

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: Eastleigh Borough Council

1. THIS NOTICE ("Notice") is issued by Eastleigh Borough Council ("the Council") because it appears to the Council that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, on the land described below. The Council 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 to this Notice and the enclosures to which it refers contain important additional information.

2. THE LAND AFFECTED

7 Lynton Road, Hedge End, Eastleigh, Hampshire, SO30 4EY as shown edged in red on the plan attached to this Notice ("the Plan").

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, the erection of a fence in excess of 1 metre in height above ground level and adjacent to the highway. The approximate position of the fence is shown black on the attached plan.

4. REASONS FOR ISSUING THIS NOTICE

The above breach of planning control has occurred within the last 4 years.

The fence does not benefit from planning permission under the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 2, Class A as it exceeds 1 metre in height adjacent to the highway. The fencing is considered to be stark and visually intrusive and is therefore contrary to the Eastleigh Borough Local Plan 2016 – 2036.

The fence causes issues relating to highway safety due to reduced visibility of vehicles leaving the property for pedestrians using the footpath and other road users due to the bend in the road.

The fence is considered to have a detrimental impact on the street scene and character of the area is therefore contrary to the Eastleigh Borough Local Plan 2016 – 2036.

The above breach is in contravention of the following policies:

DM1 of the Submitted Eastleigh Borough Local Plan (2011 – 2036).

Supplementary Planning Document Quality Places Adopted November 2011.

Part 12 (Achieving well-designed places) of the National Planning Policy Framework.

5. WHAT YOU ARE REQUIRED TO DO

5.1 Remove from the land the unauthorised fence and fence posts as marked in black on the attached plan OR

5.2 Reduce the unauthorised fencing and fence posts so that it does not exceed 1 metre from ground level as marked in black on the attached plan

5.3 Please remove any waste items that result from the works to an authorised place of disposal.

6. TIME FOR COMPLIANCE

3 months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 24 November 2022 unless an appeal is made against it beforehand.

Dated: 20 October 2022

Signed:



On behalf of: Legal Services Manager, Eastleigh Borough Council, Eastleigh House, Upper Market Street, Eastleigh, Hampshire, SO50 9YN

Nominated Officer: Ian Myers

Telephone Number: 07471 889 558

ANNEX

Eastleigh Borough Council has issued an enforcement notice relating to land at **7 Lynton Road, Hedge End, Eastleigh, Hampshire, SO30 4EY** and you are served with a copy of that notice as you have an interest in the Land. Copies of the notice have also been served on the parties listed at the end of the Annex.

YOUR RIGHT OF APPEAL

You can appeal against this enforcement notice, but any appeal must be **received** by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be delivered to the Planning Inspectorate) **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.

GROUND OF APPEAL

The grounds of appeal are set out in section 174 of the TCPA 1990. You may appeal on one or more of the following grounds 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. (ground a)
- Those matters have not occurred. (ground b)
- Those matters (if they have occurred) do not constitute a breach of planning control. (ground c)
- 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. (ground d)
- Copies of the Enforcement Notice were not served as required by section 172 of the TCPA 1990. (ground e)
- 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 such breach (ground f)

- Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should reasonably be allowed (ground g).

Not all of these grounds may be relevant to you.

PLANNING APPLICATION FEE

If you wish to appeal on grounds a of section 174(2) of the TCPA 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 **£412**. You should pay the fee to Eastleigh Borough Council. If the fee is not paid then that ground of appeal will not be valid.

STATEMENT ON GROUNDS OF APPEAL

If you decide to appeal, 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.

STATUTORY PROVISIONS

A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 is attached for your information.

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 you may be held responsible, are taken within the period 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.

RECIPIENTS OF THE NOTICE

Anwar Hmimssa, 7 Lynton Road, Hedge End, Eastleigh, Hampshire, SO30 4EY

Samantha J Hmimssa, 7 Lynton Road, Hedge End, Eastleigh, Hampshire, SO30 4EY

National Westminster Bank PLC (Company registration number. 929027) of Mortgage Centre, P.O Box 123, Greenock PA15 1EF

National Westminster Bank PLC (Company registry number. 929027) of 250 Bishopsgate, London, England, EC2M 4AA

Jan Cargill, Secretary of National Westminster Bank PLC (Company registration number 929027) of Mortgage Centre, P.O Box 123, Greenock, PA15 1EF

Jan Cargill, Secretary of National Westminster Bank PLC (Company registration number 929027) of 250 Bishopsgate, London, EC2M 4AA

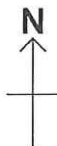
Jan Cargill, Secretary of National Westminster Bank PLC (Company registration number 929027) of registered office 250 Bishopsgate, London, EC2M 4AA and correspondence address of 36 St Andrew Square, Edinburgh, Scotland, EH2 2YB

ENF/2021/434 - 7 Lynton Road



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EASTLEIGH
BOROUGH COUNCIL



Department:	Enforcement
Date: 29/09/2022	Scale: 1:625