

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**  
**SOUTHAMPTON CITY COUNCIL**  
**TOWN AND COUNTY PLANNING ACT 1990**  
**(AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991)**

**Served by:** Southampton City Council

**To:** Mr N Holmes, Quayside Architects, 141 Burgess Road, Southampton SO16 7AA

**1 THIS NOTICE** is served by the Council because it appears to them that there may have been a breach of planning control, within section 171A(1) of the above Act, at the land described below. It is served on you as a person who appears to be the owner or occupier of the land or has another interest in it, or who is carrying out operations in, on, over or under the land or is using it for any purpose. The Council require you, in exercise of their powers under section 171C(2) and (3), so far as you are able, to provide certain information about interest in, and activities on, the land.

**2 THE LAND TO WHICH THE NOTICE RELATES**

Land at 141 Burgess Road, Southampton SO16 7AA, shown edged red on the attached plan.

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

Without planning permission the use of the land appears to have changed from residential use (Use Class C3) to a mixed use of residential and business use (Use Classes C3 / B1).

**4 WHAT YOU ARE REQUIRED TO DO**

Provide in writing, the following information:-

- 1) Your full name;
- 2) The nature of your interest in the land;
- 3) The full name and address, where applicable of:
  - (a) The freeholder of the premises;
  - (b) The lessee of the premises;
  - (c) The mortgagee of the premises; and
  - (d) Any other person with an interest in the premises, and the nature of that interest;
- 4) The purpose for which the land is being used;
- 5) The date when that use began;
- 6) Confirmation of the number of visitors, including customers, that attend the site each week;
- 7) Confirmation of the number of employees that attend the site each week;
- 8) The number of days each week that the site is in use (including weekends);
- 9) Confirmation of the hours of business operation of the site;
- 10) The number of employees' cars using the site each week;

- 11) The number of visitors' cars using the site each week;
- 12) Confirmation of the total number of rooms on the ground floor;
- 13) Confirmation of the number of those rooms used for:
  - (a) Business use; and
  - (b) Residential use;
- 14) Confirmation of the total number of rooms on the first floor; and
- 15) Confirmation of the number of those rooms used for:
  - (a) Business use; and
  - (b) Residential use.
- 16) Details of the names and home addresses of those employed at 141 Burgess Road;
- 17) Of those employed at 141 Burgess Road, details of those who use the property as a place of residence;
- 18) Details of those who are on the electoral register for 141 Burgess Road;
- 19) Details of anyone who permanently resides at 141 Burgess Road;
- 20) Details of how frequently during the week main daily meals (breakfast, lunch and evening dinner) are prepared and consumed at this address;
- 21) Description of how any part of the building is used residentially and confirmation as to whether this is separate from or in conjunction with the business being operated from 141 Burgess Road;
- 22) Details of the number of those working at 141 Burgess Road who travel to it in private motor vehicles;
- 23) Details of where private motor vehicles, associated with those working at 141 Burgess Road, are parked;
- 24) The nature of the business operated from 141 Burgess Road;
- 25) Details of the rateable value of 141 Burgess Road;
- 26) A site survey carried out on 4.4.08 revealed one bedroom containing a bed made up for use with a duvet on top. Please confirm whether this room is used regularly as a bedroom (i.e. How many nights of the week?).

**The time within which the information must be provided:** twenty-one (21) days, beginning with the day on which this notice is served on you

## **5 OPPORTUNITY TO MAKE REPRESENTATIONS IN RESPONSE TO NOTICE**

If you wish to make an offer to apply for planning permission, or to refrain from carrying out any operations or activities, or to undertake remedial works; or to make any representations about this notice, the Council, or representatives of the Council, will consider them at a mutually agreed date, time and place, where you will be able to make any such offer or representations in person at that time and place.

**6 WARNING**

It is an offence to fail, without reasonable excuse, to comply with any requirements of this notice within twenty-one days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of £1,000. Continuing failure to comply following conviction will constitute a further offence. It is also an offence knowingly or recklessly to give information, in response to this notice, which is false or misleading in a material particular. The maximum penalty on conviction of this offence is a fine of £5,000.

**7 ADDITIONAL INFORMATION**

If you fail to respond to this notice, the Council may take further action in respect of the suspected breach of planning control. In particular, they may issue an enforcement notice, under section 172 of the 1990 Act, requiring the breach, or any injury to amenity caused by it, to be remedied.

If the Council serve a stop notice under section 183 of the 1990 Act, section 186(5)(b) of the 1990 Act provides that, should you otherwise become entitled (under section 186) to compensation for loss or damage attributable to that notice, no such compensation will be payable in respect of any loss or damage which could have been avoided, had you given the Council the information required by this notice, or had you otherwise co-operated with the Council when responding to it.

Dated: 27 September 2010

Mark Heath  
Solicitor to the Council  
Southampton City Council  
Southbrook Rise  
4-8 Millbrook Road East  
Southampton  
SO15 1YG

Signed.....

