

Reply to Zehn Sajid
Ref 21/00249/COMPCH
E-mail planning.enforcement@milton-keynes.gov.uk

Owner/Occupier

2nd February 2023

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

**Appeal Mr Phillip Solt against an enforcement notice served for
Change of use of land for the unauthorised change of use of part of the land and operational
development at Land at Hollington Wood, Newport Road, Emberton, Olney, MK46 5JH**

Appeal Start Date: 17th January 2023

We are writing to advise you that the Planning Inspectorate is conducting the above appeal.

I enclose a copy of the letter being circulated to the relevant occupiers and others who have shown an interest.

Yours faithfully,

Zehn Sajid
Planning Enforcement Officer

On behalf of Head of Planning

Reply to: A Walker
Ref: APP/Y0435/C/22/3298181E-mail:
teame2@planninginspectorate.gov.uk

The Occupier

2st February 2023

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

**Appeal Mr Phillip Solt against an enforcement notice served for
Change of use of land for the unauthorised change of use of part of the land and operational
development at Land at Hollington Wood, Newport Road, Emberton, Olney, MK46 5JH**

Appeal Start Date: 17th January 2023

We are writing to advise you that the Planning Inspectorate is conducting the above appeal. The Inspector has asked me to notify you about this appeal as it is considered that you may be affected by the proposed development.

It has been decided that this appeal will be dealt with by way of a hearing. The hearing into this appeal will open at 10:00 on 27th April 2023 at Suite 1.02. Milton Keynes CC, 1 Saxon Gate East, Milton Keynes, MK9 3EJ.

The documents relating to this appeal may be inspected at the Council's website at www.milton-keynes.gov.uk/planning-and-building/public-inquiries. You can also find further guidance on enforcement matters and procedures at this link.

If you wish to make any comments, you may submit these via the Planning Inspectorate's website at acp.planninginspectorate.gov.uk using reference **APP/Y0435/C/22/3298181**. Alternatively, three (3) copies of your comments can be emailed to teame2@planninginspectorate.gov.uk or sent by post to The Planning Inspectorate, 3c Hawk, Temple Quay House, Temple Quay, 2 The Square, Bristol, BS1 6PN, quoting the above reference.

All comments must be received by **28th February 2023**. Any comments received after the deadline will not normally be seen by the Inspector and will be returned. All representations will be disclosed to the appellant and made available to any interested parties. The Planning Inspectorate will not acknowledge representations. They will, however, ensure that comments received by the deadline are passed to the Inspector dealing with the appeal.

The Planning Inspectorate's "Guide to taking part in planning appeals" may be downloaded at www.gov.uk/government/collections/taking-part-in-a-planninglisted-building-or-enforcement-appeal.

If you are not the owner of the property to which this letter is addressed, please ensure that the owner is made aware of the contents of this letter.

The alleged breach of planning control

- (i) Unauthorised change of use of Hollington Wood.
- (ii) Unauthorised use of timber extraction area as a carpark.
- (iii) The erection of objects and structures within the site to facilitate the unauthorised use of the land

Reason for issuing the Enforcement Notice

That it is expedient and in the public interest to issue an enforcement notice requiring the cessation of the following unauthorised change of use:

- (i) Cease all activities and events which fall outside the scope of woodland management; notwithstanding or exceeding the parameters as defined within the General Permitted Development Order (2105) [as amended]. This includes any events facilitated by the owner, Airsoft, Tots Outdoor and Kids Outdoors or any other company or third-party provider/occupier.
- (ii) Cease the use of the timber extraction area as a facility for the parking of vehicles related to any activity or event that does not fall within the lawful use of the land as defined within planning application 15/02500/ANOT.

It appears to the Council that it is expedient and in the public interest to issue an enforcement notice requiring that the following be permanently removed from the site:

- (i) Permanently remove all structures and objects from the site which are in place in connection to Airsoft, Tots Outdoor, Kids Outdoor and other events and activities which fall outside the scope of Woodland Management.

The unauthorised change of use and unauthorised operational development is contrary to the following policies within Plan:MK (2019) and the National Planning Policy Framework (2021).

Relevant policies

Supplementary Planning Document/Guidance Parking Standards SPD 2016
Biodiversity Supplementary Planning Document 2021

Plan:MK (2019)

Policy DS1: Settlement Hierarchy, Policy D5: Amenity and Street scene, Policy NE1: Protection of Sites, Policy NE2: Protected Species and Priority Species and Habitats, Policy NE3: Biodiversity and Geological Enhancement, Policy CT1: Sustainable Transport Network, Policy CT2: Movement and Access, Policy CT3: Walking and Cycling, Policy CT10: Parking

Provision, Policy HE1: Heritage and Development, Policy DS5: Open Countryside, Policy NE5: Conserving and Enhancing Landscape Character

National Planning Policy Framework (NPPF) 2021

Section 2 Achieving Sustainable Development, Section 4 Decision-making, Section 9 Promoting sustainable transport, Section 11 Making effective use of land, Section 15 Conserving and enhancing the natural environment Paragraph 180 c) "development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly

The appellant's Grounds of Appeal

The appellant has lodged the appeal on the following grounds as set out under section 174(2) of the Town and Country Planning Act 1990:

- (c) That there has not been a breach of planning control (for example because permission has already been granted, or it is 'permitted development');
- (d) That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.

Yours faithfully,

Zehn Sajid
Planning Enforcement Officer
On behalf of Head of Planning