

EN08 - Notification Letter

Enq To: Appeals Officer
Direct Dial: 01962 848 599

19 September 2023

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

Site Address:	Shedfield Equestrian Centre Botley Road Shedfield Southampton Hampshire SO32 2HN
Alleged breach:	Without planning permission, the material change of use of the Land to B2 general industrial (known as 2 Brothers Concrete Pumping); together with operational development which facilitates the change of use of the Land.
Appellant's name:	Mr Christopher Collins
Appeal reference:	APP/L1765/C/23/3328883
Appeal start date:	12.09.2023

I refer to the above details. An appeal has been made to the Secretary of State against an enforcement notice issued by Winchester City Council on 06.05.2022

The enforcement notice was issued for the following reasons:

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

The development is contrary to policies MTRA3 and MTRA4 of the Winchester District Local Plan Part 1 - Joint Core Strategy, in that it results in inappropriate development within the countryside with no justification.

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

The enforcement notice requires the following steps to be taken:

1. Cease the B2 general industrial use of the Land.
2. Remove all containers and any associated fixings from the Land.
3. Demolish and remove all fencing, walls, gates, and enclosures as well as any foundations for the same from the Land.



4. Remove all equipment and material related to and facilitating the B2 general industrial use from the Land.
5. Disconnect all services (water, gas, electricity, waste) from the Land.
6. Break up and remove any hardstanding and/or foundations from the Land.
7. Remove any resultant waste.
8. Lay topsoil and seed with grass on the Land to reinstate the Land to its former level and condition.

NOTE: The Land is in close proximity to protected trees protected by Tree Preservation Order 0061-2003 (“TPO”) and remedial works must not contravene the TPO and provisions for the protection of trees pursuant to national legislation.

TIME FOR COMPLIANCE

8 months after notice takes effect.

The appellant has appealed against the notice on the following grounds:

- a) **That planning permission should be granted for what is alleged in the notice.**
- b) **That the breach of control alleged in the enforcement notice has not occurred as a matter of fact.**
- e) ~~That there has not been a breach of planning control.~~
- e) ~~That, at the time that the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.~~
- e) ~~The notice was not properly served on everyone with an interest in the land.~~
- f) ~~The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.~~
- g) ~~The time given to comply with the notice is too short.~~

The appeal will be determined on the basis of **written representations**. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 2002.

If you wish to make comments, you can do so online at <https://acp.planninginspectorate.gov.uk>. If you do not have access to the internet, you can send your comments to:

Hannah Rogers
The Planning Inspectorate
Room 3A Eagle
Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by 24 October 2023. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference APP/L1765/C/23/3328883.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

If you submit comments and then subsequently wish to withdraw them, you should make this request to the Planning Inspectorate by the date above.

The appeal documents are available to view on our website www.winchester.gov.uk using the following link www.winchester.gov.uk/enforcement-appeal
Online access is also available by visiting our offices in Colebrook Street, Winchester SO23 9LJ.

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in enforcement appeals" booklets free of charge from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from us.

When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk>

Yours faithfully

Julie Pinnock BA (Hons) MTP MRTPI
Service Lead - Built Environment