

Issued: 20 May 2024

**WINCHESTER CITY COUNCIL
ON BEHALF OF
SOUTH DOWNS NATIONAL PARK**

ENFORCEMENT NOTICE

relating to land at

Moody's Meadow, Petersfield Road, Bramdean, Hampshire

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: WINCHESTER CITY COUNCIL

1. THIS NOTICE is issued by the Winchester City Council on behalf of South Downs National Park Authority 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. 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 AFFECTED

Land at Moody's Meadow, Petersfield Road, Bramdean, Hampshire shown edged in red on the attached plan ("the Land").

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the material change of use of the land to a residential caravan site; together with any operational development associated with the material change of use of the Land.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Local Planning Authority that the aforementioned breach of planning control occurred within the last ten years.

1. The site lies within an open flood meadow which is incompatible for a residential development and is in a relatively isolated and visually sensitive rural position within the South Downs National Park. The development, which involves the permanent siting of a residential mobile home, stable/utility block and vehicular parking, would result in the consolidation and intensification of sporadic residential development and associated domestic activity in the countryside out of character with the prevailing landscape pattern and the unacceptable urbanisation of this sensitive rural landscape, failing to understand the essential character of the site and its context, causing demonstrable harm to the defining characteristics and visual qualities of this part of the South Downs National Park. The proposed development is therefore considered to be inconsistent with and contrary to policies SD1, SD2, SD4, SD5, SD7 and SD8 of the South Downs Local Plan 2014 - 2033, the objectives of the NPPF, in particular sections 1, 2, 4, 5, 12, 15 and 63 the policy guidance in the DCLG publication, Planning Policy for Traveller Sites (August 2015) (namely paragraphs 4 and 13(g) and policies A, B and H) and the two purposes of designation of the South Downs National Park.

2. Whilst the applicant has provided limited information in this regard, the SDNPA has accorded appropriate weight to the known circumstances of the applicant and dependents. It is

acknowledged that the particular circumstances of the applicant, including the best interests of the child and the Public Sector Equality Duty carry substantial weight. Insufficient evidence that a local need is being met and therefore the principle of a caravan site for one gypsy/traveller family is not acceptable. However, it is concluded that this does not outweigh the permanent harm that would result to the intrinsic and sensitive rural qualities of this Nationally protected landscape and the great weight that should be afforded to its conservation and enhancement. Therefore, the proposed development would be contrary to policies SD1, SD2, SD4, SD5, SD7, SD8, SD25 and SD33 of the South Downs Local Plan 2014-2033, paragraph 80 of the NPPF (20231) and the PPTS 2023 (paragraph 4 and Policy H of the PPTS, in particular).

3. The application site lies within the protected area for the Itchen Catchment for phosphates and nitrates. Therefore, in the absence of any measures or mitigation demonstrating that the proposed development would be nutrient neutral, the Local Planning Authority cannot be satisfied that the proposed dwelling would not have a significant effect on a European site (the Solent SPA) through the discharge and disposal of additional foul sewage. The proposal is therefore contrary to the objectives of policies SD1, SD9 and SD17 of the South Downs Local Plan, the National Planning Policy Framework 2021 and The Conservation of Habitats and Species Regulations 2017 (as amended).

4. The application site lies within Flood Zones 2 and 3, which is land defined by the Planning Practice Guidance for the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change as having a high and medium probability of flooding. Insufficient information has been submitted to demonstrate that the proposals would not be affected by this, and that the development is not an inappropriate type of development for this area, as defined in PPTS 2015 Policy B - 13(g). The NPPF (paragraph 167, footnote 59) states that a Flood Risk Assessment must be submitted when development is proposed in such locations.

The Council does not consider that planning permission should be granted because planning conditions could not overcome these objections to the development.

5. WHAT YOU ARE REQUIRED TO DO

- i. Cease the use of the Land as a residential caravan site.
- ii. Disconnect and remove all services (water, gas, electric, waste, internet, pumps) connecting and serving the residential caravan site use of the Land.
- iii. Remove all buildings, mobile homes/caravans, vehicles, concrete bases, walls, steps, play equipment, wastewater cabin tank, and development associated with the unauthorised material change of use as described in paragraph 3 of this notice from the Land.
- iv. Remove any resultant waste from the Land.
- v. Restore the land to its condition before the breach of planning control took place.

6. TIME FOR COMPLIANCE

One year after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **24 JUNE 2024** unless an appeal is made against it beforehand.

Date: 20 May 2024



 - Public Law Manager
Winchester City Council.

On behalf of: South Downs National Park Authority, South Downs Centre, North Street,
Midhurst. West Sussex. GU29 9DH.

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.

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.



Winchester City Council Web Map



Date: 13/05/2024

Scale: 1:1,500

Legend