

The Planning Inspectorate

ENFORCEMENT NOTICE APPEAL FORM (Online Version)

WARNING: The appeal **must** be received by the Inspectorate **before** the effective date of the local planning authority's enforcement notice.

Appeal Reference: APP/W1715/C/23/3329845

A. APPELLANT DETAILS

Name Mr Andrew Johns

Company/Group Name N/A

Address
14 Furley Close
WINCHESTER
SO23 0PF

Phone number

Email

Preferred contact method

Email ☒ Post ☐

A(i). ADDITIONAL APPELLANTS

Do you want to use this form to submit appeals by more than one person (e.g. Mr and Mrs Smith), with the same address, against the same Enforcement notice?

Yes ☒ No ☐

Additional Appellant: Mrs Elena Johns
Appeal Reference: APP/W1715/C/23/3329846

B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes ☐ No ☒

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority Eastleigh Borough Council

LPA reference number (if applicable) ENF/2021/168

Date of issue of enforcement notice 16/08/2023

Effective date of enforcement notice 08/10/2023

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes ☐ No ☒

Does the appeal relate to an existing property? Yes ☐ No ☒

Address

Shop Lane
Bursledon
Hampshire
Grid Ref Easting: 469000
Grid Ref Northing: 109500

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? Yes ☒ No ☐

Please describe the health and safety issues

Concealed ditches, a pond and beehives.

What is your/the appellant's interest in the land/building?

Owner ☒

Tenant ☐

Mortgagee ☐

None of the above ☐

E. GROUNDS AND FACTS

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? Yes ☐ No ☒

(a) That planning permission should be granted for what is alleged in the notice. ☐

(b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact. ☒

The facts are set out in

☒ the box below

Three quarters of the alleged hardstanding within the Alysha Farm compound is actually bare earth. The high fencing as it applies to Alysha Farm was replaced by 1m fencing before the enforcement notice was received. As far as Alysha Farm is concerned the gateway on to Shop Lane is at least 10 years old.

(c) That there has not been a breach of planning control (for example because permission has already been granted, or it is "permitted development"). ☐

(d) That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice. ☒

The facts are set out in

☒ see 'Appeal Documents' section

(e) The notice was not properly served on everyone with an interest in the land. ☒

The facts are set out in

☒ see 'Appeal Documents' section

(f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections. ☒

The facts are set out in

☒ the box below

Concerning Alysha Farm the only item which has been in place less than 4 years is the small container in the southwestern corner of our compound. This is a replacement for a steel shed which has been there since 2013. This shed was badly damaged in an arson attack and needed to be replaced. Files downloaded for ground 'D' refer. The overall length, breadth and height are similar to the recycled container shed which has replaced it and the security of a container for storing equipment and supplies is very necessary here. The caravan and garage have been broken in to many times but not the container.

(g) The time given to comply with the notice is too short. Please state what you consider to be a reasonable compliance period, and why. ☐

F. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations ☒

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes ☒ No ☐

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes ☐ No ☒

2. Hearing ☐

3. Inquiry ☐

G. FEE FOR THE DEEMED PLANNING APPLICATION

1. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? Yes ☐ No ☒

2. Are there any planning reasons why a fee should not be paid for this appeal? Yes ☒ No ☐

☒ the box below

All the items as they apply to Alysha Farm are all time barred or do not apply.

H. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes ☐ No ☒

I. SUPPORTING DOCUMENTS

01. Enforcement Notice:

☒ see 'Appeal Documents' section

02. Plan (if applicable and not already attached)

☒ see 'Appeal Documents' section

J. CHECK SIGN AND DATE

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full grounds of appeal) to the LPA today.

Signature

Mr Andrew Johns

Date

20/09/2023 12:14:14

Name

Mr Andrew Johns

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018.

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

K. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full grounds of the appeal) to the LPA.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the enforcement notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

L. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@planninginspectorate.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below were uploaded with this form:

Relates to Section:	GROUPS AND FACTS
Document Description:	Facts to support that planning permission should be granted for what is alleged in the notice.
File name:	Shed and container 21st March 2022.jpg
File name:	Shed and track 6.7.2018.jpg
Relates to Section:	GROUPS AND FACTS
Document Description:	Facts to support that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.
File name:	Shed and container 21st March 2022.jpg
File name:	Shed and track 6.7.2018.jpg
Relates to Section:	GROUPS AND FACTS
Document Description:	Facts to support that the notice was not properly served on everyone with an interest in the land.
File name:	Alysha Farm.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. The Enforcement Notice.
File name:	Enforcement Notice 1.pdf
File name:	Enforcement Notice 2.pdf
File name:	Enforcement Notice 3.pdf
File name:	Enforcement Notice 4.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02. The Plan.
File name:	Enforcement Notice Plan.pdf

Completed by MR ANDREW JOHNS

Date 20/09/2023 12:14:14