

**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: Havant Borough Council

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider 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**

12 Portsdown Hill Road, Havant, PO9 3JX shown edged red on the attached plan.

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

Within the last 10 years and without planning permission, a material change of use to a mixed use consisting of B2 car repairs and C3 residential and engineering operations to create a hard surface parking area which forms part and parcel of the mixed use.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years.

The use of the land for a mixed use of residential and B2 / motor vehicle repairs including the creation of an extensively large hard surface parking area to facilitate the use on site is significantly harmful to the character and appearance of this predominantly residential area. The development is considered unacceptable at this location and significantly harmful to the local environment by virtue of the noise, smell and general disturbance caused by activities associated with vehicle repairs including the movements to and from the premises. The development is contrary to policies CS16, DM14 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Borough Design Guide SPD 2011, and the National Planning Policy Framework 2021 paragraphs 12, 59, 126, 130, 132 and 134.

5. **WHAT YOU ARE REQUIRED TO DO**

- 1) Cease the use of the land for any B2 use, including the parking or storage of motor vehicles and equipment for the purposes of business use.
- 2) Remove from the land all motor vehicles and equipment associated with B2 motor vehicle repairs
- 3) Remove the hard-surfaced area engineered for the purposes of parking cars as marked hatched black on the attached plan
- 4) Restore the land to its condition prior to the breach of planning control taking place.

6. TIME FOR COMPLIANCE

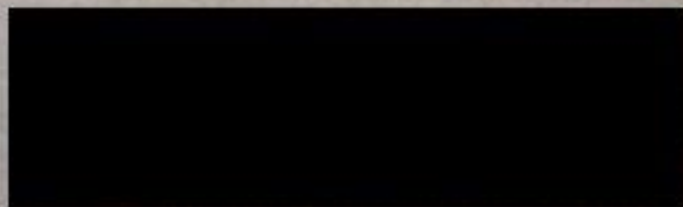
3 months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

The Notice takes effect on 23rd January 2022, unless an appeal is made against beforehand.

Dated: 21 December 2021

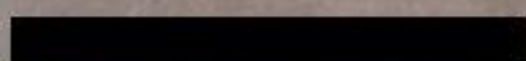
Signed:

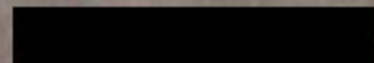


Head of Neighbourhood Support

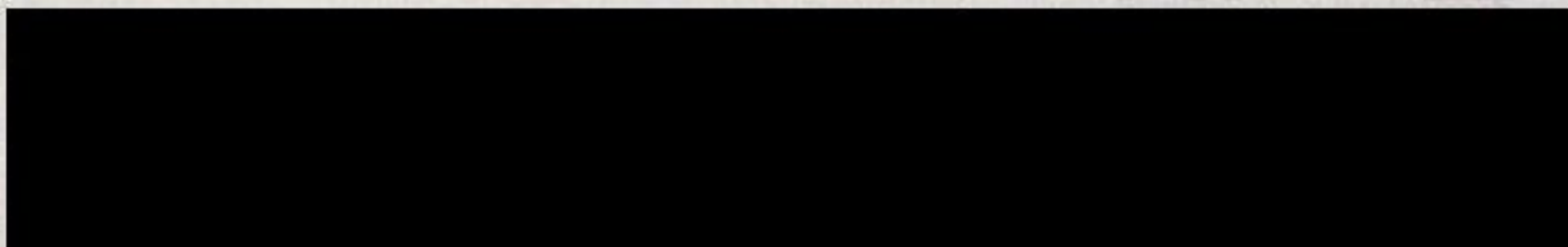
On behalf of: Havant Borough Council
The Plaza
Civic Centre Road
Havant
PO9 2AX

