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Your Reference APP/L1765/C/20/32488934 &
APP/L1765/W/20/3247907
Email: [REDACTED]
Date: 12th July 2020
Status: Comment on Appeal Objection Letter
Southern Planning Practice Ref: Win-NM

Dear Sir/Madam

I write to comment on the appeal objection letter provided to you by Mr Neil March of Southern Planning Practice, who acts on behalf of Mr and Mrs Wallin of 6 Hillside, Curdridge SO32 2HJ, who have provided the information to him.

I will throughout this letter refer to comments and information made by Mr March, as he is the Wallin's representative.

1

Early in Mr March's comments, he refers to the first visit by his clients on the 11th March 2011, to 6 Hillside prior to their purchasing of it and how it was "quite clear to them that the land to the rear of No.6 Hillside was nothing more than a field with 2 small buildings"

At this stage we had owned the ground for, almost exactly, 8 months. The photo quite clearly shows the grass cut short and as it was winter/ early spring the grass would not have been cut since, perhaps, September 2010. We have never owned any kind of grazing animal, so how would he suggest the grass had been maintained to that height if not with a lawn mower? The stables were originally built for a pony but at the time of their first visit contained our garden chairs etc, packed away in late 2010 for the winter months. The washing line, screened from view as it has always been, is behind the building on the right. The picture also shows an inconsistency with the fence line where a five-bar gate was originally sited and removed before we purchased the ground. This was where Nick and Sandy Penwill entered the ground and to the right can be seen a blue water pipe which had a tap attached from where they drew water for animals and plants.

How the Wallin's viewed the area on their first visit is simply a recollection of their opinion and not based on anything other than that. At that point their only consideration was the house and the purchasing of it and their opinion at that time is irrelevant and not based on facts or information available to them at that time.

2

Mr March states that a horse was grazing on the ground until just before July 2010.

Sandra Penwill, who occupied 6 Hillside before the Wallin's, also rented the ground from Mrs Allen to graze a pony. The pony died in 2009 and it was on the 17th January 2010 that she informed Mrs Allen that she no longer would no longer rent the ground as she did not have horses and that she intended

to leave. She then, in February, informed Mrs Allen that she had found a bungalow and would leave in March. On March the 8th she removed the five-bar gate she had installed some years before and, as per her agreement with Mrs Allen, reinstalled the fence, denying herself any further access to the ground. She left No6 on or around the 11th March 2010.

NB. In an earlier declaration I have said she left in May, but I have since learned this wasn't the case.

David Allen then prepared the ground for sale and we purchased it on July 14th, 2010.

No animal of any kind was grazing on the ground in 2010 and it is both historically inaccurate and misleading to suggest that there was.

3

Neil March raises a question concerning the original LDC application and the reason for our not appealing it.

At the original meeting with the Parish Council in September 2019, which we attended with our agent Mr Robert Tutton, Mr Wallin of 6 Hillside, who is Vice Chairman of the Parish Council, declared an interest and abstained from the voting process but continued to sit at the table and provided images for other members, of our property, from his personal tablet computer. He sat directly next to the Chairman, Mr Eric Bodger, who quite clearly condoned his actions. Mr Wallin also verbally encouraged the other members to vote against us. My wife and I found this intimidating and decided that we would not appeal Winchester Councils decision if we were refused the LDC.

We were also told by the Chairman that the Parish Council may look favourably on a Change Of Use application, which is why we decided to go down that route after also being advised of this route by our agent, Mr Tutton.

4

Mr March refers to Policy MTRA4, insisting any development in the countryside should not cause harm to the character and landscape of the area and neighbouring uses. As Mr March has not visited the site, nor indeed any member of the planning committee, although this was requested by us, it is not surprising that he is unaware of neighbouring uses. The land to the side of ours has the grass cut short and is used as a golf driving range by the owner. His garden extends down to the bottom of our ground. Please see attached photo.

The ground to the immediate left is another long garden which extends down to our fence line. The owner uses half of his garden for leisure and half is left fallow, sometimes with his Shetland pony grazing

Other gardens which extend down from Lockhams Road also are used for leisure purposes including one with an extensive tree house half way down where children can be seen playing.

These gardens have always been here and are not agricultural land as suggested by Winchester Council but gardens that have been used over the years for grazing and it is noteworthy that one of the only members of the planning team, apart from Gill Cooper and Tony Ridley, at Winchester Council who has visited the site is Planning Officer Liz Marsden, who recommended that permission should be given.

