

Issued: 10<sup>th</sup> May 2023

**WINCHESTER CITY COUNCIL  
ON BEHALF OF  
SOUTH DOWNS NATIONAL PARK**

**ENFORCEMENT NOTICE**

relating to land and premises at  
Belmore Cottage, Belmore Lane, Upham, Southampton, Hampshire, SO32 1NQ

Neil McArthur, Service Lead- Legal, Winchester City Council, City Offices, Colebrook  
Street, Winchester, Hampshire, SO23 9LJ

**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 Winchester City Council on behalf of South Downs National Park Authority 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 and premises at Belmore Cottage, Belmore Lane, Upham, Southampton, Hampshire, SO32 1NQ as shown edged red on the attached plan (“the Land”).

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

Without planning permission the material change of use of the building shown marked in the approximate location with an X on the attached plan to use as a separate dwelling house.

**REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that these works have occurred within the last 4 years.

The material change of use through the conversion of an existing ancillary building to create a wholly independent new dwelling, is located outside the identified settlement policy boundaries and within a location where the countryside policies of the development plan apply. The proposal would result in a new dwelling in the countryside for which a genuine and proven need for a countryside location has not been demonstrated. Consequently the proposal is contrary to Policy SD25 of the South Downs local plan 2014-2033 and the NPPF 2021.

The development is contrary to Policy SD9 and SD10 of the South Downs local plan 2014-2033, in that it fails to protect and enhance biodiversity across the District by failing to make appropriate mitigation in regard to increased nutrients 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, the Habitat Regulations.

No details of mitigation methods (in accordance with the SDNP Dark Skies Guidance) for the four roof lights within the building have been provided. Without this information the development is not considered to protect the character of the countryside, and the designated International Dark Night Reserve, which is part of the special quality of the South Downs National Park. As such the development would result in unacceptable harm contrary to policy SD8 of the South Downs local plan 2014-2033 and the NPPF 2021.

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**

- (i) Cease the unauthorised use of the building shown in the approximate location marked with an X on the attached plan as a separate dwellinghouse.
- (ii) Remove from the building all fixtures, fittings and alterations that have been installed to facilitate the unauthorised use in (i).
- (iii) Remove the four rooflights installed within the South-west elevation shown circled in red on the attached photo (photo A).
- (iv) Permanently remove from the land all materials, rubble, rubbish and debris arising from steps (i) to (iii).

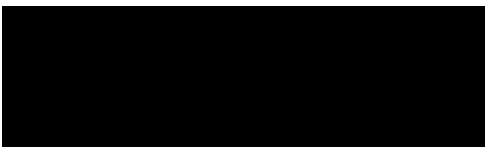
**6. TIME FOR COMPLIANCE**

For all steps (i) to (iv); 9 months after this notice takes effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 14<sup>th</sup> June 2023 unless an appeal is made against it beforehand.

Date: 10<sup>th</sup> May 2023



Name: Neil McArthur Service Lead - Legal  
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.

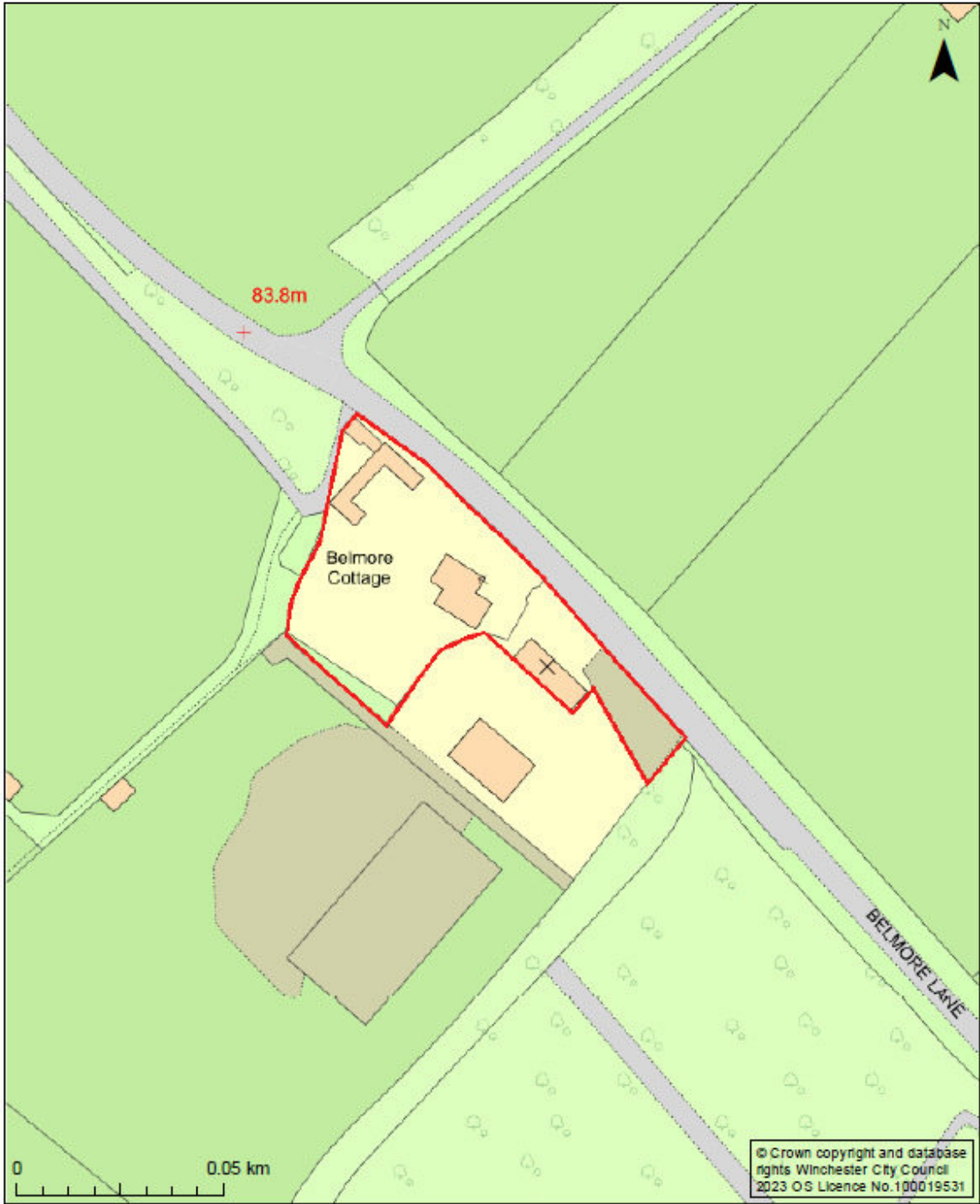
The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal

### **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.



# Winchester City Council Web Map



Date: 18/04/2023

Scale: 1:1,250

**Legend**

Photo A

