



**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**

Plot 107 on Land adjacent to, Long Road, Soberton, Hampshire shown edged red on the attached plan ("the Land").

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

Without planning permission, the material change of use of the Land from agriculture to a mixed use of agriculture and use as a residential caravan site together with ancillary operational development.

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

It appears to the Council that the above breach of planning control has occurred within the last 10 years.

The Council considers it expedient to issue this Notice because:

- i. The Land is within designated open countryside that lies within the South Downs National Park.

- ii. The material change of use and the stationing of a residential mobile home on the Land represents a conspicuous feature in the landscape, is in a prominent and exposed position, and is harmful to the character and appearance of the South Downs National Park. Permitting the material change of use would set a precedent, making it difficult for the authority to resist other similar proposals, which would lead to a proliferation of different uses on other plots. This would severely harm the open character and appearance of the South Downs National Park.
- iii. On 21 January 2004, the Secretary of State confirmed a Direction issued by the Council under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995, thereby prohibiting the erection, construction, maintenance, improvement or alterations of a gate, fence, wall or other means of enclosure without planning permission. The Direction was considered necessary, following the subdivision and sale of the field into small plots.
- iv. Permitting the fencing to remain around the plot would set a precedent, making it difficult for the Authority to resist other similar proposals, which would lead to a proliferation of fencing and means of enclosure around other parts of the land which would severely harm the character and appearance of the South Downs National Park.
- v. The development is contrary to the Winchester District Local Plan Joint Core Strategy 2013, the Winchester District Local Plan Review 2006 and the South Downs National Park Authority emerging Local Plan. As the South Downs Local Development Plan is in draft form, regard is given to Winchester City Council's existing policies under the Development Plan when determining expediency to take enforcement action, together with the emerging policies of the SDNPA. The relevant policies are Policy MTRA4 Development in the Countryside of the Joint Core Strategy and Policies DP4 and CE19 of the Winchester District Local Plan Review 2006. Further, the SDNPA emerging Development Plan contains a number of Strategic Policies which address Landscape Character (SD4), Design (SD5), Safeguarding Views (SD6) and Relative Tranquility (SD7). In addition, Policy SD26 relates to the supply of new homes in the National Park which will be delivered through the development of strategic sites and the allocation of land for housing. The Land is not allocated to housing or to any other form of development.
- vi. The development is also contrary to Paragraphs 79, 170 and 172 of the National Planning Policy Framework 2018 and to the statutory purposes for the National Park set out in the National Parks and Access to the Countryside Act 1949 purpose i) conserve and enhance the natural beauty, wildlife and cultural heritage of the area and purpose ii) promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. There is a duty



under section 11(A)(2) for the SDNPA to have regard to these purposes in performing its functions.

- vii. A material consideration but not part of the development plan is the SDNPA Partnership Management Plan 2104-2019 entitled 'Shaping the Future of Your South Downs National Park'. This document reiterates the statutory purposes for National Parks in England which this development contravenes.
- viii. The siting of a residential mobile home on the Land is considered to be harmful to the landscape and planning permission and in contravention with Policy MTR4, DP4 and CP19 because the Land does not fall within a defined settlement boundary. National policy also weighs against granting planning permission for the siting of a residential mobile home on the Land.

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**

- 1. Cease the use of the land as a residential caravan site,
- 2. Remove from the Land all caravans/ mobile homes, vehicles not required for the purposes of agriculture on the Land and all other residential and domestic paraphernalia including gas bottles.
- 3. Remove the fencing and the resulting materials from the Land.
- 4. Return the Land to its previous condition and appearance as agricultural land and seeded to grass after compliance with steps 1 to 3.

#### **6. TIME FOR COMPLIANCE**


Steps 1 to 4: one calendar month after this notice takes effect.

#### **7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 9 November 2018 unless an appeal is made against it beforehand.

