



**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)(a) 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 5 Crofton Close, Southampton, SO17 1XB, 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 from a single family dwelling (C3 Use) to a sui generis (large) house in multiple occupation.

**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. Without planning permission, this detached house has been occupied by 8 students since July 2010. In November 2010 the issued Government circular 08/10 clarified that occupation by more than 6 unrelated persons sharing basic amenities of a dwellinghouse will constitute a sui generis (large) house in multiple occupation. This use of the property as a large HMO therefore falls outside the Use classes Order and requires planning permission for such use. The use of this dwellinghouse as a large HMO is an over intensive use of the property, which harms the character and amenity of the surrounding area for the following reasons:

- a) the lack of common reception rooms means that the greater communal use is made of the kitchen, conservatory and back garden, occasioning noise and sleep disturbance to occupiers of neighbouring properties, sometimes at unsocial hours, in an area which is predominantly comprised of family housing.

- b) The increased coming and goings to the property from essentially 8 different independent occupiers, sometimes at unsocial hours, causes general disturbance at the end of a private drive.
- c) Notwithstanding the double garage being available for use, the parking of independently owned vehicles at this property means that the garage is often unused, with cars being parked outside the curtilage, obstructing the private drive and maintenance gate of a landscaped strip between Crofton Close and Oakmount Avenue, and sometimes necessitating on street parking. This is a development that was designed to minimise the demand for on street parking so as to retain the open setting of the development within its overall design philosophy. An increase in off-site parking would inconvenience residents and create potential obstructions that could impede access by service and emergency vehicles, and such overspill parking has already been held to be harmful to the character of the area by two Planning Inspectors.

Such use is outside the authorised use of the property as a single family dwelling under planning permission 900255/3 granted 29/08/1990. It is contrary to the following Policies of the Development Plan for Southampton: - Local Plan Review (March 2006) – SDP1 (i), SDP7(v), H1(iv) and H4 and the Local Development Framework Core Strategy (January 2010) – CS13(4)/(11), CS16 and CS19.

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

## **5 WHAT YOU ARE REQUIRED TO DO**

- (i) Cease occupation of the dwellinghouse situated on the Land by unrelated persons not forming a single household within the meaning of section 258 of the Housing Act 2004.

## **6 TIME FOR COMPLIANCE**

28 days after this Notice takes effect.

## **7 WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 19<sup>th</sup> August 2013, unless an Appeal is made against it beforehand.

Dated: 19<sup>th</sup> July 2013

Signed  .....

Head of Legal, HR  
& Democratic Services  
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**

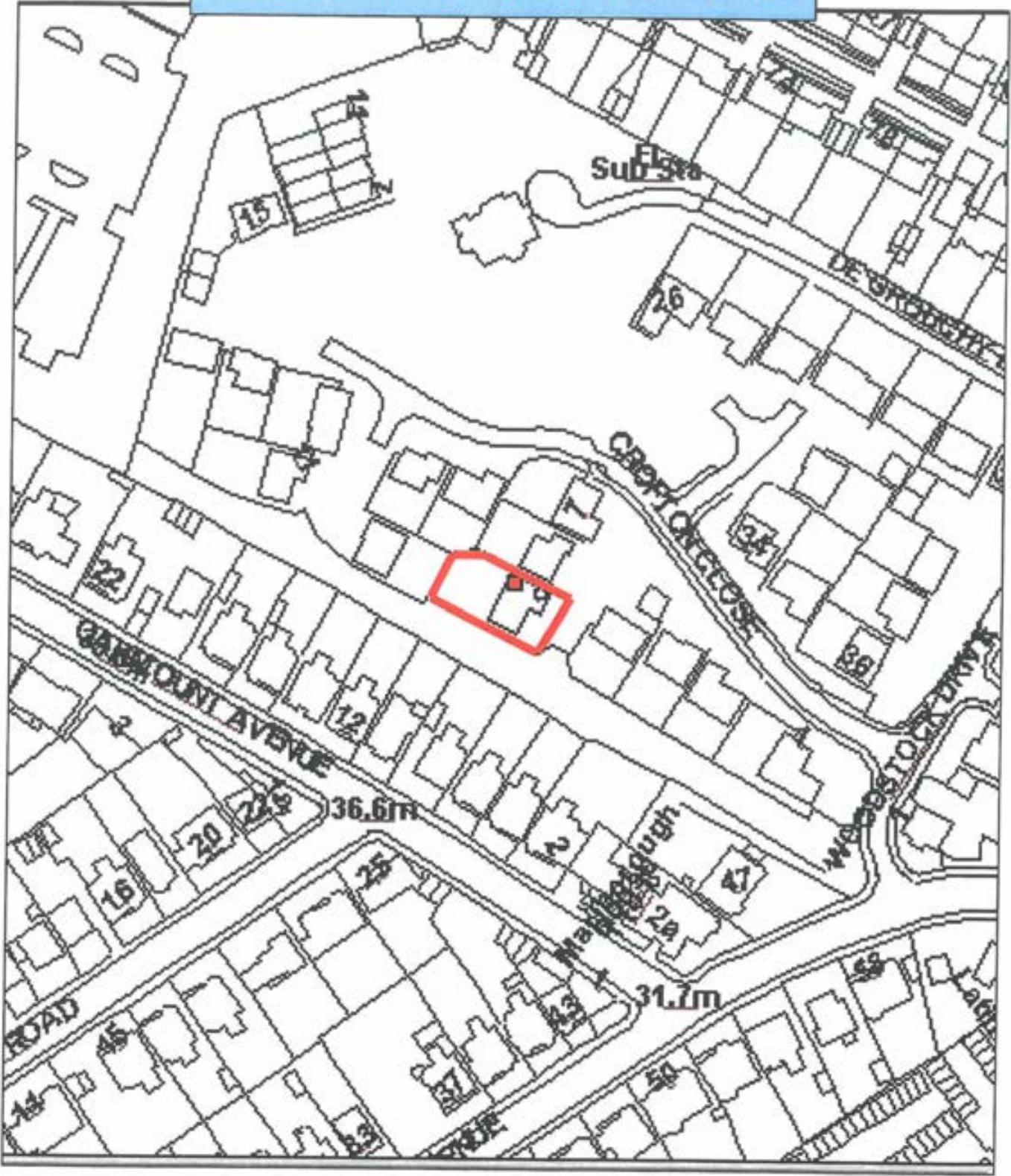
If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the notice. 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 5 CROFTON CLOSE,  
SOUTHAMPTON, SO17 1XB**

Enforcement Notice – 5 Crofton Close



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