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, within paragraph (a) of section 171A(1) of the above Act, at the land described below. The Council 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

Land West of Copse Meadow Lodge, Copse Lane, Hayling Island, PO11 0QB ("the Land")

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 of land to a mixed use for the stationing of caravans for residential purposes, shipping container storage business and use of a building for storage and vehicle repairs.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the material change of use of the land to a mixed use for the stationing of caravans for residential purposes, shipping container storage business and the use of a building for storage and vehicle repairs has occurred within the last 10 years.

The site is at risk of tidal flooding, based on mapping from the Council's Strategic Flood Risk Assessment (2016). From the information available it has not been demonstrated that the residential use of the caravans, which are classified as highly vulnerable in the National Planning Policy Framework, would be safe from flood risk across their lifetime and that the use of the land would not increase the risk of flooding elsewhere. In the absence of adequate information, the proposal cannot pass the Sequential or Exception Tests as set out within the National Planning Policy Framework and would represent an unsustainable, inappropriate form of development in an area at future risk of flooding. This use of is, therefore, contrary to Policy CS15 of the Havant Borough Core Strategy, 2011 and the aims and objectives of the National Planning Policy Framework.

The site lies within a rural area, outside the defined urban boundary and the siting of the caravans and storage containers in the countryside are detrimental to the rural character and the visual amenity of the area. The proposal is therefore contrary to policies CS2, CS16, CS17 of the Havant Borough Local Plan (Core Strategy) 2011, policy AL2 of the Havant Borough Local Plan (Allocations) and the National Planning Policy Framework.

From the information available it cannot be shown that the uses can be accommodated in a manner that would not cause increased danger and inconvenience to highway users, contrary to polices DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

From the information available it cannot be shown that an appropriate level of on-site parking can be provided for the uses contrary to Havant Borough Council Parking Supplementary Planning Document, July 2016, (Partially updated September 2019) and policies DM13 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

In the absence of a suitable agreement to secure appropriate mitigation measures, the residential aspect of the development would be likely to have a significant effect on the Solent European Sites as specified in the Habitats Regulations Assessment undertaken. As such, it is contrary to Policy DM24 of the Havant Borough Local Plan (Allocations Plan), paragraph 175(a) of the NPPF and The Conservation of Habitats and Species Regulations 2017 (as amended).

The LPA considers the unauthorised developments are contrary to the development plan and national advice, which is significantly harmful to the character and appearance of this open rural location.

Planning permission should not be given because conditions would not overcome the harm caused by the unauthorised development.

5. <u>WHAT YOU ARE REQUIRED TO DO</u>

(i) Permanently cease the use of the land for the mixed use of stationing of caravans for residential purposes and a shipping container storage business;
(ii) Permanently remove all caravans and storage containers from the Land;
(iii) Cease the use of the building shown on the plan attached at Appendix A to this notice for vehicle repairs and storage;
(iv) Remove any items not associated with an agricultural use from the Land; and
(v) Reinstate the Land to its condition immediately prior to the unauthorised material change of use taking place.

6. TIME FOR COMPLIANCE:

Six (6) months after this notice takes effect.

1. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 13th November 2023 unless an appeal is made against it beforehand.

Dated: 2nd October 2023

Signed:

Executive Head of Regeneration
(Head of Neighbourhood Support)

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

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 Secretary of State before the date specified in paragraph 7 of the Notice. Please read the enclosed Planning Inspectorate advice note on how to appeal.

If you appeal and are pleading ground (a) and asking for the deemed planning application to be considered as part of your appeal, you must pay a fee of **£924.00** to the Council (made payable to "Havant Borough Council") and this should be sent with a copy of the appeal form.

Your attention is drawn to the attached extracts of the Town & Country Planning Act 1990.

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(s) 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.

SUBMISSION TO SECRETARY OF STATE

If you appeal against this Notice you must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends you a notice so requiring you, a statement in writing specifying the grounds on which you are appealing against the enforcement notice and stating briefly the facts on which you propose to rely in support of each of those grounds.

