

The Planning Inspectorate

ENFORCEMENT NOTICE APPEAL FORM (Online Version)

WARNING: The appeal **must** be received by the Inspectorate **before** the effective date of the local planning authority's enforcement notice.

Appeal Reference: APP/L1765/C/23/3334938

A. APPELLANT DETAILS

Name

Mr C Blyth

Address

Springbridge Farm Highbridge Road
Highbridge
EASTLEIGH
SO50 6HN

Preferred contact method

Email

Post



A(i). ADDITIONAL APPELLANTS

Do you want to use this form to submit appeals by more than one person (e.g. Mr and Mrs Smith), with the same address, against the same Enforcement notice?

Yes

No



B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes

No



Name

Mr Neil March

Company/Group Name

Southern Planning Practice

Address

Southern Planning Practice, Youngs Yard
Churchfields, Twyford
WINCHESTER
Hampshire
SO21 1NN

Phone number

01962 715770

Email

Neil@southernplanning.co.uk

Your reference

WIN-1979-NM

Preferred contact method

Email

Post



C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	Winchester City Council
LPA reference number (if applicable)	17/00212/USE
Date of issue of enforcement notice	14/11/2023
Effective date of enforcement notice	14/12/2023

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes No

Address

Springbridge Farm Highbridge Road
 Highbridge
 EASTLEIGH
 SO50 6HN

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? Yes No

Please describe the health and safety issues

Site is a farm, so there are live animals, muddy sections of land, etc. Appropriate footwear will need to be worn.

What is your/the appellant's interest in the land/building?

Owner	<input checked="" type="checkbox"/>
Tenant	<input type="checkbox"/>
Mortgagee	<input type="checkbox"/>
None of the above	<input type="checkbox"/>

E. GROUNDS AND FACTS

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? Yes No

(a) That planning permission should be granted for what is alleged in the notice.


The facts are set out in

the box below


In the event that the allegations in the notice are found to be a breach of planning control and are not lawful / immune from enforcement, we will ask that planning permission be granted. All of the structures / storage items are required either ancillary to agriculture or for purposes ancillary to the residential occupation of the land. There may be opportunities to improve the visual appearance of some of the structures / items or to provide landscaping to mitigate any perceived landscape harm, although is a working farm.

With regards to the residential units, it will be argued that there is a need for the appellant to live on the land. The running of / development of the agricultural ("farm to fork") business has been beset by a number of setbacks outside of the appellants control including on-going issues with Bird Flu, as well as Covid. Also the onset of ill health of the appellant. In recent years the appellant has diversified into pop up camping (using PD rights) and also horticultural produce. An updated agricultural appraisal will be provided. There are personal circumstances that will also need to be weighed into the balance.

Mitigation for nitrates and phosphates will be provided.


(b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact. 

The facts are set out in


 the box below

There has not been a material change of use of the land to all of the mixed uses alleged.

The residential units on the land are dwellings (due to extensions and alterations more than 4 years ago) – see Ground D. Otherwise the land remains in agricultural use and all of the other alleged uses are ancillary.

(c) That there has not been a breach of planning control (for example because permission has already been granted, or it is "permitted development"). 

The facts are set out in

 the box below

The retail shop / butchers shop is a trailer that can be moved. It has been used for purposes ancillary to the agricultural use of the land, although is currently empty. It is not therefore a change of use of the land or development requiring planning permission.


The food van/kiosk is a mobile unit on wheels and can be moved. It was also used for purposes ancillary to the agricultural use of the land (although is currently empty). It is not therefore a change of use of the land or development requiring planning permission.

The alleged B8 storage is all ancillary to the agricultural use of the land (or associated operations). The bits of UPVC frame are from the conservatory that has recently been removed from inside the dwelling. The only exception is the boat, although that is personal storage located within the curtilage of the dwelling on the land.


The generators are used to power the farm (and the dwelling) and are therefore ancillary.

The campsite is permitted development and operates within the time periods set out in Part 4 of the GPDO.

All fences or fencing on the land are not more than 2m in height and are therefore permitted development.

(d) That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice. 