5

Mr March refers to a sound system installed in our log store/ garden room. He also refers to a beer fridge and sofas in the building. He also refers to My Wife and I “hanging out” with my family as if we were unemployed teenagers with nothing better to do than play loud music and drink beer.

We are both Company Directors in our late 50s. The sound system was a CD player and radio which we have not had up there for about 10 months and is now in the greenhouse, where my wife listens to the Archers. There are actually 2 fridges. They are both left over from our deceased mothers’ estates, as is the old settee.

All these charges are trumped up in an attempt to demonise us and imply that we are Neighbours from Hell, which we have never been. If we are truly so awful and the disturbance so great, why then has it taken his clients the best part of ten years to complain.

The only enclosed section of the building houses an old settee and artefacts and memorabilia from our deceased Mothers. The main function of the building is as a log store. We restock every year with seasoned logs and the two stables have become storage for cycles and tools and still housing some garden furniture as they always did. Please see attached photos. The information Mr March has been supplied with is, once again, untrue and misleading. We have lived here for over 21 years and have never been the subject of any complaint from anyone except from the Wallin’s from 2018/19 when they reported us to the Council for alleged illegal use of our land after we had fallen out as neighbours.

Mr March refers to the lighting.

The lighting of the area has always been a feature of the buildings on the ground and has existed both externally and internally since we can remember and certainly long before we owned it. When I built the extension to the outbuildings in 2011, we renewed dangerous and hazardous wiring.

With hindsight, we were probably overzealous with our choice of wattage for the lamp on the corner of the building which then became a major issue for the Wallin’s in this campaign, but it had been up since 2011 and it took until 2018/19 before the Wallin’s made it an issue, never having complained about it before. We have now reduced this lamp from 50watts down to 10 watts and hardly ever switch it on if it can be avoided. We did not know it was a problem and still believe it to be a false charge in as far it has never bothered them before we fell out. To satisfy them we reduced it down in size. It is a security light, but we do not leave it in that mode now and hardly ever turn it on. It is unreasonable for Mr March to say that all the wiring should be removed simply because we have renewed it. There has always been lighting in the buildings and renewing the old and potentially dangerous lighting and wiring would be a health and safety issue and would need to be renewed at some future stage anyway.

Mr March refers to BBQ area.

When I built the patio, it was intended to be away from the neighbours, but Mr March is implying it is directly behind No6, this is not the case and is actually over 10 meters from the Wallin’s fence line. Mr March refers to “regular get togethers” as if hordes of people regularly come and “hang out”. This is simply not the case and is grossly over exaggerated. We have lost significant numbers of our families over the last 10 years and have a small circle of old friends and we entertain only as much as any other household.

6

Mr March refers to a planting scheme as “an afterthought, a sweetener”.

My wife and I are keen gardeners. We enjoy growing our own fruit and vegetables and whilst a lot of planting and growing does not require planning, to design a garden and use it as your own without fear of restrictions and prying eyes always trying to catch us out as, we feel would certainly be the case here, is of course desirable and far more enjoyable for us as owners than just simply maintaining an allotment. A planting plan is a way of demonstrating our desire for a much larger garden and is not intended to deceive and is certainly not an afterthought. We had already started to plant some fruit trees on the ground when all this started so we have held back to wait for the final decision from the Inspectorate.

7

Mr March refers to us having an “adequately sized garden already”.

The size of our existing garden has been greatly reduced in recent years because of the necessity for a much larger car parking area which we had to do to provide extra parking for our grown-up children’s cars and their partners cars. Living as we do, in a private lane, it is essential that each house has adequate parking as there is literally nowhere else to park. We have lost over a third of our original garden. We have recently been given permission to extend our house which will also impact on our existing space. It seems unreasonable of Mr March to imply that we should only use our existing garden and not expand our leisure area. Surely our personal choice of wanting to own a larger garden is not something to be criticised or judged by others? The individual has a choice and should be allowed to make their choice. We choose and would very much enjoy a much larger garden, as do people who choose to make their homes larger. It would be considered unreasonable to suggest that a person with a small house should not extend it simply because others thought the house to be already adequate for that person’s needs. Choice is an act of choosing between two or more possibilities. We would choose to have a larger garden than the one we already have. That is our choice to make. We made that decision ten years ago when we purchased the ground. Also, the original garden is nowhere near as private as the garden we have had for ten years, as is proven by new complaints by his clients of our recent activities.

Mr March, “leaving his own garden little used”

This is not the case at all, and our original garden is full of colour and is very well used indeed, with feature steps and housing sheds surrounded by flowering pots and hanging baskets. We often sit to the rear of our kitchen where we have hard standing. The grass is well kempt along with well-established conifers and grapevines.

