

Issued: 14 November 2023

WINCHESTER CITY COUNCIL

ENFORCEMENT NOTICE

relating to

Springbridge Farm, Highbridge Road, Highbridge, Eastleigh, Hampshire, SO50 6HN

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

ENFORCEMENT NOTICE

ISSUED BY: WINCHESTER CITY COUNCIL

1. THIS NOTICE is issued by the Council because it appears to them that there has been a breach of planning control, 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 AFFECTED**

Land at Springbridge Farm, Highbridge Road, Highbridge, Eastleigh, Hampshire SO50 6HN, shown edged red on Plan 1 attached to this Notice ("the Land").

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

Without planning permission:

- (i) The making of a **material change** of use of the Land from an agricultural use to a mixed used for:
 - a) a retail shop with associated freezer unit (Class E(a) of the Use Classes Order 1987, as amended (UCO));
 - b) siting and use of a food van/kiosk for the sale of hot and cold food (Class E(b) of the UCO);
 - c) storage, falling within class B8 of the UCO;
 - d) siting of generators to enable the unauthorised mixed use of the Land;
 - e) a campsite;
 - f) agriculture/horticulture;
 - g) (i) siting of two linked caravans/mobile homes for residential purposes shown in the approximate positions marked "X" and "Y" on Plan 1.

ALTERNATIVELY:

- (ii) the construction of a dwelling house by the linking of the said two

- caravans/mobile homes and its use as a dwelling house;
- h) siting of one caravan used for residential/associated residential purposes in connection with g) above shown in the approximate position marked Z on Plan 1;

AND

(ii) The carrying out of **operational development** on the Land namely:

- i) erection of buildings, outbuildings, toilet block, solar panels, and fencing used in connection with the unauthorised mixed use of the Land
- j) erection of polytunnels and structures associated with the use of the Land for horticulture;
- k) engineering operations to create a septic tank and cesspit(s) for use in connection with the unauthorised mixed use of the Land
- l) the laying of hard-surfacing to facilitate the unauthorised mixed use of the Land.

4. REASONS FOR ISSUING THIS NOTICE

The Council considers it expedient to issue this notice because:

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

The Land is located in the open countryside outside any defined settlement boundary where development is limited to that which has an essential need to be located in the countryside including development which is necessary for agricultural, horticultural or forestry purposes, and certain types of open recreational uses which require a countryside location.

The formation of hardstanding and creation of a new access together with gates at the entrance to a track, the stationing of the mobile homes for residential purposes with associated link extension under construction, associated hardstanding and fencing and domestic storage, the separate caravan used for residential and recreational purposes, the siting of a toilet block with connected wooden entrance and storage areas and engineering works to include a septic tank, separate cess pits, the track and hardstanding areas, the erection of the solar panel array, the storage of vehicles, trailers, containers/portacabins, a boat, machinery and equipment, and building materials/rubble, polytunnels and housing for horticultural purposes, generators, the container used for retail shop and associated freezer unit, separate food kiosk which are all unrelated to the agricultural use of the Land constitute an intrusive, incongruous, unjustified, sporadic and inappropriate form of development on agricultural land within this countryside location for which there is no agricultural or other justification.

As such, 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.

This unauthorised development and continued use of the Land for the above-mentioned purposes along with the associated operational development is causing substantial harm to the character and appearance of this rural location and the wider open countryside. It is considered to represent an inappropriate and unacceptable form of development in this sensitive countryside location and is harmful to the visual quality of the area. The unauthorised development is inconsistent with the provisions of the development plan as it fails to protect the natural and built environment and fails to meet the criteria set out in Policy DM 11 of the Winchester District Local Plan Part 2. As such it is also contrary to Policy MTRA4 and CP13, and CP20 of the Winchester Local Plan Part 1 – Joint Core Strategy, Policies DM1, DM10, DM11, DM15, DM16, DM17, DM18, DM20 and DM23 of the Winchester Local Plan Part 2, Winchester City Council's Supplementary Planning Document on 'High Quality Places' 2015, and 'Landscape Character Assessment' SPD 2022 and the National Planning Policy Framework 2023.

The aforementioned 'Landscape Character Assessment' for the area seeks to reflect the importance of Winchester's landscape and aims to protect and enhance the strong identity of the landscape whilst accommodating necessary development and change. The character of this area (Lower Itchen Valley) has been strongly influenced by the presence of the river which has resulted in a mixed landscape of pasture, settlement and woodland set within a varying topography. The Land the subject of this Enforcement Notice is surrounded by Sites of Special Scientific Interest in a strongly rural area influenced by the historic water meadows and their associated water mills, locks, carriers and drains from the flood meadow system. It is an area rich in ecology with habitats of national and European ecological importance. Key issues within this landscape character area include the 'suburbanisation and loss of tranquillity' and the 'visual intrusion of detractors such as industrial buildings.' 'Built Form Strategies' for this area include 'conserve the rural character of the landscape and resist development that would result in further suburbanisation of the character area'. The features introduced into this Land are clearly visible and conspicuous from the busy B3335 and from the adjacent and well used Itchen Way National Trail public footpath and detract from the special rural character of the Lower Itchen Valley. Taken together these features have an unacceptable effect on the rural character of the area by means of visual intrusion, the introduction of incongruous features and by impacts on the tranquillity of the environment. It is in conflict with Policy DM23 -Rural Character, DM17(ii) - Site Development Principles and DM16(i) - Site Design criteria.

