

Planning Inspectorate
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17th November 2020

Dear Sirs

Appeal by Maloney Brothers re land at Lower Paddock, Bent Lane, Hambledon, Waterlooville, Hampshire. P Ins Ref: APP/L1765/W/20/3253413 and /3201565

We write to you to object to the above development for siting of two mobile homes with travelling trailers plus associated buildings and hard standings following serving of enforcement notices and also refusal of planning permission. This work was all commenced without planning permission being granted by the removal of hedgerow, levelling of the site and the laying of a hard core surface across the whole site (as subject to appeal). The arguments regarding these appeals are set out in the Statement received on 31.05.20, as viewed on the Council website.

In addition to this there is also the concern as to where this may all lead with a substantial area of the site not being shown as subject to development (to the south west and north west) as part of the application. In addition a further area of land was brought at the same time to the south west, outside of the lands identified, but no reference is made to this land. Both of these areas indicate that expansion of the unlawful use may well continue, especially if planning permission is granted for this development now.

In trying to deal with this now the site is short of children's play space, which is a policy requirement that should be dealt with. We would ask that if the Inspector should be minded to allow the appeals and grant permission this should be provided in this area and that a full height fence with a hawthorn/blackthorn hedgerow (with fence on the permitted side) be provided along the whole of the south western boundary to be safeguarded for a period of 10 years. This will go some way to safeguarding the lands from other incursions to enlarge the site. By using conditions the LPA will be able to respond quickly to unlawful incursions.

There are also a number of minor errors within the statement that we think should be clarified. Ydal Acres is we believe unauthorised in that the permission granted is limited and works have been undertaken in breach. There is also no permission for the mobile home on the land. There are no temporary dwellings on Little Oaks. Bent farm area comprises 4 dwellings, all of which are historic save for 1 which is a replacement of the much older building. Similarly, at Hill House there are 2 not 5 dwellings. Finally, reference is made to where the hedge is cut back but this was done historically to keep the trees out of the overhead cables.

We now turn to consider the submissions that have been made. We are concerned that some of these important matters should have been dealt with at the application stage. For instance it was our belief that neither of the appellants had children but we are now told that they have 3 and 5 children respectively. We will note similar problems in this response. If this was what they expected us to consider we should have been told, especially as their planning consultant has over 40 years professional experience on such proposals, as there are associated matters that could have been explored to confirm their importance. We are told, for instance, in para.5.43 " ..these children must be regarded as a primary consideration to which appropriate weight must be given....It is a matter which should be attributed substantial weight in the determination of this appeal"

At para 5.45 we are told "...that lack of alternatives makes any interference with the appellants private and family rights more serious."

We are at a loss to explain why these matters were not raised before and examined by us and the other objectors to this scheme. Given the thrust of these arguments who is looking after these important matters for us as we have to deal with applications made at appeal which are unlawful and detrimental to our wellbeing and rights?

Planning Policy

The first matter we are required to address is Policy. We understand that WCC will be addressing this in detail and we note the appellant's submission of a Statement of Common Ground. We expect the LPA to provide copies of the relevant policies and comments there on, in particular Policy CP 5 from Part 1 of the Plan; Policy DM 4 from Part 2; and also Policies TR 6 and 7 of the Traveller DPD; plus also the LP Inspectors Report.

Whilst acknowledging the submissions made that the Maloney's are of gypsy status and from their claimed submissions look for work locally between Portsmouth and Southampton and are horse traders this would appear to meet part of their submissions to in respect of work to be retained locally, they offer no claim to represent the local area at all and would not appear to be related to other members of the wider Gypsy "family" living within the local area. We have already raised comment on the issue of children and will come back to this. More importantly they seek to challenge Planning Policy by identifying a lack of accommodation within the County and the shortfalls claimed in Development Plan by suggesting there is a major shortfall on the provision of sites available. This is set out in the Traveller DPD which properly assesses this matter under the heading at Issue 2 in the LP Inspectors Report.

