inform a reasonable reader that an application forms part of the permission are needed such as 'in accordance with the plans and

application' or 'on the terms of the application' and in either case those words appearing in the operative part of the permission dealing with the development and the terms in which the permission is granted. In these appeals there was no dispute that what was permitted was the 'Change of use of agricultural land to travelling show people's site' in accordance with the terms of the application and plans submitted on 18 April 2002 as amended by the plans submitted on 6 January 2003.

18. Two issues therefore arise concerning the 2003 planning permission. Firstly, does the Court's decision in *I'm Your Man* mean, as claimed by the appellant, that the planning permission is actually unrestricted and not limited to occupation only by travelling show people. Secondly, notwithstanding any conclusion that might be reached on the first issue, does the s.106 agreement affect that and in particular, as claimed by the Council, does it actually form a legitimate part of the 2003 planning permission (and thereby still restrict the occupancy of the site).
19. The appellant submitted that the decision of the High Court in *I'm Your Man* was quite explicit and apposite with the facts of these appeals. In that case the Court decided that a local planning authority in granting a planning permission had no power to impose a limitation on that permission other than through the imposition of a planning condition. If the Council had wished to limit the use of the land to travelling show people it should have included a condition to say so; it cannot rely on the description of the development in the decision notice to do that.
20. The Council in its written Rebuttal Statement (submitted sometime before the opening of the inquiry) acknowledged that *I'm Your Man* had decided that the description set out in any planning permission did not in itself restrict the use of any site or building. In closing submissions the Council made an additional and different point regarding *I'm Your Man* and also other points regarding the s.106 agreement (an agreement that it acknowledged in any event was seriously flawed and almost unenforceable due to it being virtually impossible for any individual to satisfy all the restrictions).
21. The Council submitted that the *I'm Your Man* decision referred to a temporary planning permission not a planning use itself (and it therefore related to a time limitation which was a limitation that could only be imposed by a planning condition). In that case the character of the use would not alter whether it was something which had temporary permission or had permanent permission.
22. The Council submitted that in the appeal cases that was not the situation at all. Here, the land had a specific use and the description of the development in the decision not only described the lawful occupation of the site by travelling show people but also the nature and type of the various component activities which could be lawfully carried on from the site with such a permission.
23. I acknowledge that it is a matter of law but in my view, *I'm Your Man* decided a point of principle concerning limitations on planning permissions; it was not concerned with the detail of what type of limitation was being debated. In these circumstances I conclude that it is clear that the 2003 planning permission is not limited as there is no condition attached to it that restricts occupancy and the legal agreement, which does contain a restriction, was not incorporated into the permission.

24. Turning to the s.106 agreement, whilst I acknowledge that the Council's submissions on this also concern a matter of law, I do not agree with its claim on the point made (the relevance of the s.106). The s.106 agreement was a pre-requisite that needed to be agreed and in place before a planning permission was granted. It imposed restrictions on the occupants of the land, which can be enforced by appropriate injunctive proceedings and runs in parallel with the planning permission. It might have been incorporated into the planning permission for example, by a condition that stated occupation of the site was limited to those individuals set out in the legal agreement but no such condition was imposed.
25. It is a legal and technically enforceable contract (although not through planning legislation relating to enforcement) but it is not in my view a legitimate part of the planning permission. As the appellant submitted, and the Council accepted, contravening the s.106 agreement is a matter that can only be pursued through the courts. I conclude, therefore, that the agreement does not form part of the planning permission itself and its restrictions, therefore, have no bearing on a proper interpretation of the planning permission.
26. Taking all these factors into consideration I conclude that the 2003 permission, in line with the decision in *I'm Your Man*, is for the use of the land as a residential caravan site with no restrictions on who may occupy the site. In those circumstances the appeals succeed on ground (b) and the notices as corrected and varied will be quashed.
27. The second point submitted in respect of ground (b) and the appeals on grounds (a), (c), (d), (f) and (g) do not fall to be considered. Additionally, the s78 appeal as submitted is for the use of the land as a travelling showman's' site. Bearing in mind my decision on the s174 appeals, no permission is needed to use the land as a travelling showman's' site as to do so would not involve development; no planning permission is, therefore, required for such use. In those circumstances I take no further action on the s78 appeal.
28. There is still a legal agreement that technically can be enforced through the courts if the Council considers that anyone is occupying the site in contravention of the restrictions contained within it. I acknowledge that the appellants wished me to determine whether they were travelling show people or gypsies/travellers (by definition in the relevant Circulars the two are mutually exclusive in planning land use terms) or indeed neither of those. In my view it would only be appropriate for me to do that if it were a necessary part of my determination of any of these appeals. That is not the case and in those circumstances I do not consider it would be appropriate for me to comment on a matter which the courts might have to determine at some point in the future.

Formal Decisions

Appeal A: APP/L1765/C/10/2138144 (Plot 1)

29. I direct that the enforcement notice be corrected as follows:
- i) by substituting Plan A annexed to this decision for the plan attached to the notice;
 - ii) by deleting the words 'the attached plan' in section 2 and substituting therefor the words 'Plan A attached to the appeal decision';