8

Mr March refers to the Wallin’s not wishing to report the use of the land sooner as far back as 2014 as they did not want to appear “unneighbourly”.

There was nothing from stopping them reporting us anonymously if they were actually that concerned about our activities. Mrs Wallin and her friend Miss Flower (who has also raised an objection even though she lives half way down the lane and cannot see the land) also enjoyed our hospitality in our ground before we fell out over an unrelated matter and it is our opinion that when Mr Wallin joined the Parish Council he took the opportunity to start these proceedings.

It is ridiculous of Mr March to imply that anyone thinks the area has been enhanced by the addition of a beer fridge or a CD player/radio. Nor is it reasonable to bring activities in my original garden into this appeal. These activities have nothing to do with the appeals. He says

“my clients have recently noticed the appellant moving some of the items listed above into the garden of his property (for example garden furniture)” There have also been a noticeable increase in the use of the garden/patio as a whole for socialising...”

The reason we have moved our garden furniture down to our kitchen area is, so we don't antagonise the situation we find ourselves in and we are now having BBQs in our original garden, which it seems now are offending the Wallin's again. We thought the main reason for all this was to prevent us having BBQs on our ground. Now it would seem the activities in our garden are offending them as well. What we do with our sheds in our garden is irrelevant and nothing to do with this appeal. He also accuses us of having a sound system in there also. The reason we are still “using” the land behind No.5 is because we have fruit and vegetables growing there and they need to be watered daily. We certainly have not entertained our family and friends or been “hanging out” there! These claims are untrue and misleading. Mr March is attempting to imply we have scant regard for the process we find ourselves a part of, by continuing to “use” the ground, when in actual fact the reverse is true as he has noted in our removing the garden furniture and BBQ out of the area. We are quite clearly cooperating with the Council, as we have always done throughout this process.

The photo produced by Mr March (figure 3) was apparently taken in 2015. The view from the Wallin's property has changed quite considerably, as I am sure they are aware. Large sections of the ground are unavailable from their view now due to the growth of conifers. They have also erected a 6ft 6inch panelled fence right round the perimeter of their garden, obscuring from view any part of the ground from their garden or ground floor and giving them limited visual access from one upstairs window. Please see photo. The other window to the rear is a bathroom window with one top opener and containing opaque glass. I have provided up to date photos and although I am unable to duplicate the original position, which appears to have been taken at a higher elevation than the window would allow, I have taken it as close to their bathroom window as possible.

Mr March has commented on the right of way to the rear of our property that joins the land and runs through to the A334. This has been closed for approximately 40 years and although we initially looked at the possibility of reopening it, we now do not have any inclination to open it for the simple reason that once opened, we have always thought, it would provide a security risk for all who live in Hillside as it would pass directly behind all the properties here, making it easy for criminals to get into the rear of the properties. Please see attached photos. We also have no desire to build on this land whatsoever. We also have a 25-year overage on this ground to limit the possibility of building so it certainly wouldn't be an attractive opportunity for us anyway. Also, it is worth remembering that any of the properties in Lockhams Road can gain access through their ground should they ever want to build. The right of way could never be used as an access onto the busy A344 for dozens of vehicles and was never intended to be used in that way. Mr March is again misinformed and without any information regarding the conditions attached to this right of way. I have a copy should the Inspectorate require it. We also have the original gate from the right of way,

now rusty and corroded, which we have replaced with a more aesthetically pleasing gate and not “installed” as previously claimed by Miss Flower. Please see photo.

10

Mr March has said about the area to the rear of No.5

“...provides an attractive and appealing outlook for all those properties that back onto and overlook the land”

To correct Mr March, there are literally **no** properties that overlook the ground apart from one rear upstairs window of No. 6. Hillside (also a bathroom window with opaque glass and one small top opener)

All the properties that are on Lockhams Road are completely screened from view by our hedge and apple trees at the top of the ground. The only view point of the ground that is visible from my neighbour up on Lockhams Road is from his greenhouses. No other houses from Hillside are able to see the ground. Please find attached photos taken from various angles from around the ground.

The points above are raised in direct relation to comments made by Mr March in his Appeal Letter dated the 7th July.

The following section summarises these points.

