
From: Robert Tutton <roberttutton@msn.com>
Sent: 21 September 2020 12:00
To: TeamE1
Subject: Firgrove Lane North Boarhunt, Winchester, PO17 6JF - APP/L1765/C/19/3242323
& APP/L1765/W/19/3242146
Attachments: Appeal Comments - Keet - Bungalow - Firgrove Lane.pdf

Dear Oprim Agala,

Thank you for your letter of 1st September 2020.

In accordance with the timetable set down therein, we are pleased to present our comments on the City Council's Statement of Case, on behalf of our client Mr J. Keet.

Kind regards,

Robert Tutton
Director

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Your refs: APP/L1765/C/19/3242323
& APP/L1765/W/19/32421462

21st September 2020

Dear Opirim Agala

**Appeals by Mr J Keet
re. The Old Piggeries and The Withy Beds,
Firgrove Lane, North Boarhunt, Hampshire PO17 6JF**

**Comments on the Statement of Case submitted
on behalf of Winchester City Council.**

Thank you for your letter dated 1st September 2020 and its attachments; while the Statement of Case submitted on behalf of Winchester City Council is sadly lacking in fact and substance, we are pleased to present our comments upon it, in accordance with the timetable set down in your letter. [Paragraph numbers follow those used in the City Council's submission]. We would welcome confirmation of the safe and timely receipt of this letter.

1.1 Our client would welcome clarification of those characteristics of the appeal site which, in the City Council's submission, bear on the determination of these appeals.

2.1 Our client would welcome clarification of those characteristics of the area about the appeal site which, in the City Council's submission, bear on the determination of these appeals.

3.1 Our client would welcome clarification of those aspects of the Enforcement Notice, planning application 19/01841/FUL and enforcement history which, in the City Council's submission, bear on the determination of these appeals.

4.1 Our client would welcome clarification of those provisions of the Joint Core Strategy, Local Plan Part 2 and '*...any other relevant policy document and guidance*' which, in the City Council's submission, would bear on the determination of these appeals.

4.2 The decision notice relating to planning application 19/01841/FUL issued on 1st November 2019 recorded the City Council's charge that Joe Keet's proposal would breach three policies of the Local Plan Part 1 (DS1, MTRA4 and CP5), one policy of the Traveller DPD (TR7) and four policies of the Local Plan Part 2 (DM1, DM4, DM11 and DM23). It is *apparent* that (ten months after that decision), the City Council has reconsidered its position and is minded to withdraw its allegations re. Policies CP5, TR7 and DM4. For the avoidance of doubt in the preparation of the Statement of Common Ground and Proofs of Evidence, our client would welcome clarification of the City Council's revised position.

4.3 Our client welcomes the confirmation that Reason for Refusal 2 of the planning application has been withdrawn.

4.4 & 4.5 Our client has noted the introduction of 'nitrates' as a new issue to these appeals but welcomes confirmation that "*The adopted solution is by means of a Grampian condition which requires the full avoidance and mitigation package to be secured prior to the occupation of the development.*" Our client would welcome clarification as to whether specialist evidence needs to now be prepared and presented on this issue.

4.6 Paragraphs 2.6-2.7 of the appellant's Grounds of Appeal described the circumstances of the subject building between July 2014 and February 2017 which bear on the determination of the s178 appeal. Our client would retain his contention that, as more than four years had passed since the subject building was substantially completed when the Enforcement Notice was served, his appeal should succeed on Ground D. Our client would welcome clarification of the City Council's intended reliance upon s171B(4)(b) of the 1990 Act.

5.1 Our client would welcome clarification of the City Council's contention that "*...it was not too late to take enforcement action*" and the receipt of full copies of High Court judgements or appeal decisions on which it would rely for support of its contention.

6.1 We would be pleased to present a draft Statement of Common Ground for consideration, upon receipt of the City Council's assistance with the information requested above, together with a full list of the documents on which it would rely to support its refusal of application 19/01841/FUL and the Enforcement Notice issued on 1st November 2019.

Yours sincerely



Robert Tutton
Director