

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

ENFORCEMENT NOTICE

**LAND AT 13 GROSVENOR ROAD
SOUTHAMPTON SO17 1RU**

Enforcement Notice for 13 Grosvenor Rd. EP05/05/0331



The Planning Inspectorate

CST Room 3/05
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0117-372 6372
Switchboard 0117-372 8000
Fax No 0117-372 8782

www.planning-inspectorate.gov.uk

THIS IS IMPORTANT

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

- on-line at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs); or
- by getting enforcement appeal forms by phoning us on 0117 372 6372 or by emailing us enquiries@plns.gsi.gov.uk

You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

- the name of the local planning authority;
- the site address;
- your 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.

LEGAL AND DEMOCRATIC SERVICES
RICHARD IVORY, Sol
Acting Head of Legal & Democratic Services
Southampton City Council
Southbrook Rise
4-8 Millbrook Road East
Southampton SO15 1YG



FAREHAM BOROUGH
COUNCIL
www.fareham.gov.uk



Southampton and Fareham Legal Services Partnership

Direct dial: 023 8083 3553
Please ask for: Aicha Laroussi
Email: aicha.laroussi@southampton.gov.uk
Our ref: AL/ EP05/05/0331
Your ref:

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

Harjap Singh Lakhpuri
7 Russell Place
Highfield
Southampton
SO17 1NU

28 November 2011

Dear Sir

Town & Country Planning Act 1990 - Section 172
Enforcement Notice: Land at 13 Grosvenor Road, Southampton, SO17 1RU

The Council issued an Enforcement Notice relating to the above land on 17 October 2011 and a copy served on you.

Due to a potential defect in the notice, the council has decided to withdraw that notice and issue a new one which is in the same terms but contains the date upon which the notice will come into effect (which was the potential defect in the earlier notice) if it is not appealed.

You will find enclosed a letter withdrawing the Enforcement Notice dated 17 October 2011 and a new Enforcement Notice dated 28 November 2011.

Please do not hesitate to contact me if you require further information or clarification.

Yours faithfully

**For acting Head of Legal
& Democratic Services**

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RICHARD IVORY, Sol
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Harjap Singh Lakhpuri
7 Russell Place
Highfield
Southampton
SO17 1NU

28 November 2011

Dear Sir

**Town & Country Planning Act 1990 - Section 172
Enforcement Notice: Land at 13 Grosvenor Road, Southampton, SO17 1RU**

The Council has issued an Enforcement Notice relating to the above land and I now serve on you a copy of that Notice in view of your interest in the land. Copies of the Notice have been served on those persons listed on the attached sheet.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the enforcement notice. Unless an appeal is made, as described below, the notice will take effect on 30 December 2011 and you must then ensure that the required steps, for which you may be held responsible, are taken within the period specified in the notice.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before 30 December 2011.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;

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Fax 023 80 233079, Minicom 023 80 832798, E-Mail: legal@southampton.gov.uk



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: SOUTHAMPTON CITY 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. They consider that it is expedient to issue this Notice, having regard to the provisions of the development plan and other material planning considerations.

2 THE LAND TO WHICH THE NOTICE RELATES

Land at **13 GROSVENOR ROAD, SOUTHAMPTON, SO17 1RU**, shown edged red on the attached plan ("the Land").

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

Without planning permission, the change of use of the Land from a single dwelling house to two separate dwellinghouses each occupied as a house in multiple occupation by 7 persons and 8 persons respectively.

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 local planning authority considers that the intensification of residential occupation of the property from either family occupation within class C3, (or from a C4 occupation by up to 6 unrelated persons), to occupation as two Sui Generis Houses in Multiple Occupation by 7 persons and 8 persons respectively would cause serious harm, contrary

to policies of the Development Plan for Southampton (SDP7 (v), H4 and SDP16) Local Plan Review (March 2006). The proposed use is also considered contrary to relevant advice set out in Planning Policy Statement 3 (Housing), particularly paragraphs 9, 13 and 49, where the amenity of neighbours is likely to be adversely affected. Also contrary to advice in the consultation draft of the Draft National Planning Policy Framework- paragraphs 19 (final bullet point) and 116 (first and fourth bullet points). The harm from this over intensive use of the property would manifest itself in the following ways:-