The facts are set out in

 the box below

The appellant has been living on the land since April 2013, in various locations. A portacabin unit was brought onto the land in early 2014 and placed on / fixed to concrete pads. A large concrete pad was laid next to the unit. The unit was extended in 2014 to provide an area for heating / boiler and electrics. The unit was clad and a ridge roof put on. At a later date the roof was tiled. The unit was residentially occupied by the appellant, then his mother and then by the appellant. Later in 2014 a mobile home was brought onto the land and placed across the concrete pad from the portacabin unit. A uPVC conservatory was fixed to the side of the mobile home on the concrete base and used as bedroom accommodation and as living space. Both units have been residentially occupied by different family members, including the appellant, his mother (now deceased), his son, his ex-partner and her son. In 2020 a covered roof was erected between the two units and over the conservatory, which has recently been dismantled and removed, creating a habitable area / living space between the two units. As a result of the works that have taken place, the units have become immobile and obtained a degree

of permanence resulting in them becoming dwellings. The majority of these works took place more than 4 years ago so are immune from enforcement.

Various structures on the land, including a number of buildings, polytunnels, the Solar Panel array, the track and a large area of hard standing, which are all used for purposes ancillary to the agricultural use of the land, have been in situ for more than 4 years and are therefore lawful. These can all be seen on the April 2019 aerial photo on Google Earth.

The widening of the access is not mentioned as a specific alleged breach of planning control, but is caught by requirement ix) which requires the reinstatement of the field gate at the entrance to the land onto Highbridge Road. The work to widen the access (engineering operation) took place more than 4 years ago and is therefore immune.

(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.

The facts are set out in

the box below

The requirement to remove the former portacabin unit / mobile home from the land is excessive as one will need to be kept for use as a mess / tea room and the other will be needed for storage (under the Wealden Principle). There may be other items / requirements that are excessive - TBC

(g) The time given to comply with the notice is too short. Please state what you consider to be a reasonable compliance period, and why.

The facts are set out in

the box below

The appellants suffers with ill health and lives on site with his son (aged 15). If he has to cease living on the site then he will have to find alternative accommodation. He will also have to arrange for various works to be undertaken and items to be removed, which will take time to organise. More time will therefore be needed to comply. A minimum of 18 months is requested.

F. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

2. Hearing

3. Inquiry

You must give detailed reasons below or in a separate document why you think an inquiry is necessary. The reasons are set out in

the box below

There are matters of fact that need to be explored. Evidence also needs to be give under oath. The appellant intends to call a number of witnesses. The exact number is not known at the moment, but is likely to be between 4 and 6.

(a) How long do you estimate the inquiry will last?

2 day(s)

(b) How many witnesses do you intend to call?

6

(c) Is there any further information relevant to the inquiry which you need to tell us about? Yes No

If so, please explain the relevant information below

The appellant set out to develop a farm to fork business, rearing animals (including pigs and chickens) on the land to sell from a farm shop and a burger kiosk. Initially the business was doing well. However, on-going issues with bird flu and then Covid, which were outside the control of the appellant, caused a number of significant setbacks. Despite being refused planning permission in 2016, the indications were that the Council were generally supportive of what he was doing and were happy to let him continue. His mother came to live with him on the site as she was in an abusive relationship and she then subsequently passed away. His son also came to live with him. In recent years the appellant has been diagnosed with sleep apnoea and type 2 diabetes, as well as liver problems and gout, so this has had an impact on his ability to continue with his original plan, so he has had to diversify into pop up camping and also horticultural produce. He lives on the site with his son, who is currently aged 15.

G. FEE FOR THE DEEMED PLANNING APPLICATION

1. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? Yes No

a) the date of the relevant application

b) the date of the LPA's decision (if any)

2. Are there any planning reasons why a fee should not be paid for this appeal? Yes No

If no, and you have pleaded ground (a) to have the deemed planning application considered as part of your appeal, you must pay the fee shown in the explanatory note accompanying your Enforcement Notice.

H. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes No

I. SUPPORTING DOCUMENTS

01. Enforcement Notice:

[see 'Appeal Documents' section](#)

J. CHECK SIGN AND DATE

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full grounds of appeal) to the LPA today.

Signature

Date

Name

On behalf of

Mr C Blyth

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018.

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

K. NOW SEND**Send a copy to the LPA**

Send a copy of the completed appeal form and any supporting documents (including the full grounds of the appeal) to the LPA.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the enforcement notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

L. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@planninginspectorate.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below were uploaded with this form:

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 01. The Enforcement Notice.
File name: Enforcement Notice.pdf

Completed by MR NEIL MARCH

Date 12/12/2023 13:37:03