The development is contrary to Policy CP15 and CP16 of the Winchester District Local Plan Part 1 - Joint Core Strategy, in that it fails to protect and enhance biodiversity across the District by failing to make appropriate provision for the Solent Disturbance and Mitigation Charge Zone. As a result, it is considered that the development would result

in significant harm to the Special Protection Area (SPA) and the species that it supports, therefore contravening the legal requirements of the Wildlife and Countryside Act 1981, and the Habitat Regulations.

The development is contrary to Policy CP15 and CP16 of the Winchester District Local Plan Part 1 - Joint Core Strategy, in that it fails to protect and enhance biodiversity across the District by failing to make appropriate mitigation in regard to increased nutrients (nitrates and phosphates) into the Solent SPAs. As a result, it is considered that the development would result in significant harm to the Special Protection Area (SPA) and the species that it supports, therefore contravening the legal requirements of the Wildlife and Countryside Act 1981, and the Habitat Regulations.

The Land is surrounded by SSSIs, and part of the Land is within the SSSI Impact Risk Zone and hence is extremely sensitive to change including changes to surface water runoff quantities and quality. Any development must demonstrate how the site is draining and that no additional volumes nor increased rates are leaving the site, no such information has been provided. As such the development is contrary to policies CP11 and CP17 of the Winchester District Local Plan Part 1 – Joint Core Strategy, DM5 of the Winchester District Local Plan Part 2, the Strategic Flood Risk Assessment 2007 and the NPPF 2023.

One of the polytunnels is situated in a Flood Risk Zone 3 which fails to accord with Policy CP17 of the Winchester District Local Plan Part 1 – Joint Core Strategy and Policy DM17(iii) of the Winchester District Local Plan Part 2 and Paragraph 167 of the NPPF 2023 in that it increases the risk of flooding through additional surface water accumulating adding to the cumulative impact of flooding in the local area.

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

5. WHAT YOU ARE REQUIRED TO DO

- i) Cease the use of the Land as a retail shop, for siting a food van/kiosk for sale of hot and cold food and B8 storage.
- ii) a) Cease the use of the Land for siting caravans/mobile homes for residential or associated recreational purposes; OR
b) Cease the use of the Land as a dwelling house and the use for siting caravans/mobile homes for residential or associated purposes;
- iii) Cease the use of the Land as a camp site except in accordance with permitted development rights for temporary campsites under The Town and Country Planning (General Permitted Development) (England) Order 2015 or any amending or subsequent legislation.
- iv) Remove from the Land the retail shop and associated freezer container, food van/kiosk, outbuildings, toilet block, solar panels, vehicles, boats, trailers, generators, storage containers, polytunnels and similar structures,

- fencing, building materials and rubble and all other paraphernalia brought onto the land to facilitate the unauthorised mixed use.
- v) a) Remove from the Land the two caravans/mobile homes and the wooden structure linking the mobile homes, and the separate caravan, (shown marked X,Y and Z on Plan 1); OR
 - b) Remove from the Land the dwelling house comprising two linked caravans/mobile homes units, and the separate caravan (shown marked X,Y and Z on Plan 1);
 - vi) Remove the storage container (including sanitary facilities housed within), wooden structure, and cesspit(s)/septic tank from the Land (as shown in photographs A & B attached); fill in the excavated area and re-level the Land in line with the directly adjacent land.
 - vii) Dig up and permanently remove from the Land the hardstanding (shown outlined in blue on the attached Plan 1 and tarmac (shown coloured green on the attached Plan1 both of which facilitate the unauthorised mixed use of the Land.
 - viii) Remove from the Land all materials, rubble, rubbish and debris arising from steps (iv) to (vii)
 - ix) Reinststate the field gate at the entrance to the Land onto Highbridge Road with a boundary treatment and gate similar in appearance to the one shown in photograph C attached.
 - x) Reseed the Land to grass.


6. TIME FOR COMPLIANCE

9 months from the date on which this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **14 December 2023** unless an appeal is made against it beforehand.