**TOWN AND COUNTRY PLANNING ACT 1990  
(as amended by the Planning and  
Compensation Act 1991)**

**PLANNING CONTRAVENTION NOTICE**

**LAND AT 141 BURGESS ROAD  
SOUTHAMPTON**





Southampton City Council  
 Legal and Democratic Services  
 Southbrook Rise  
 4-8 Millbrook Road East  
 Southampton  
 SO15 1YG

For the attention of Mr Bob Lee

Our ref: NH/PR/698  
 Your ref: BL/EP05/05/0288  
 Date: 15<sup>th</sup> October 2010

Dear Sir

**141 BURGESS ROAD – 27<sup>TH</sup> SEPTEMBER 2010 PCN**

We are in receipt of the Council's PCN Notice dated 27<sup>th</sup> September 2010 and respond to the questions below.

The objective of a PCN is to ascertain the nature of operations carried out on land and to inform the decision on whether it is expedient to take enforcement action.

The PCN questionnaires served on this premises are significantly longer and more numerous than others served by the Council in the City in the last 3 years.

At the time of writing we have outstanding requests for information from the Council. We have responded to the PCN in the interim to avoid any suggestion that we have been uncooperative. In return, we would appreciate a full and detailed explanation for the repeated service of PCN's and the apparently disproportionate attention on our property. This explanation should include all background papers, including appraisal of previous PCN's, Officers notes of visits, details of contacts between Councillors and Officers and details of any complaints from local residents. Copies of these documents can be redacted where appropriate. If necessary, this request for information/background is a Freedom of Information request.

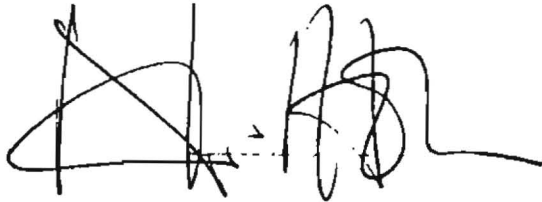
1. Neil Holmes
2. Director Quayside Architects Ltd and QA+Developments Ltd. Part owner with spouse of land to the rear of 141 Burgess Road.
3. Freeholder. QA+Developments Ltd 141 Burgess Road SO16 7AA
  - (b) No leasee. Property occupied by QA+Developments Ltd, Quayside Architects Ltd and Madison Property
  - (c) Mortgagee QA-Developments Ltd
  - (d) Mrs BCF Holmes part owner land to the rear of 141 Burgess Road
4. Office use for Quayside Architects, QA+Developments Ltd and Madison Property (Note Max Holmes is a director of QA&D Ltd and Madison Property Developments Ltd)
5. 01 March 2006

Quayside Architects Ltd  
 The Studio 141 Burgess Road Bossett **Southampton** SO16 7AA  
 Tel **0845 055 1135** fax **0845 055 1136** e mail mail@quaysidearchitects.com  
 Registered Architects & Directors: Neil Holmes; Simon Reid

6. Less than 12 per week on average
7. 3 full time 3 part time. 3 of 6 employees are family members.
8. Office days 5 per week, weekend use sporadic and short duration
9. Office hours flexible say 9 – 6 pm – We do not keep timesheets  
If weekends say 10am – 1pm
10. Cars maximum 5-6 at any one time normally 3-4. If six only for short term (1-2hr)
11. Visitors cars up to 12 (sporadic) each week, probably less than 5 average per week over a year
12. 2 rooms plus kitchen and hallway
13. (a) 2 rooms business;  
(b) hallway & kitchen mixed business/residential.
14. 4 rooms and bathroom
15. (a) 1 room storage;  
(b) 3 vacant/residential.
16. Neil and Barbara Holmes Chandlers Ford  
Max Holmes Southampton  
Simon Reid Littleton  
Pam Rickman Southampton  
Richard Wood Boldre
17. None of those employed use the property as a primary permanent residence. Family members use the accommodation from time to time.
18. None
19. None
20. Average 3 persons prepare/eat meals 4 days per week usually lunch, breakfast from time to time. Some lunch at weekends.
21. First floor is occasionally used for residential purposes (ref 18). Any residential use has been by family members and as such it may be considered to be "in conjunction".
22. All employees travel to work by car. From time to time some use of cycles and motor cycles.
23. Six parking spaces on site. Car parking on Meadowhead from time to time for limited periods (1-2 hr)
24. Principally architects and planning consultants also property development (B1(a) office use) as is readily apparent from officers inspections to date.
25. Rateable value – not known – not relevant to PCN purpose.
26. This question is a repeat of Q.21, thus the bedroom is used occasionally as and when required – no set number of nights per week.

The above responses are substantially the same as those provided in response to the Council's 16 April 2008 PCN by letter of 02 May 2008 and the Council's PCN of 20 February 2007 (the 2010 PCN has changed some of the numbers).

Yours faithfully

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

Neil Holmes  
Quayside Architects