

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

The land at Shop Lane (known as Willwoods Yard), Bursledon 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 unauthorised material change of use of the land at Shop Lane, known as Willwoods Yard, to B8 storage, siting of a caravan, unauthorised erection of gates, fencing in excess of 1 metre adjacent to the highway, hardstanding and placement of shipping containers.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the unauthorised use of the land has occurred within the last 10 years and the laying of hardstanding and placement of shipping containers has occurred within the last 4 years.

The unauthorised material change of use of the land at Shop Lane, known as Willwoods Yard for B8 storage, siting of a caravan, unauthorised erection of gates, fencing in excess of 1 metre adjacent to the highway, hardstanding and placement of shipping containers does not benefit from planning consent. The owners of the site have been advised that the development is unauthorised and planning permission is required however a retrospective application has not been submitted. The development is also contrary to saved policies S5 and DM1 of the adopted Eastleigh Borough Council Local Plan (2016-2036) and the National Planning Policy Framework.

(4.1) The development, by virtue of its siting, massing, design and layout, results in an unduly prominent and visually intrusive built form, which would be detrimental to and out of keeping with the character of the surrounding area and designated countryside.

(4.2) The development of the hardstanding does not benefit from planning consent.

(4.3) The siting of storage containers on the land does not benefit from planning consent and is out of keeping with the character of the surrounding area and designated countryside.

(4.4) The siting of the caravan on the land does not benefit from planning consent and is out of keeping with the character of the surrounding area and designated countryside.

(4.5) The erection of fencing on the land does not benefit from planning consent, does not fall within schedule 2, Part 2, Class A of the Town and Country Planning Act General Permitted Development Order and is out of keeping with the character of the surrounding area and designated countryside.

5. WHAT YOU ARE REQUIRED TO DO

- Permanently and in their entirety, demolish the unauthorised gates and fencing (as shown in the approximate position marked blue on the attached plan).
- Permanently and in its entirety, remove the hardstanding area (as shown in the approximate position marked green on the attached plan).
- Remove all storage containers from the land (as shown in the approximate position marked black on the attached plan).
- Permanently remove the caravan from the site land (as shown in the approximate position marked yellow on the attached plan)
- Remove all materials relating to Hot Tub Recovery, building works, vehicles and any other associated items related to the B8 use stored on the land at Shop Lane (known as Willwoods Yard) as shown edged in red on the plan attached to this Notice ("the Plan")
- Remove all waste, materials, equipment and debris resulting from the demolition of the gates, fencing and hardstanding when complying with the requirements of this notice.

6. TIME FOR COMPLIANCE

3 months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **8th October 2023** unless an appeal is made against it beforehand.

Dated: 4th September 2023

Signed:



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

Nominated Officer: John Saunders

Telephone Number: 02380 688 038

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 [link to <http://www.planningportal.gov.uk/uploads/pins/enfinfosheet.pdf>]

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 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.

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 £132.00 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

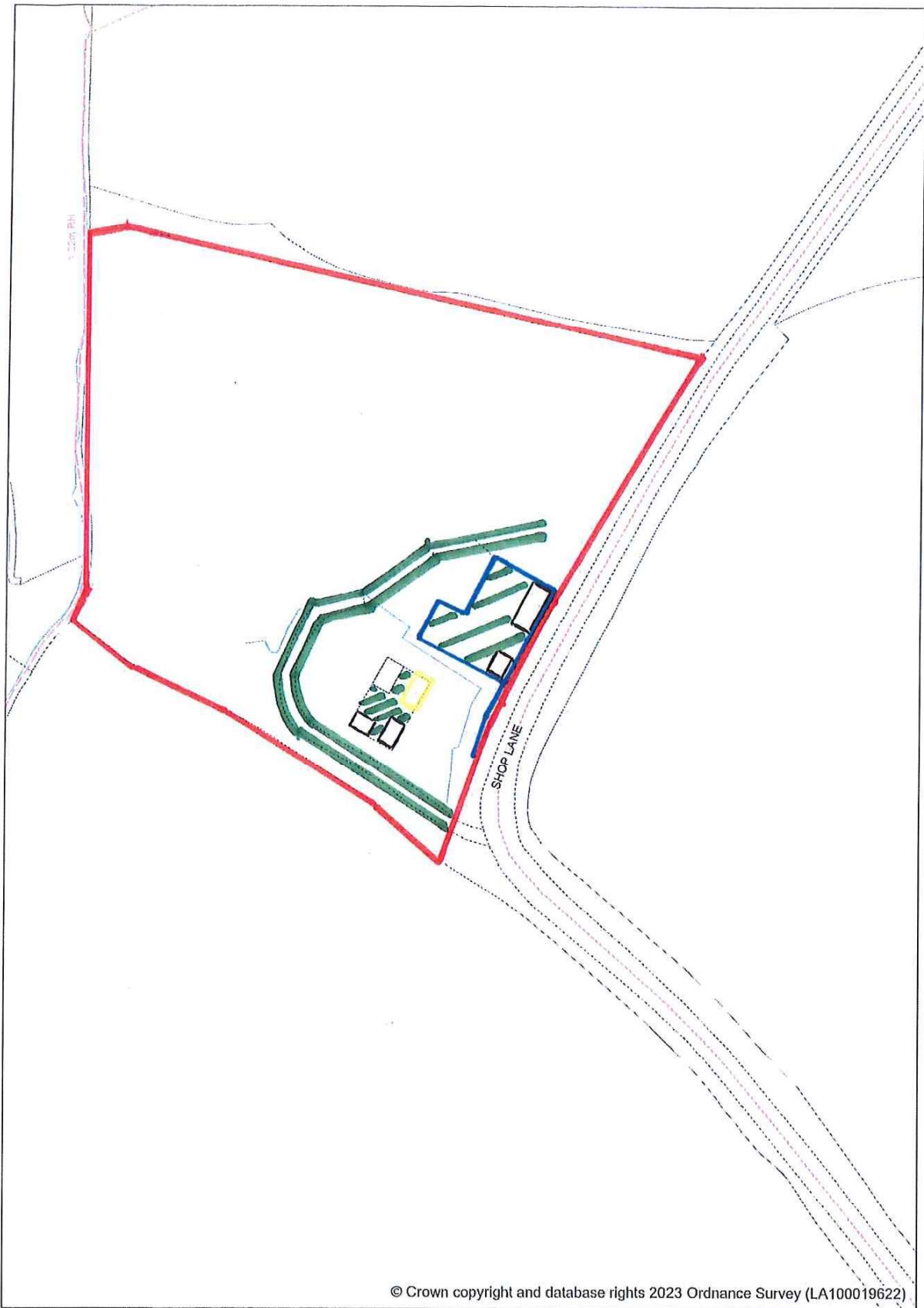
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Persons served with a copy of this enforcement notice are as follows:

Mr Andrew Thomas Johns,
14 Furley Close,
Winchester
Hampshire,
SO23 0PF

Ms Elena Johns,
14 Furley Close,
Winchester
Hampshire,
SO23 0PF

Mr Sheldon Williams
31 Gort Crescent
Sholing
Southampton
SO19 8LH



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