PERSONS SERVED

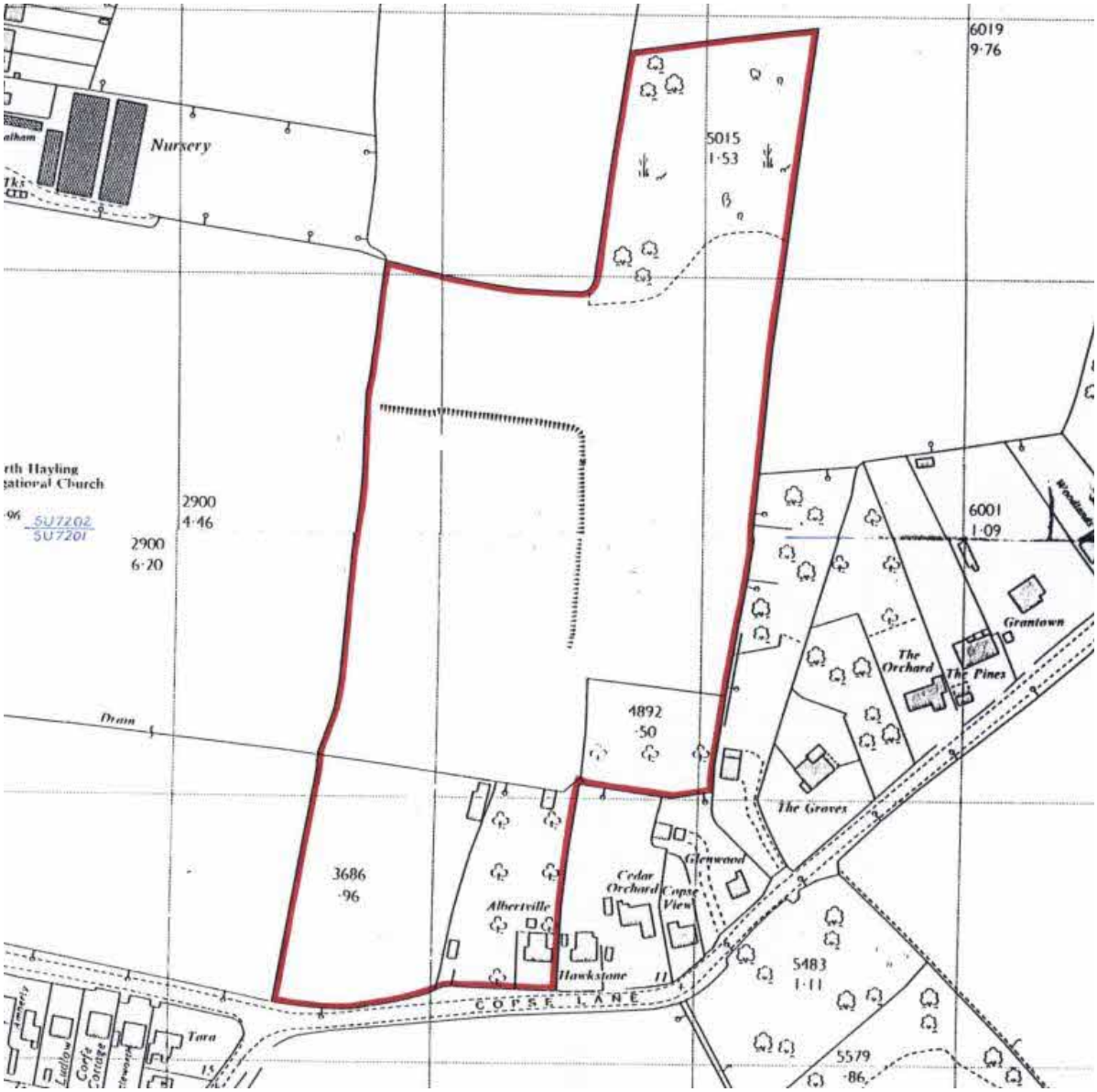
The following persons have been served with copies of this Enforcement Notice:

1) The Owner [redacted]
2) Copy to the caravan owners as follows:
   [redacted]

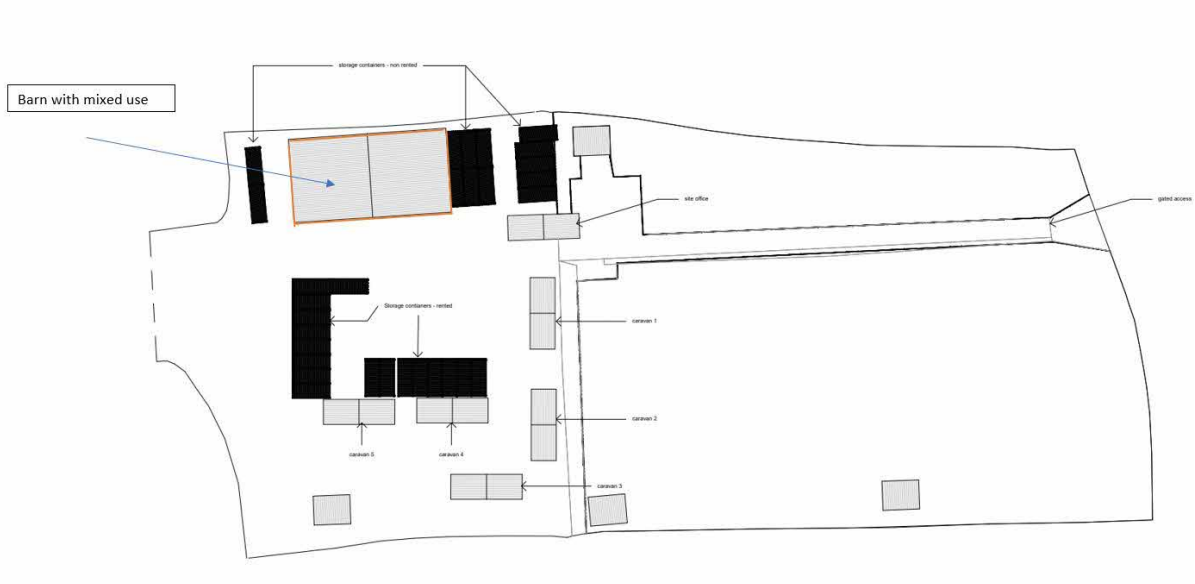
List of Appendices

Appendix A – plan showing location of caravans, storage containers and barn with mixed use.
Appendix B – Site visit photographs showing the caravans
Appendix C- Site visit photographs showing the shipping containers
Appendix D – Site visit photographs showing the inside of the barn

RED LINE PLAN



APPENDIX A


Barn with mixed use
storage containers - non rented
site office
gated access
Storage containers - rented
caravan 1
caravan 2
caravan 3
caravan 4
caravan 5

APPENDIX B

APPENDIX C

APPENDIX D

Appeal information

Address: Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Direct Line: 0303 444 5000

Email: enquiries@planninginspectorate.gov.uk

1. **THIS IS IMPORTANT**

If you want to appeal against this enforcement notice you can do it:-

- online at the Appeals Casework Portal; or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at https://www.gov.uk/appeal-enforcement-notice/how-to-appeal.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.