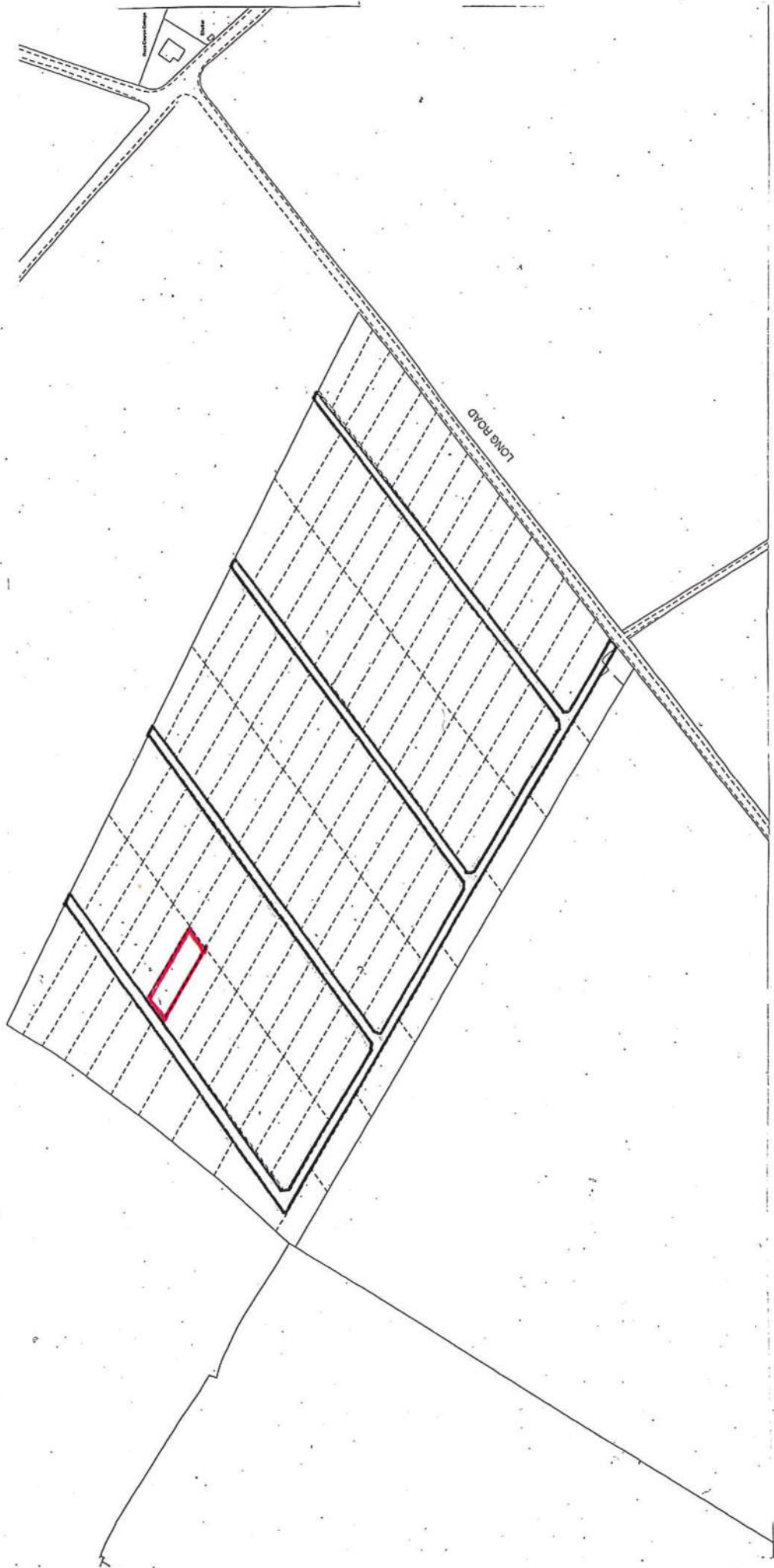
Date: 9 October 2018

Signed ....

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



Land at Long Road, Soberton, Hampshire





## **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.

TWO copies of the enforcement notice are enclosed:

- (a) One is for you to send to the Planning Inspectorate if you decide to appeal,
- (b) The second 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.