My wife and I became owners of The Ground on 14th July 2010 and immediately continued its use as a garden from that date forward, under the genuine impression that what we were doing was both legal and proper, having seen the southerly end of the ground being used as such over the years by the previous tenants but also from our childhood recollections of the ground, having both grown up in the village. We mowed and maintained the ground in a way a garden would normally be maintained and used it that first summer in accordance with typical recreational garden usages and had already owned and used the ground as a fully functioning garden a full eight months before the Wallin’s had even seen it. As the photo provided by Mr March shows (figure 1) quite clearly, the grass was short and well maintained even after the winter months had passed. This picture shows the early stages of an adopted garden and conflicts directly with any presumption by the Wallin’s at that time. Can we really be led to believe that they can still remember their initial thoughts of a piece of ground as it appeared to them more than ten years ago at a fleeting visit to No 6 Hillside? And is this actually relevant here. This is only their opinion and hardly relevant ten years later when it is easy to adopt an opinion with hindsight to suit a certain situation. We have already established the fact it was their first visit to Curdridge and would have been lacking in information and knowledge of local history concerning the ground around a house they had never seen before and were viewing for the first time and would not have been in a position to come to any kind of factual conclusion that would be relevant here after all these years have passed.

We are expected to believe, according to Mr March, that the ground was being grazed almost up until the point my wife and I became owners of it in July 2010. This information is not true as I have proven and have written evidence of it in my possession. The previous tenant was not in possession of any horses at the turn of the year 2009/10 and had vacated the property by March 2010, the house standing empty for over a year before the Wallin’s moved in. Why suggest this over a year before his clients moved in and how did he arrive at that conclusion? We have the facts so can only assume that he is either fabricating this or relying on information supplied by his clients who were

not even to see No 6 Hillside for a further 12 months after the last tenant had left. Hardly then in a position to know what was happening on the ground in July 2010.

Parish council law is quite clear on certain practices, which are in place to assure members of the public that a fair system exists for all and that the public can attend meetings without fear of intimidation from council members. Leaving the table or the room is required by law for any member registering an interest in a subject or voting process so when Mr Wallin, vice chairman of Curdridge Parish Council refused to do so, he not only brought the council into disrepute but also broke the law and prevented us from feeling confident enough to appeal our original CLUED.

A lot of the gardens running down from the back of the properties in Lockhams Road are used for recreational activities as this was their original use, as was the garden of Ricceen from its inception. Mr March insists we are in breach of Policy MTRA4 by being in conflict with the surrounding area and the uses thereof. This is not the case as the land around us is being used in a variety of leisure and garden related activities and always has been. Photos supplied.

My wife and I are surprised by the way Mr March has used very ordinary and mundane situations such as a family BBQ with close friends, in an obvious attempt to pollute our characters by the use of derogatory and unreasonable terms, such as "hanging out", "beer fridge" "man-cave" or "sound System" as if we are unruly and ill mannered. He implies that our neighbours are at their wits end but we have lived here, with us as owners of this ground since 2010 and they moved in, in 2011 with no complaints from them at all for nearly nine years. Would they actually have waited that long without even one complaint? And why were other neighbours not complaining? Why not report us to the Environmental Services if living next door to us was so unbearable? We cannot emphasize enough the level of exaggeration he has used here. It is both offensive and misleading.

The Lighting issues no longer remain. When the complaint was made known to us, a full 9 years after the lamp was installed and only after this land issue had begun, we acted upon it swiftly and as I have indicated we have removed the offending 50-watt lamp and replaced it with a 10-Watt lamp. This simply doesn't get used any more than we need to. And although the internal lighting was in the original building over 20 years ago, we, again, use these only when needed and do not leave them on at night. I have attached photos of the original lamp that was removed. Mr March insists the patio is directly behind his client's property, but it is a good 10 metres away and totally screened by foliage and their own fence!

We have never set out to deceive anyone as to our intentions regarding the future planting of the ground and any visit will see how well we maintain the ground as a whole. Photos attached.

My wife and I have enjoyed our existing garden but it has become smaller and for the past 10 years we have had so much more extra space to enjoy with our family and dogs so we feel that, contrary to comments made by Mr March, that we actually don't have an adequate sized garden without the ground we have loved and maintained for over 10 years.

We simply do not believe, now we have seen the other side of our neighbours, that they would have hesitated to report us except for "neighbourly" reservations if they were genuinely perturbed by our behaviour. We are of the opinion that once we had fallen out, they waited until Mr Wallin was on the Local Parish Council.

Personal slurs on our character and mentioning the uses of our original garden, now we are subject of an Enforcement Notice, is hardly helpful to anyone. Providing photos from five years ago is also less than helpful particularly as the Wallin's have encased their whole garden in a full-sized fence

which screens everything from view. Mr March would have us believe that our ground was in full view of houses from every direction, when this is not the case.