- (i) Disturbance to neighbouring occupiers from comings and goings to and from the Land by 15 separate students at various times of the day and night and their use of the garden at the property, potentially more likely to be at unsocial hours (being that the tenants are to be students with more active lifestyles), which would not be compatible with the surrounding family housing;
- (ii) Adversely affect the character and nature of occupation of this immediate part of the street, by causing the loss of a single family house, in a street predominantly comprised of family houses and making it more difficult for the local planning authority to resist similar proposals in this street in the future;
- (iii) Be likely to cause overspill parking difficulties in the street, prejudicial to highway safety with people having to park tight to others' driveways and access points, detrimentally interfering with driver visibility when emerging into the street, whilst also not demonstrating adequate secure cycle storage as an alternative to the private car;
- (iv) Not demonstrating adequate refuse storage facilities, where the visual impact of the quantum of such storage would be likely to be visually intrusive in the street scene, given that the open forecourt of the property is the only realistic place to store refuse; and,
- (v) Not demonstrating convenient access through the building by occupiers of the separate dwelling occupied by 8 persons in the front of the property, sought through 'saved' Policy H4 of the City of Southampton Local Plan Review (March 2006) as supported by Section 4.4 of the Residential Design Guide (September 2006).

The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections.



5 WHAT YOU ARE REQUIRED TO DO

(i) Cease to use the Land as two separate dwelling houses in multiple occupation

and

(ii) Return the use of the Land to its authorised planning use as a single dwelling house (C3 Use).

6 THE TIME FOR COMPLIANCE

Two months after this Notice takes effect.

7 WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 30th December 2011 unless an Appeal is made against it beforehand.

Dated 28^h November 2011

Signed



Acting Head of Legal
& Democratic Services
Southampton City Council
Southbrook Rise
4-8 Millbrook Road East
Southampton
SO15 1YG



Enforcement Notice: Land at 13 Grosvenor Road, Southampton, SO17 1RU

Enforcement Notice served on the following:

Harjap Singh Lakhpuri, 7 Russell Place, Highfield, Southampton, SO17 1NU
Owner and Occupier, 13 Grosvenor Road, Southampton, SO17 1RU
Jerry Gillen, BY EMAIL
Charlotte Davies, 13 Grosvenor Road, Southampton, SO17 1RU
Ailish Langan, 13 Grosvenor Road, Southampton, SO17 1RU
Kimberley Morgan, 13 Grosvenor Road, Southampton, SO17 1RU
Nicola Nottidge, 13 Grosvenor Road, Southampton, SO17 1RU
Jessica Gusthart, 13 Grosvenor Road, Southampton, SO17 1RU
Emma Willer, 13 Grosvenor Road, Southampton, SO17 1RU
Callie Frendo-Cumbo, 13 Grosvenor Road, Southampton, SO17 1RU
Oriole Wagstaff, 13 Grosvenor Road, Southampton, SO17 1RU
Thomas Broadhead, 13 Grosvenor Road, Southampton, SO17 1RU
Gemma Pattison, 13 Grosvenor Road, Southampton, SO17 1RU
Alec Pearson, 13 Grosvenor Road, Southampton, SO17 1RU
Erik Williams, 13 Grosvenor Road, Southampton, SO17 1RU
Ellen Blundell, 13 Grosvenor Road, Southampton, SO17 1RU
George Lester, 13 Grosvenor Road, Southampton, SO17 1RU
Sophie Van-Eetveld, 13 Grosvenor Road, Southampton, SO17 1RU

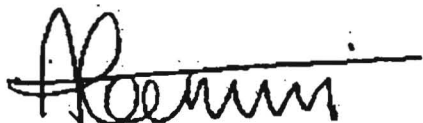
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 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 £670. You should pay half of the fee £335 to Southampton City Council (made payable to Southampton City Council) and the other half of the fee to the Planning Inspectorate (made payable to the Department for Communities and Local Government). Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, 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.

Yours faithfully



**For acting Head of Legal
& Democratic Services**

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