



Winchester
City Council

Working in Partnership



ENFORCEMENT NOTICE

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

SOUTH DOWNS NATIONAL PARK AUTHORITY

TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991)

Issued by: Winchester City Council, on behalf of the South Downs National Park Authority

1. **THIS IS A FORMAL NOTICE** which is issued by Winchester City Council, on behalf of the South Downs National Park Authority ("the SDNPA"), because it appears 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. The Authority considers that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES ("the Land")**

Land adjacent to Long Road, Soberton, Hampshire shown edged red on the plan attached to this Notice encompassing land registered at HM Land Registry under title numbers HP628067, HP624428, HP624417, HP624062, HP625456

3. **THE BREACH OF PLANNING CONTROL ALLEGED WITHOUT PLANNING PERMISSION**

Without planning permission the erection of gates, fences and other means of enclosure on the Land.

4. **THE REASON FOR ISSUING THE NOTICE**

The unauthorised development is located in the open countryside which is protected for its own intrinsic quality as forming part of the South Downs National Park. As such the development significantly alters the character and appearance of the landscape contrary to policies SD1, SD4, SD6, SD7, SD8 of the adopted South Downs Local Plan 2014-2033 and Planning Applications, Winchester City Council,

PO Box 497, City Offices, Winchester, SO23 3DD

Tel: 01962 840222 Email: sdplanning@winchester.gov.uk

the National Planning Policy Framework. Furthermore, it is contrary to the Article 4 Direction dated 11th September 2003 which removes Class A of Part 2 of Schedule 2 to the GPDO.

5. WHAT YOU ARE REQUIRED TO DO

1. Remove all gates, fences and other means of enclosure from the Land.

6. TIME FOR COMPLIANCE

6 months beginning with the day on which the notice was served on you.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **16 August 2019** unless an appeal is made against it beforehand.

Date : 12 July 2019

Signed :

Interim Service Lead – Legal, Winchester City Council for South Downs National Park Authority

ANNEX 1

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

<http://www.planningportal.gov.uk/uploads/pins/eninfosheet.pdf>

ANNEX 2

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 Authority.

ANNEX 3

GUIDANCE NOTES

The following sections of the Town and Country Planning Act 1990 are relevant to Enforcement Notices:

- S171A – Expressions used in connection with enforcement
- S171B – Time limits
- S172 – Issue of an Enforcement Notice
- 172A – Assurance as regards prosecution for person served with a notice
- S173 – Contents and effect of Notice
- S173A – Variation and Withdrawal of Notice
- S174 – Appeal against a Notice
- S175 – Appeal – supplementary provisions
- S176 – General provisions relating to the determination of appeals
- S177 – Grant/modification of planning permission on appeals against Notices.

Lodging an Appeal

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;

(f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £468 to the South Downs National Park Authority. Joint appellants need only pay one set of fees. If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

ANNEX 4

LIST OF ALL RELEVANT POLICIES

SD1, SD4, SD6, SD7, SD8 of the adopted South Downs Local Plan 2014-2033

ANNEX 5

GUIDANCE NOTES ON HOW TO MAKE AN APPEAL

Printed copies attached

1.Planning Inspectorate – Making your appeal - How to Complete Your Enforcement Appeal Form - England (May 2016)

2.Planning Inspectorate – Procedural Guidance – Enforcement Notice Appeals - England (March 2016)

These documents can also be found at:

<https://www.gov.uk/appeal-enforcement-notice>

ANNEX 6

THOSE PERSONS SERVED WITH THIS NOTICE