We have cooperated with the Winchester Council throughout this entire process and have been treated unreasonably at every turn. They have failed to return photographic evidence from the first CLUED application which could now be used as evidence here, even after we have asked them to be returned. We have not had a site visit from the Planning Committee to determine the Change of Use application and when their own officer recommended permission, they over ruled that decision and served us an Enforcement Notice without discussing this at committee. As a result, my wife and I having owned this ground for 10 years, find we are fighting the whole weight of the local Planning Authority and Political representative who join forces to fight a simple application for a Change Of Use to an innocuous and unremarkable parcel of land whose use as a garden has gone unnoticed for almost 10 years and was only became grazing land in the 1980s. We have been accused of every unsociable habit that Neil March can think of, when he himself relies on false and misleading information and photographic evidence in an attempt to back up these claims.

We have lived here for 21 years and always been good considerate neighbours. The ground we purchased in 2010 has been lovingly looked after and maintained and transformed from how it was when we took it on. Apple trees have been saved and brought back to full fruit with regular maintenance, new fences installed, and grass mowed and dethatched. Wildlife has thrived and continues to diversify with rabbits and deer at the top of the area, which is not the subject of the appeal or the original application. We even have a faithful old Labrador who spent most of his life in the ground, buried here. This has become our garden and we feel the site would benefit enormously from a site visit as it would dispel the arguments against us.

My wife and I are concerned that the original issue here, raised by the Winchester City Council, as to the legality to which a piece of land is being used, has been swathed in personal attacks and used as an opportunity to launch a personal vendetta against us by our neighbours, Mr and Mrs Wallin. I have, in this letter, attempted to answer all charges against us and stay focused on the main issue and not become personal and very much hope this is apparent.

We would, with the greatest of respect, request that you find in our favour and uphold the appeal.

Your Sincerely

Jackie and Grant Atkinson

No.5 Hillside.

Appendix 1:

Garden adjacent to No.5 property being used & maintained as a golf driving range by owner



Appendix 2:



Neighbouring garden with large children's treehouse clearly visible



Right of way through to No.5's property clearly overgrown from adjoining gardens. Original steel gate was replaced by timber approx. 5 years ago for aesthetic purposes only.

Appendix 3:



Log store/garden room – front elevation



Log store/garden room – Inside



BBQ/Patio area viewed from original garden – note it is directly behind No.5 not No.6

Appendix 4:



Security light on Northern corner of original building. Note that this light is directed in the opposite direction of No.6 and approx. 7m from their boundary.

Appendix 5:

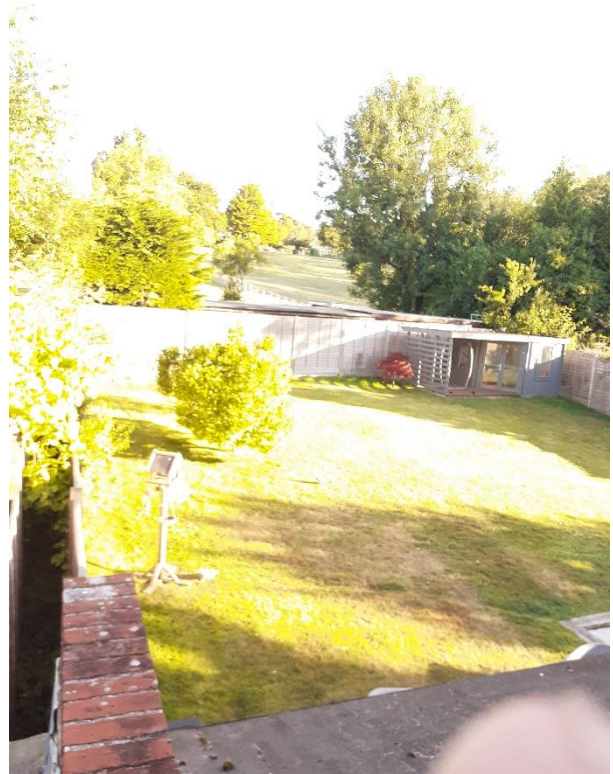
Existing greenhouse/planting with neighbouring garden to the rear/right



Appendix 6:
Photos of original garden area & current usage



Appendix 7:



2no photographs taken July 2020 displaying quite different views across the appeal site. Note the 6ft6" panel fence erected around the Wallin's property obscuring any view of our land at ground level.