Clearly it will be the Officers of Winchester CC to set out their response on the Traveller DPD but we would draw on submissions from the LP Inspectors Report and the adopted approved Plan. At Issue 2 of the Inspectors Report, post concerns over the appeal at Berkeley Farm, Appendix PB A7, she challenges whether sufficient land is made available to provide for sufficient deliverable sites for the next 5 years. This presumably would have been open to Dr Murdoch as agent for those appellants as raised at para 39 of the Berkeley Farm decision to challenge. At para. 17 the LP Inspector concludes that the targets set out in the Plan at Policy DM 4 to all travellers will be met or exceeded and this is re-affirmed at para. 22.

But with respect how is this site, which has no facilities provided, such a suitable site: In this case all of the works thus far provided and undertaken is unlawful! It cannot be seen as any different. But that is a recognised site available for gypsy occupation and this is not!

Access

In considering this matter we understand that Bent Lane is an unrestricted road and hence has a 60mph speed limit. In such situations it is normal for the applicant/appellant to have undertaken surveys of travel speeds where they are expecting to provide an access with much lower visibility splays to assess and consider against adopted specifications. There appears from para. 5.29 that no such survey has been undertaken to assess the speed of vehicles to promote splays required. We note that in the statement that the views of the Planning Consultant has offered his own comments from observation but this is usually found to be totally insufficient and proper surveys are expected as a matter of fact.

Furthermore we note from the submitted forms that there are no trees or hedgerows within the site (surprising!) but quite clearly someone has cut down the hedge across the site frontage to form the actual opening where a full hedgerow existed before. Furthermore to secure the

views of the Consultant to achieve visibility to the northeast will require an unspecified cutting back of the hedgerow to achieve the 43 metres his assessment requires.

Finally, on this matter, at para 5.50 reference is made to the character of Bent Lane. It refers to the Bent Lane as a winding lane with mature trees and hedgerows being prominent within and we guess contributing to the character of the Lane. Why then provide a new opening into the site by removing a long established hedgerow creating openings to views of broken concrete and hardcore across the whole of the application site?

The new issue of Children

We are concerned as to how the appellants promote this matter now when unraised before. We have highlighted the submissions made on their behalf above. It raises a number of concerns that are unanswered that need to be addressed to determine their importance in the determination of this appeal. We are told that the children do not attend school now and we assume this has already caused problems for the two families. We assume the Gypsy Liaison Officer at the County Council is aware of this and has submitted his views to them. No comments or explanation offered. We also assume that an Educational Adviser (HCC) has been involved to help to sort the 5 children of school age but no comments are provided. We would have expected considerable concern from Officers at HCC due to the lack of schooling being received. Have they sought to obtain places at any local schools at all? What were the responses and where was this? Unfortunately, at para. 5.17, it appears to imply that actually no attempt has been made here, or anywhere, to arrange for these children to attend school.

If that is the case then whilst the issue of the children is important it cannot be of any such importance in seeking to determine the importance of this site under the heading given by the appellants "Personal Circumstances" with associated claims made in support of allowing the appeal, which given the failings of their evidence cannot be supported.

Conclusions

We have examined matters as raised by the appellants in submitting their case that permission be granted for this development in addressing the LPA's submissions. The letter received from the LPA does not appear to refer to the enforcement notice appeal or to the appellant's response or grounds of appeal. Sadly this may be missed but obviously something needs to be done regardless of the decision to remove substantial areas of hardcore to the north and west side beyond the area of proposals identified on the submitted block plan.

In our judgement the LPA have identified through the submitted and approved Traveller DPD that they have identified land available to meet this demand and we do not understand how this appeal can be justified as it must follow that the appeal falls contrary to the Development Plan. If the LPA have such shortfalls as is now claimed by the appellants why was this not considered and dealt with at the submission stage for the Modifications and so considered by the Inspector. Her words at paras 17 and 22 could not be any clearer but the appellants claim that contrary statements have been made by Planning Officers from the WCC Policy Section.

We have also raised a number of other points, particularly in respect of the children, which do not support the appellant's new submissions and in fact leave many simple matters still unresolved in our judgement. There is also the failure of the agent to consider the access to the site and to deal with this as would be expected; although this may have resolved in a greater loss of hedgerow, protected or not, to achieve.

We would now ask the Inspector to dismiss this appeal and reject the claims for planning permission to be granted.