

NEW FOREST NATIONAL PARK AUTHORITY

PLANNING COMMITTEE – 13 OCTOBER 2026

NON-COMPLIANCE WITH ENFORCEMENT NOTICE

QU/21/0053 DALE FARM, MANOR ROAD, DIBDEN, SOUTHAMPTON, SO45 5TJ

Report by: Katherine Pullen – Enforcement Officer

1 Summary

- 1.1 This report concerns a breach of planning control at Dale Farm, Manor Road, Dibden, Southampton, SO45 5TJ. In March 2021 the Authority received a complaint initially regarding the erection of a stable building, a solarium and aquarium in association with the equestrian use, as well as queries concerning the use of the site. A site visit found no evidence of any of the concerns raised but a building was in the process of being erected for which no permission had been sought. Despite being provided with the opportunity to take remedial steps by either submitting an application or demolishing the building, the owner took no action and as a result an Enforcement Notice was issued on 26 November 2024 requiring the development to be demolished and removed from the land.
- 1.2 An appeal was lodged against the Notice on 05 January 2025 on the basis that the building was immune from enforcement action (ground (d)) and the appeal was subsequently dismissed on 09 March 2026. As a result, the Notice took effect the date of the Inspector's decision and provided a compliance period of four months. The Enforcement Notice was due to be complied with on or before 09 July 2026.
- 1.3 To date, the requirements of the Notice have not been complied with and there has been no engagement from the owner with no plausible defence put forward. In addition, there has been no evidence noted during the compliance site visits of 13 July and 18 September to suggest that there has been any attempt to comply with the requirements of the Notice. This report therefore seeks Members' approval to proceed to prosecute those responsible for the continuing breach of the requirements of the Enforcement Notice (endorsed by the Planning Inspectorate at appeal) - to the detriment of the landscape of the New Forest National Park.

2 Background

- 2.1 Following complaints received by the Enforcement team, an initial site visit on 18 November 2021 found that a building was in the process of being erected. Officers subsequently entered into correspondence with the owners in an attempt to secure that remedial steps be taken voluntarily, including either the submission of a planning application in an attempt to regularise the building, or taking voluntary remedial steps to remove the building. Building works ceased, however no remedial steps were taken by the owners and an Enforcement Notice was issued on 26 November 2024 which identified the breach of planning control as being 'Without planning permission the erection of an incomplete building.'
- 2.2 The Notice required the owners to:
- i. Demolish and remove from the Land the building shown in the approximate location shaded green.
 - ii. Remove all material and debris resulting from compliance with step (i) above from the Land.
 - iii. Restore the Land to the level of the immediately adjacent ground levels and finish with topsoil.
- 2.3 An appeal was lodged against the Notice in January 2025 with the Planning Inspectorate, and a decision was issued on 09 March 2026. The Inspector directed that the words 'incomplete building' be removed and replaced with 'building', but, subject to this correction, the appeal was dismissed and the Enforcement Notice was upheld.
- 2.4 The Notice therefore took effect on 09 March 2026 and provided a compliance period of four months until 09 July 2026 to allow sufficient time for the requirements of the Notice to be complied with.
- 2.5 Following a site visit on 13 July 2026, it was clear that the Enforcement Notice had not been complied with and the building in its entirety remained. A further visit on 18 September 2026 has established that the situation has not changed, no attempts to comply with the Notice have been made and the owner has not engaged with the Authority. The building remains in the same condition it was in at the point the Notice was served. Over seven months have gone since the requirements of the Enforcement Notice were upheld by the Planning Inspectorate.
- 2.6 Following the first compliance site visit on 13 July, the Authority notified the owners of its intention to commence prosecution proceedings. No response has been received to this correspondence.

- 2.7 The Authority's Enforcement Officers have provided the owners with clear and comprehensive advice throughout the enforcement investigation and have taken all reasonable steps to encourage the owners to comply with the Enforcement Notice. Should members feel it necessary to discuss the particulars of the enforcement investigation in more detail it is likely to require the matter to be taken to Part II of the meeting due to the sensitive nature of such investigations.

