

# Comments for Planning Application 19/01683/LDC

## Application Summary

Application Number: 19/01683/LDC

Address: The Greenhouse Gravel Hill Shirrell Heath Hampshire

Proposal: Residential occupation

Case Officer: Legal

## Customer Details

Name: Mr Richard Stone

Address: 1 Sunnybank Gravel Hill SHIRRELL HEATH

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to this application, as I am unclear exactly what the CLEUD application applied for relates to, as "residential use" the application title, is somewhat ambiguous, However questions 7 and 9 of the application form seems to suggest the application is for the use of a structure that has been continuously occupied for 4 years, as operational development. This structure is believed to be the mobile home/caravan that was adapted between November 2017 and June 2018. The accompanying plan also confirms the structure I relate to.

I comment and object for the following reasons.

Concealment

A caravan was brought onto the land in December 2010, owned by Heather Woods and her partner Graham Snape, and they occupied it from January 2011.

It soon came to the attention of Winchester City Council Planning Enforcement section who investigated the development. Mr Rob Riding was the enforcement officer who dealt with the investigation. I understand he met Mr Cox acting as the agent for Ms Woods. Mr Cox told Mr Riding the caravan was ancillary to the adjacent dwelling Sunnybank, and shared the facilities within, ( This will be in The Council records). That simply was not true, Ms Woods paid rent, and paid for electricity monthly, which was used, and recorded by a meter in the house. Each reading is written on the meter cupboard door, and may be inspected. Receipts were issued for each monthly payment. Mr Cox deceived the officer as there was a clear breach of planning taking place, which was the unlawful siting of a caravan occupied independently to Sunnybank. Mr Snape's statutory declaration confirms this. Had Mr Cox not concealed the truth, enforcement action would have been taken to cease the use and remove the caravan from the land, and the applicant would not have been in the position she is claiming today. A couple of years on, a PCN was issued relating to a further caravan sited within the greenhouse, which was subsequently removed. The Council is best positioned to decide if any further concealment took place regarding land ownership, and the non-return of the notice. Mr Snape who jointly instructed Mr Cox with Ms

A

B

C

D

E

F

Woods Claims he carried out works in 2013 that made the caravan immobile, yet he was party to Mr Cox submitting a retrospective application for the retention of a mobile home in April 2018. This was subsequently withdrawn as it was found to be invalid, but still misleading The Council a caravan existed.

On the 6th April, The Localism Act 2011 came into force, which altered the time limits, which Local Planning Authorities can take enforcement action to prevent deliberate concealment and deception to get around planning rules. Mr Cox deliberately misled Mr Riding . In such cases The LPA can apply to the magistrates Court for a Planning Enforcement Order, (s171BA to s171BC ), to take action in the following twelve months twenty-two days. Application to the court must be made within 6 months of The Council being made aware that a breach and concealment had occurred. Mr Snape's declaration was submitted to The Council on the 30th July 2019. This was the first time The Council knew a breach had occurred, despite their previous investigations. The Enforcement Order therefore must be sought by mid February 2020, for The Council to regain control of this site

The evidence submitted

I totally refute the majority of the evidence submitted, and do not believe four years immunity has been achieved. The evidence provided also fails to confirm the necessary degree of permanence that operational development has been achieved

Mr Snape in his declaration states he fitted patio doors to replace an aluminium door, which necessitated the removal of part of the chassis. This work was not carried out in 2013 as stated. At that time there was a good relationship between all of us and I would say I visited the caravan at least once a week, and at no time was there a step in the doorway or the floor lowered. This work was started on the 26th May 2018, and continued for the following two weekends.

I am certain of this as I was attending a barbeque at my daughter's property celebrating my 68th birthday. The noise was so great I went into my house and looked down into the caravan window from my bathroom velux window. I saw Mr Snape on his knees grinding metal as sparks were flying and hitting metal with a hammer in the area of the doorway.

In 2013, I still owned the land the caravan was sited on, and there was no intention of selling the land. Ms Woods knew the arrangement was only temporary while they sorted themselves out, after their eviction from Solent Breezes. Mr Snape is a practical man and no way would he have altered the structure of the caravan to prevent it being mobile during that temporary arrangement.. Both Mr Snape and Mr Cox admitted the caravan was moveable in 2016, when Mr Cox asked me if the caravan could be moved into my curtilage and say it was ancillary to Sunnybank as he deceived in 2011. Both Mr Snape and Mr Cox admitted the caravan was moveable in 2016, when Mr Cox asked me if the caravan could be moved into my curtilage and say it was ancillary to Sunnybank as before in 2011.

The Clark's letter submitted as evidence is by no means confirmation the caravan was not mobile. Martyn Clark is not a structural engineer and only gave this opinion to safeguard himself if there were problems moving it. He and Mr Snape make no reference that the structure was permanently fixed to the ground, this evidence is not submitted as a declaration and I challenge its accuracy in relation to the date of the inspection

The South Coast Body letter is ambiguous. Are they saying they inspected the caravan in 2015?,

or are they saying that the supposed adaptations were explained and if carried out, would then render it not mobile. I contest the opinion that new metal could not be welded in to make it sound enough to be moved. Crucially again no reference is made to the van being attached to the ground. Both of these authors evidence needs to be tested under oath to have any merit, as my evidence contradicts their recollections.

A photograph of pieces of metal and timber are produced, but there is no evidence this formed part of the caravan structure. If a photograph was to be taken one would expect it to image the section which alterations had taken place, to have any merit.

Council enforcement officers, and a planning DC officer visited the site and I believe each took photographs of the front elevation of the caravan. It would be worthwhile comparing the images to see if any alterations to the doors are shown over the period, especially comparing the images taken by Brian Gravnor at his unannounced visit, with any of those taken by Rob Riding.

I recall going into the caravan on the morning of the 30th August 2016 as Ms Woods had problems with her electric supply coming from my house. The trip switch kept tripping so I went into the caravan and isolated each power point and light switch to find the fault. This meant I went into every room to carry out the test and can confirm there was only one floor level running through the unit. There were no steps in the door area. I am certain of the date this happened as I was admitted to hospital that afternoon with a heart attack, and stayed in for several weeks.

On another occasion, Mr Cox invited me to accompany him on a visit to meet Ms Woods and Mr Snape to see if I could assist him in resolving their planning problems. I believe this was an evening in the week 5th to 9th March 2018. I said very little at the meeting and Mr Cox was preparing to submit a retrospective application to retain the mobile home. Again, at this time, the floor was one level and I sat facing the door and could see no step lowering the floor level to the threshold of the door. During this visit Mr Cox asked Mr Snape "if the caravan could be moved". Mr Snape replied "yes but if you want by the weekend I will make sure it can't"

Work was going on at that time pitching a new roof, cladding the sides, and putting on a bedroom extension. All of this work started in November 2017, and continued until June 2018. During this period, I say is when the caravan was not capable of being moved.

In light of the above I believe the application should be refused taking account of "Gabbitas as quoted by Mr Cox as part of the application , followed by urgent enforcement action.

K

L