

PLANNING DEVELOPMENT CONTROL COMMITTEE

8 SEPTEMBER 2004

UNAUTHORISED RESIDENTIAL USES AT VARIOUS LOCATIONS AROUND
WINCHESTER (GARNIER ROAD, ITCHEN NAVIGATION AND NEARBY)

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

Contact Officer: Charlie Robson Tel No: 01962 848178

RECENT REFERENCES:

PDC369 - Planning Development Control Committee - 26 November 2003

PDC397 - Planning Development Control Committee - 31 March 2004

EXECUTIVE SUMMARY:

This report follows the Planning Development Control Committee's resolution, in principle, to take action against several unauthorised residential developments around the fringes of Winchester. Before action is progressed the Committee asked for information to be provided regarding ownership of the sites involved. The report explains the outcome of land ownership investigation and recommends appropriate action to remedy.

RECOMMENDATIONS:

- 1 That at Sites 3 and 4, where the City Council is the landowner, legal action be taken to repossess the land.
- 2 That at Site 1, where ownership has not been established, Enforcement Notices be served requiring the land to be cleared and unauthorised residential use to cease.
- 3 That should further similar breaches of planning control recur in the future, action be taken by the landowner where possible and by enforcement action (if necessary) to secure cessation of residential use.

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DETAIL:

1 Introduction

1.1 This report updates the Planning Development Control Committee about investigation of ownership of several sites around Winchester currently, or until recently occupied, unlawfully for residential purposes, and recommends action to remedy currently ongoing, and any future similar, breaches of planning control.

2.0 Background

2.1 Members may recall that in October 2003 eight sites around Winchester had been identified as being occupied unlawfully for residential purposes. The Table below describes each site, and the updated position at August 2004.

<u>Site No.</u>	<u>Location</u>	<u>Owner Known</u>	<u>Current Status</u>
1	Old Morestead Road (adjacent M3 Slip Road at Bar End)	No	Ongoing unauthorised use
2	Garnier Road	No	Removed prior to November 2003
3	Tunbridge (alongside Itchen Navigation -off Garnier Road)	Yes	Ongoing unauthorised use (additional occupier moved onto site)
4	Tunbridge (as above but further along Itchen Navigation from Garnier Road)	Yes	Ongoing unauthorised use
5	Near Five Bridges Road (alongside footpath near M3)	Yes	Site Cleared
6	Morestead Road (near M3)	Yes	Site Cleared
7	M3 Overbridge Roundabout (adj. Tesco Superstore)	Yes	Site abandoned (Landowner to remove "Dome")
8	St Cross Meadows	No	Site Cleared

The respective locations are shown in the plan attached as Appendix 1

3.0 Assessment

- 3.1 Significant effort has been put into researching ownership of the various sites and that process has now been exhausted. The reduction of issues still to be dealt with arises from co-operation from the landowners (in those cases where ownership has been identified), but also due to the sometimes transient nature of this type of development.
- 3.2 Of the sites that remain occupied, Sites 3 and 4 are owned by the City Council. There had been an offer by the original occupier that he would vacate the site in June 2004. The appropriate course of action in this case would be to pursue Court action to re-possess the land. At Site 1, where the owner has not been traced, use of planning enforcement powers is considered to be the only available remedy. The respective procedures will ensure a consistent approach to dealing with the unauthorised residential uses that remain around Winchester.
- 3.3 Should further similar breaches of planning control occur, it is considered that a similar approach using landowner co-operation should be used where possible. Where ownership is not known, or co-operation is not secured, the use of planning enforcement powers should be pursued.

OTHER CONSIDERATIONS:

5 CORPORATE STRATEGY (RELEVANCE TO):

Looking after the natural and built environment is a core objective

6 RESOURCE IMPLICATIONS:

To be met from within existing Budget allocations and Staff resources

BACKGROUND DOCUMENTS:

Enforcement Investigation Files: (not available for public inspection by virtue of paragraph 12 of Schedule 12A of the Local Government Act 1972)

APPENDICES: Appendix 1 Plan showing location of "Dome" sites referred to in Para 2.1