



Working in Partnership



IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN & COUNTRY PLANNING ACT 1990
(as amended by the Planning Compensation Act 1991)

ENFORCEMENT NOTICE

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

Land at Exton Park, Allens Farm Lane, Exton, Southampton, Hampshire SO32 1JY which is shown edged red on the attached plan (the 'Land'). The approximate area where the development has been carried out is marked blue on the attached plan.

3. THE ALLEGED BREACH OF PLANNING CONTROL

Without planning permission, the erection of metal gates, brick piers and closeboarded wooden fencing in excess of 1 metre in height adjacent to a highway used by vehicular traffic.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Local Planning Authority that the above breach of planning control has occurred within the last 4 years.

The Local Planning Authority considers it expedient to issue this Notice because:

The Site is situated in the South Downs National Park. The SDNPA has the following statutory purposes and socio-economic responsibilities, as specified in the Environment Act 1995.

1. To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.

2. To promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public.

Working in partnership with other Local Authorities and other organisations, it is also the duty of the SDNPA to seek to foster the economic and social well-being of the local communities within the National Park.

The design of the gates is suburban in nature and is a foreign and discordant feature in its location that does not accord with any operational agricultural need. It causes harm to the character and landscape of the area and is thus contrary to Policies MTRA 4 (Development in the Countryside), WNCE5 (Landscape Character and CP19 (South Downs National Park) of the Winchester District Local Plan Part 1 Joint Core Strategy.

Policy DP3 Winchester District Local Plan Review (2006) Saved Policies indicates that development would only be permitted if (ii) in terms of its design, scale and layout, responds positively to the character, appearance and variety of the local environment. Policy DP4 states that development will not be permitted where it would detract from, or result in the loss of: (i) important public views and skyline features. It goes on to refer to proposals in areas with special landscape designation, such as the east Hampshire Area of Outstanding Natural Beauty (now superseded by the South Downs National Park) should, in particular, avoid harm to, and be in sympathy with, both the immediate and wider landscape setting. This development clearly does not accord with these policies.

The site is within the landscape character area 'D1 South Winchester Downland Mosaic', identified in the South Downs Integrated Landscape Character Assessment (updated in 2011). This highlights the prominent ridgeline which follows the line of the Meon anticline with a series of upstanding hills such as Beacon Hill.

The National Planning Policy Framework (NPPF) at Cope Planning Principle (7) Requiring Good Design, makes reference to design and its importance in terms of local impact. Para 207 requires that enforcement action is proportionate and in this case it is considered that the service of an enforcement notice is the only proportionate action open to the LPA.

5. WHAT YOU ARE REQUIRED TO DO

1. Take down the gates, demolish the brick piers and take down the close boarded wooden fencing.
2. Remove the resultant rubble, gates, fencing and wood from the land.

6. TIME FOR COMPLIANCE

One month after the date the Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 14th September 2015, unless an appeal is made against it beforehand.

Dated: 14th August 2015

Signed: 

H. Bone, Head of Legal and Democratic Services

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

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 in writing and received, or posted in time to be received, by the Secretary of State before the date specified in paragraph 7 of the notice.

More detailed guidance on how to appeal against this notice, including information on possible fees payable and the relevant forms can be obtained from the Planning Inspectorate, the contact details for which are:

- on-line at the Planning Casework Service area of the Planning Portal
www.planningportal.gov.uk/pcs
- by telephoning the Planning Inspectorate on [REDACTED] or
- by emailing the Planning Inspectorate at [REDACTED]

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. You must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the Notice. Failure to comply an enforcement notice which has taken effect can result in prosecution and/or remedial action.