



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 350 Shirley Road, Southampton, SO15 3HY, shown edged red on the attached plan ("the Land").

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

Without planning permission, change of use of the Land to a mixed use of storage, display and sale of motor vehicles and residential use.

4 REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last four years.

The positioning and intensity of display vehicles, in close proximity to the Grade II Listed Building neither preserves nor enhances the setting of the building. The frontage of the building appears cluttered and dominated by the vehicle display which detracts from the character and appearance of the building.

In addition to this, the first floor residential accommodation is designed without adequate storage for cycles and in the absence of a mechanism (such as a planning condition) to secure cycle storage for the lifetime of the development, the conversion fails to promote cycling as a sustainable alternative to the private car.

350 Shirley Road
Enforcement Notice



Legend

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Organisation	
Department	
Comments	
Date	

Furthermore, in the absence of either a scheme of works or a completed Section 106 legal agreement or unilateral undertaking to support the residential development, the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat.

The unauthorised use is therefore contrary to saved Policies SDP1, SPD5, SPD7, HE3 (i) and H7 of the City of Southampton Local Plan Review (March 2015), CS13, CS14, CS19 and CS22 of the Local Development Framework Core Strategy (March 2015) and The Habitat Regulations as supported by The Residential Design Guide Supplementary Planning Document (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

- Cease the use of the Land for the storage, display and sale of motor vehicles;
- Remove from the Land all vehicles from the land for the purpose of storage, display and sales;
- Remove all signage in relation to the vehicles sales;
- Cease the residential use of the land;
- Remove all fixtures and fittings facilitating the residential use.

6 THE TIME FOR COMPLIANCE

28 days after this Notice takes effect.

7 WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 28th July 2017, unless an Appeal is made against it beforehand.

Dated: 28th June 2017

Signed



SERVICE DIRECTOR: LEGAL & GOVERNANCE

RICHARD IVORY, Solicitor

Southampton & Fareham Legal Services Partnership

Southampton City Council

Civic Centre

Southampton SO14 7LY

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 Secretary of State before the date specified in paragraph 7 of the notice. The enclosed information sheet from The Planning Inspectorate sets out how to do this. Read it carefully.

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.

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

ENFORCEMENT NOTICE

**LAND AT 350 SHIRLEY ROAD,
SOUTHAMPTON
SO15 3HY**

CST Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000
Fax No 0117-372 8782

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 0303 444 5000 or by emailing us at enquiries@pins.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.