Date: 14 November 2023

Signed 
Name: Fiona Sutherland, Public Law Manager

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

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate acting on behalf of the Secretary of State before the date specified in paragraph 7 of the notice. The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal

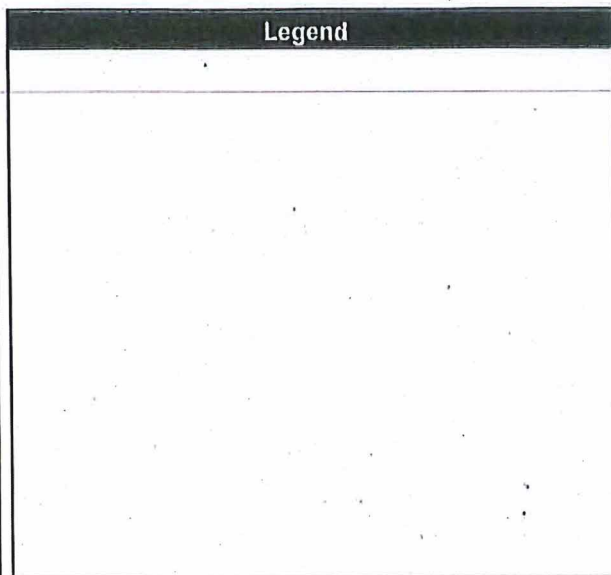
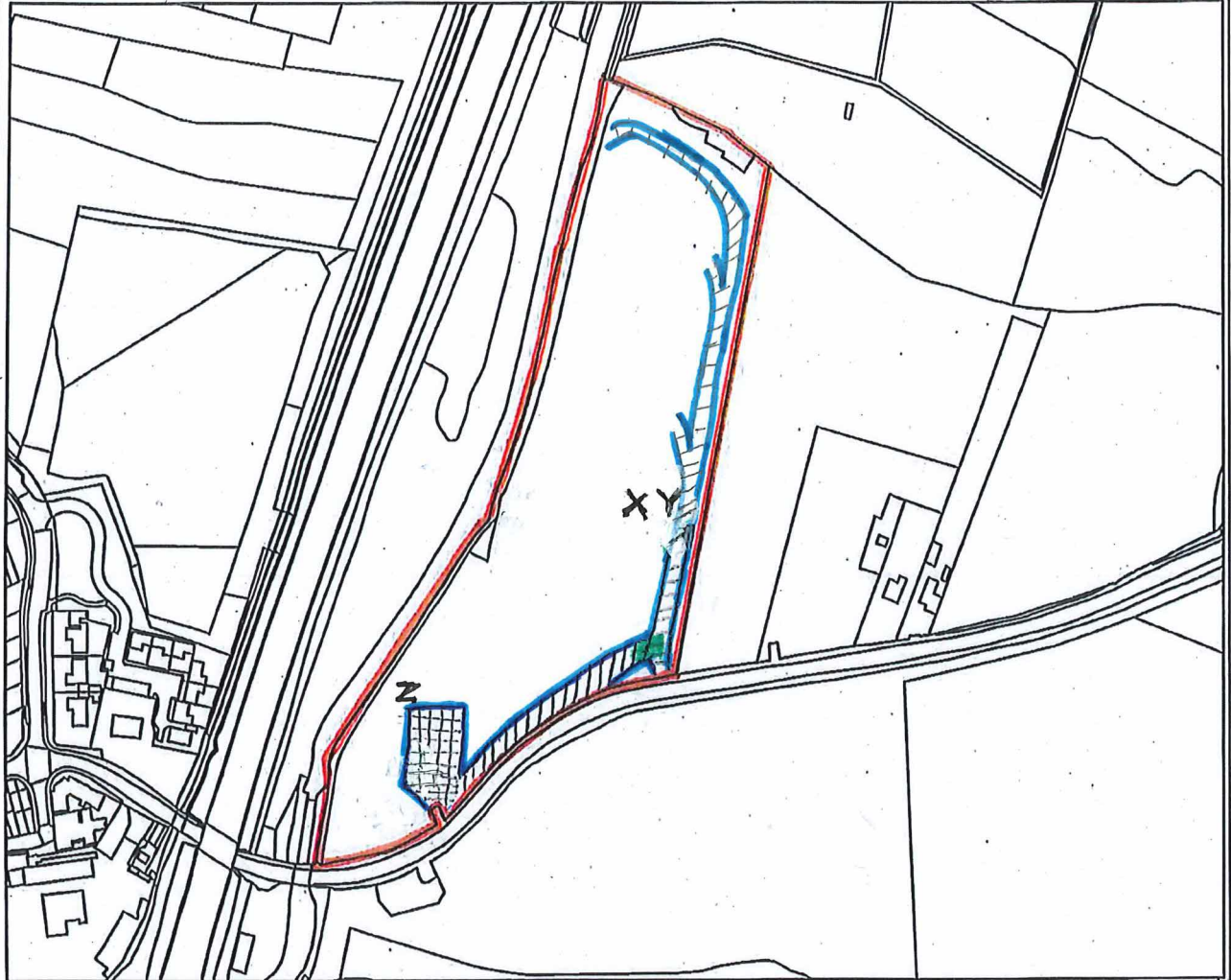
WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

17/00212/USE



Winchester
City Council



Scale: 0 30 60 120 Meters

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Organisation	Winchester City Council
Department	Winchester GIS
Comments	
Date	14/11/2023
MSA Number	100019531

PHOTOGRAPH A



Figure 1 Front view



Figure 2 Side view

PHOTOGRAPH B



Figure 1 Septic tank and installations



Figure 2 cess-pit(s) as seen from ground surface



Photo C