3 Next Steps

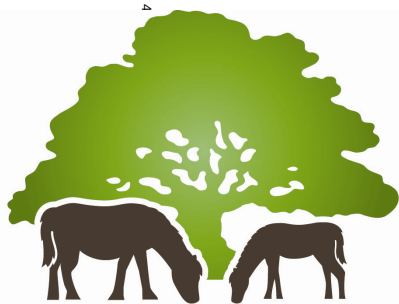
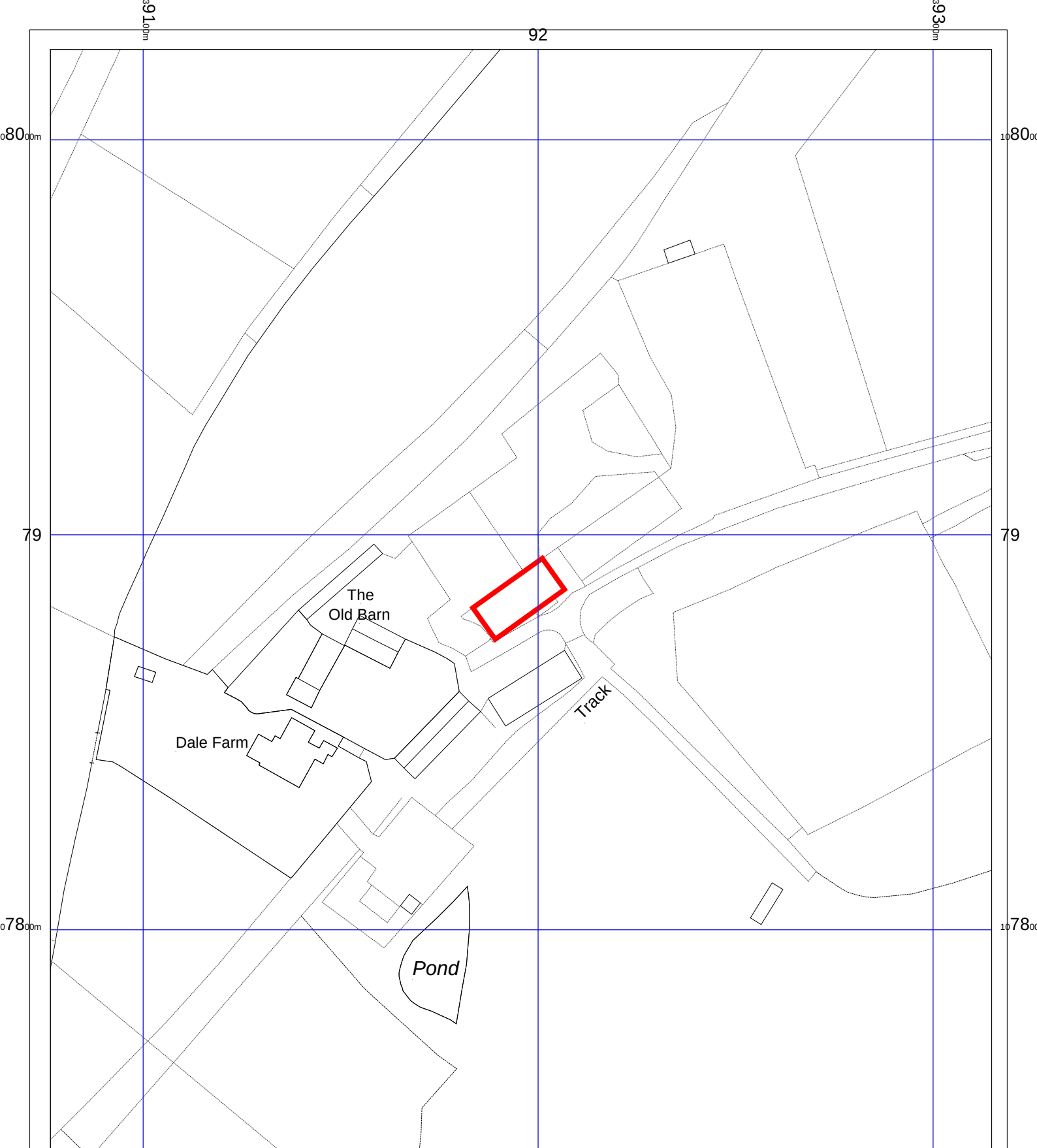
- 3.1 The Authority may now choose to prosecute the owners for non-compliance with the Notice which is an offence under section 187A of the Town and Country Planning Act 1990, as amended (the 'Act'). All owners are responsible for ensuring compliance with the Notice.
- 3.2 Prior to commencing a prosecution, the Authority needs to be satisfied firstly that there is a realistic prospect of success and secondly that commencing prosecution proceedings would be in the wider public interest. The Authority is satisfied that there is an adequate prospect of success given the evidence available. As to the public interest in taking action, the enforcement of planning control is in the wider public interest of the community by preventing inappropriate and harmful development within a special landscape of national significance, the New Forest National Park.
- 3.3 The Authority's prosecution of the respective landowners would be in accordance with the powers conferred upon it by the Act and also appears to be both proportionate and supported by the wider public interest, especially in view of the harm caused by this breach. Allowing the building to remain would undermine the Authority's strong stance that the building results in an unjustified proliferation of buildings within the designated New Forest National Park landscape contrary to policies DP2 (General development principles), SP7 (Landscape character), SP17 (Local distinctiveness), DP18 (Design Principles), DP45 (Extensions to non-residential buildings and uses), DP50 (Agricultural and forestry buildings) and DP52 of the New Forest National Park Local Plan (2016-2036), Guidelines for Horse Related Development SPD and Policy N4 of the National Planning Policy Framework.
- 3.4 Non-compliance with an Enforcement Notice leaves the owner liable, on summary conviction, to an unlimited fine. It is therefore considered expedient, necessary, and proportionate to commence proceedings as outlined above.

RECOMMENDATION:

Members authorise the Authority's Planning Enforcement Manager, in consultation with the Solicitor and Monitoring Officer to:

- i. **consider the further evidence, if any, submitted in respect of the purported impediment to compliance and form a view as to the appropriate course of action to achieve compliance with the Enforcement Notice; and**

- i. if officers are in agreement that it is appropriate to do so, in light of any further information referred to in paragraph (i) above, take all action as necessary to commence and conduct the prosecution of the owners of Dale Farm, Manor Road, Dibden, Southampton, SO45 5TJ in respect of their non-compliance with the Enforcement Notice issued 26 November 2024; or**
- ii. if it is not considered appropriate to commence a prosecution, to consider and take such other action as necessary to achieve compliance with the Enforcement Notice including taking direct action and any other steps as necessary to recover the costs of so doing from the owners, including arranging for a charge to be placed on the land.**



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NATIONAL PARK

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