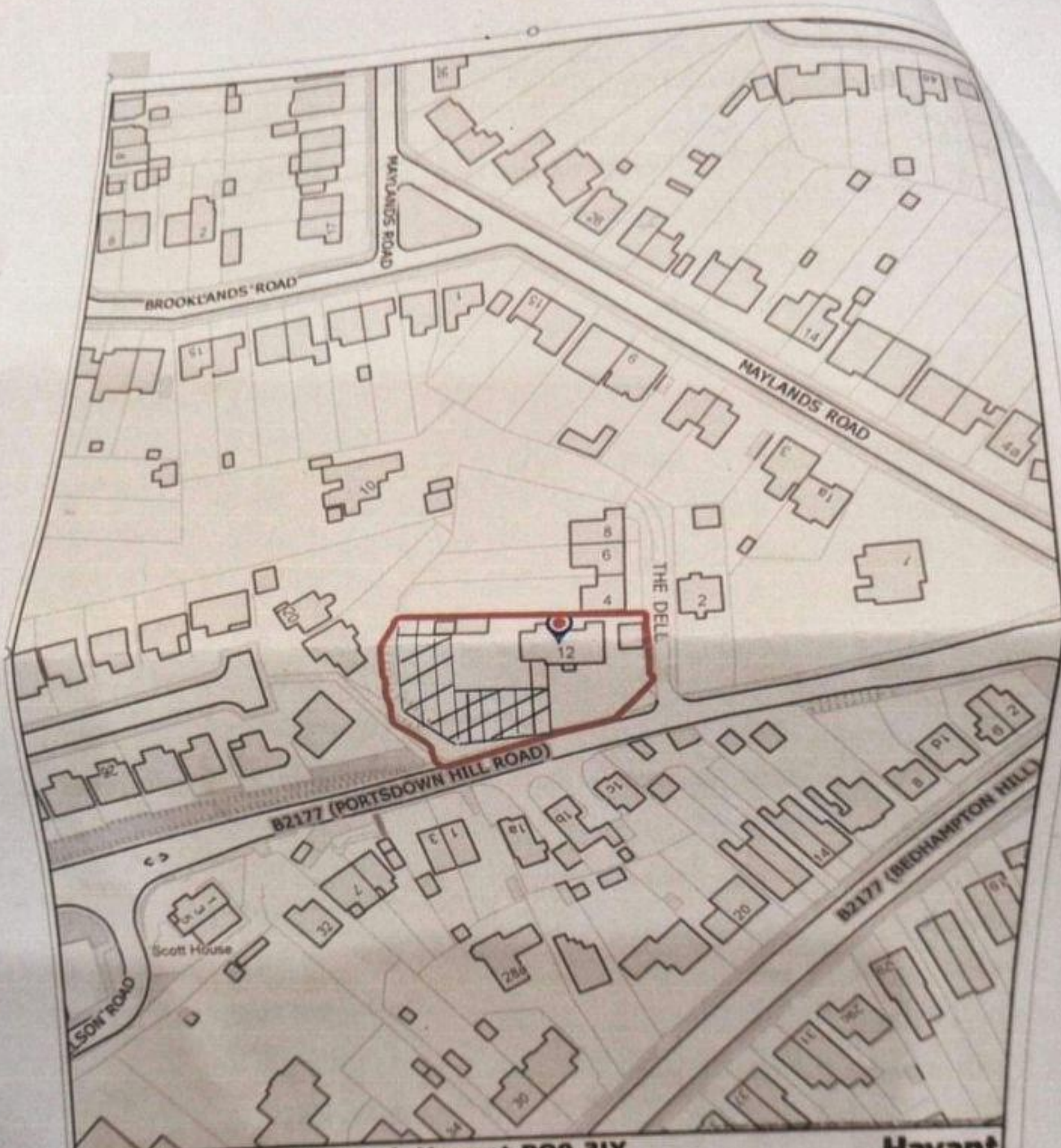
Persons served with a copy of this enforcement notice are as follows:

 of 12 Portsdown Hill Road, Havant PO9 3JX

 of 12 Portsdown Hill Road, Havant PO9 3JX

Occupier / owner of 12 Portsdown Hill Road, Havant PO9 3JX





12 Portsdown Hill Road, Havant PO9 3JX

Havant
BOROUGH COUNCIL

N Scale: 1:1250

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ANNEX

Havant Borough Council has issued an enforcement notice relating to land at 12 Portsdown Hill Road, Havant, PO9 3JX 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 this Annex.

THE RIGHT OF APPEAL

If you own, rent or lawfully occupy the Land 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.

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.

PLANNING APPLICATION FEE

If you wish to appeal on ground (a) of section 174(2) of the 1990 Act 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 £924. You should pay the fee to Havant Borough Council. If the fee is not paid then that ground of appeal will not be valid.

STATUTORY PROVISIONS

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

WHAT HAPPENS IF THE ENFORCEMENT NOTICE IS NOT APPEALED

Unless an appeal is made 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.