

Appendix 1: Update on notable cases

West Minley Barn, Minely Road

The Planning Enforcement Sub-Committee considered a report on this site in January 2023. West Minley Farm Barn is a listed building consisting of a timber framed barn situated immediately adjacent to the highway Minley Road. The Council had been alerted that the physical condition of the building has deteriorated to such a degree that the structure now appears dangerous.

The site has seen significant positive progress in the last two months. The owner has engaged a timber framed specialist. The specialist has detailed how the structure can be repaired safely to avoid the need for deconstruction. This is important in terms of preserving the significance of this important listed building.

There is now an agreed methodology for the works which will be submitted as part of a listed building consent application. This will look at phasing the works, so that the urgent work is done initially, and the remaining work is complete within 2-5 years. The long-time frame is required due to the complex nature of the work, specialist input required and the required funding.

In the interim, the site is secure and supportive scaffolding has been erected.

Hawley Park Farm, Blackwater

The Planning Enforcement Sub-Committee considered a range of matters relating to the Hawley Park Farm site in October 2022.

The main issue which is still relevant relates to the provision of the Suitable Alternative Natural Greenspace (SANG) at the Hawley Park Farm site. Officers visited the site in November to review the condition of the SANG. The SANG is substantially complete and is well used. Some minor maintenance issues were noted during the visit which have been brought to the attention of the developer (Crest Nicholson) to address. It was noted during the visit that a number of trees had failed across the site. The developer has confirmed that the failed trees will be replaced before the end of the current planting season (end of March).

2 Castle Bridge Cottages, North Warnborough

The Planning Enforcement Sub-Committee considered a range of matters relating to a number of properties at Castle Bridge Cottages in June 2023

In respect of number 2 Castle Bridge Cottages the report recommended serving a listed building enforcement notice requiring the replacement of two unauthorised uPVC windows. The Sub-Committee resolved the following:

‘Members of the Sub-Committee felt that it would be most appropriate, under the owner’s current circumstances and given the length of time that the uPVC windows had been in place, to put forward and agree an alternative recommendation.

Members agreed that in time it was appropriate for the uPVC windows to be replaced with windows of an appropriate manufacture in keeping with the Grade 2 listed status of the building. Members considered this should be prior to the time of sale of the property or on need to replace the windows in question, whichever came first. The cost of the replacement of the window frames to be borne by the current owner.

It was noted that there needed to be a charge on the land to ensure this was clear. It was also discussed there needed to be precise timeframe for the works, and it was recognised that Members felt this should be a long period.

It was noted this could be via an enforcement notice, or by a S106 legal agreement.”

Since the meeting Officers have met with legal to discuss a way forward. A letter will be sent to the owners to propose that the owner enters into a S106 agreement requiring that the owner replaces the unauthorised windows prior to the sale of the property. If the owner declines to enter into such an agreement, the matter will be referred back to the Sub-Committee.

Land South of Beechcroft, Hares Farm, Pickaxe Lane, South Warnborough

The Council submitted its hearing statement in October 2023 to defend the appeal submitted against the reissued enforcement notice. A hearing date has not yet been set by the Planning Inspectorate.

The Council has received reports that the caravan on site is being lived in in breach of the terms of the injunction. Legal advice has been sought in respect of pursuing a committal application.

Land at Five Acres, Broad Oak, Odiham

An enforcement notice relating to a change of use of land arising from the siting of a mobile caravan structure for residential purposes in relation to the keeping of alpacas on the above-mentioned land was issued in September 2021. The subsequent appeal was dismissed and the owners were required to remove the caravan and supporting development.

A compliance check was carried out in December 2023 and confirmed that the caravan remains on site, but it is no longer occupied. The owner advised that efforts are being made to sell the structure so that it can be removed from the site.

To allow an extension of the time period for compliance, the Council has requested evidence that genuine efforts are being made to secure compliance with the requirements of the notice.

Land North of Winchfield Court

A Temporary Stop Notice (TSN) and 2 x enforcement notices were served in relation to 3 of the parcels of land in May of 2021 requiring that the use of the land for the stationing of a caravan used for residential accommodation and storage of waste/building materials ceased and unauthorised operational development including erection of gates/fencing exceeding 1 metre in height, an unauthorised access, engineering works, culverting works, alterations to a former sewage pumping station, unauthorised extensions to the building and the creation of a hardstanding were removed.

Following a thorough review of the case the Council, following consultation with the Parish Council and the local residents, decided to withdraw both enforcement notices. It is proposed to issue new notice(s) which will better capture the breaches of planning control on site and expand on the reasons for taking action.

In the revised notice(s), it is proposed to better address the concerns of local residents and the Parish Council and link to the revised content of the December 2023 version of the NPPF and recently 'made' updated Neighbourhood Plan as well as the Local Plan. This will give more robust notice(s).

It is proposed to wait for the determination of the planning appeal on the adjacent site as the Decision notice may also inform how the enforcement notice is framed.

Paynes Cottage, Potbridge

An Enforcement Notice was issued on the 8 June 2023 alleging a change of use to a telecommunications installation business. The notice was appealed, and a four-day public inquiry concluded on the 18 December 2023. A decision is due by the 11 January 2024.

Chapel Bungalow

This is no longer a Planning Enforcement case. The Council's Environmental Health team are leading on matters relating to this case.

Enquiries have been made from a third party whether the scrap yard use could be resumed. The enquirer was informed that an area could be used for the breaking up of vehicles as set out in the Lawful Development Certificate ref 00/00370/LDCEX.

Big Meadow / Wingate Lane, Long Sutton

The site remains under construction with the intention to have the onsite drainage and Plots 1 and 4 complete by the end of January 2024 and signed off by Building Control. Whilst Plot 1 was previously rented out and occupied, this was without Building Control completion. Plot 4 has continued to remain empty.

In terms of the S106 agreement and the Injunction, no sums have been received to date against the outstanding amount. The receiver (Allsop) has indicated that they may seek a Deed of Variation to the S106 to re-negotiate the interest. The receiver is aware this would require an open book viability exercise and a formal process with the Council.

It is understood that the receiver is also reviewing the landscaping scheme and the topography (plus the drainage details) to propose an alternative scheme which apparently would comprise a similar design, albeit with a different topography.

The receiver has been advised that any deviation from the approved scheme will require regularising through planning, and that any work undertaken ahead of this would be at their own risk.

Granary Court, South Warnborough

An enforcement notice was issued on the 7 September 2023 alleging the carrying out of engineering operations to form a means of vehicular access onto a classified road (B3349) comprising the regrading of the bank and a new hard surfaced area. The enforcement notice has been appealed, the start date letter for the appeal has not yet been received.

Bull Yard Farm, land south of the A30 opposite White Lion Antiques

The works carried out on the land do not require planning permission such as the clearing of the land and the erection of fencing. The existing structures on site have been sited on the land for a number of years and are deemed uninhabitable or immune from enforcement action.

The Council has notified the Environment Agency and the Hampshire County Council as the Lead Local Flood Authority concerning the changes to the land and the current owner was advised to contact the EA and the LLFA.