

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

58 Bright Wire Crescent, Eastleigh, SO50 5SQ 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 an unauthorised outbuilding is shown red on the attached plan. By virtue of the height, scale and mass, as well as the materials used, the structure of the outbuilding is creating an imposing presence at the foot of the garden space adjacent to the public realm, which is visually intrusive and, as erected, is noticeably larger than outbuildings situated within a number of other gardens within the estate, standing much higher than the boundary fence while others have minimal pitched roofing visible above boundary fence lines.

4. REASONS FOR ISSUING THIS NOTICE

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

The above breach is in contravention of the following policies:

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036)

Quality Places SPD (2011)

5. WHAT YOU ARE REQUIRED TO DO

5.1

- a) Remove from the land the unauthorised outbuilding as marked in blue on the attached plan.
- b) 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 14 September 2023 unless an appeal is made against it beforehand.

Dated: 9 August 2023

Signed: 

On behalf of: Head of Legal Services, 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 **58 Bright Wire Crescent, Eastleigh, SO50 5SQ** 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

Name and address of person(s) against whom action is to be taken:

Carlene Westwood & Oliver Westwood, 58 Bright Wire Crescent, Eastleigh, SO50 5SQ

ABRI GROUP LIMITED (Community Benefit Society No. 8537), Collins House, Bishopstoke Road, Eastleigh SO50 6AD

There is an interested party in respect of this property: M&G TRUSTEE COMPANY LIMITED (Co. Regn. No. 1863305), 10 Fenchurch Avenue, London, EC3M 5AG