

Our Ref: WIN 514/CW

Planning Enforcement and Appeals Team(s)
Winchester City Council
City Offices
Colebrook Street
Winchester
SO23 9LJ

BY EMAIL only

Date 22nd April 2021

For the attention of Gill Cooper and Neil March

Dear Sirs

Enforcement Appeal refs 3261886 and 3261887
Relating to The Greenhouse, Gravel Hill

Thank you for the details provided in 4 e mails on the 25th March.

I have not fully considered all of these details but have discussed with Counsel and a number of issues arise.

Redaction of Documents

First I understand the normal protocol of redacting documents, but in this case the procedure is extremely unhelpful and potentially misleading in terms of what evidence may be presented to the Planning Inspector. There is a risk that if these details are not included, then there may be a need to take each document in turn and question the Council's witness on its origin, destination, and who knew of it. As this would only occur after the Appellant had given evidence then it is possible that the appellant would need to be recalled.

Alternatively, if these details are referred to when the appellant gives evidence, either in chief or in examination, then the Inquiry may need to be adjourned for details to be provided.

In either event, Inquiry time would be lost or wasted and a claim for costs would be likely.

For the avoidance of doubt this request is not being made as an application for Freedom of Information, but as a request for disclosure relating to the appeal before the Secretary of State, and in recognition of the need for transparency in relation to the information that may be presented to the Inspector.

More specifically, the details are directly relevant to the allegation of concealment being made by the LPA in relation to concealment.

Concealment

Having looked at the documents it appears to appellant that this is a non-issue and hence WCC are invited to withdraw it

Having regard to the documents provided:-

E mail 3 and document 2 is a string of e mails between Ms Longley and Eric Cox (please note that whilst the names in this document have been redacted, if printed the names remain visible). The e mail from Eric Cox dated the 18th March advises:-

“For many years I acted for the previous owner of this site, Richard Stone who resides at the adjoining property.

I recall some years ago, before this current site changed hands and was purchased by Ms Woods, I had a dialogue with the enforcement section of your authority regarding the occupation of this mobile home.”

This seems to make clear that any details provided in 2010 (the time referred to) were not provided by the appellants.

This is endorsed by document 5 in e mail No 1, which is a copy of the PCN completed and returned in 2010. This is redacted but I am assuming to be completed by Mr Cox (as agent) on behalf of the landowner, Mr Stone.

Do please correct me if I am interpreting these identities incorrectly, but it underlines the importance of clarity in terms of these and other documents.

If my understanding is correct then this firmly indicates that the appellants did not have any involvement in supplying information to the Council in 2010.

Finally, I note you have not provided, but I have a copy of, an e mail from Mr Cox to the solicitor at WCC (J Leibtrau dated 19th September 2019 at 9.54) which is emphatic in terms of who Mr Cox acted for and when. Whilst I think some of the other details in the e mail are incorrect, there is little doubt that information about the early years of this site was provided by Cox when acting for Stone. I am assuming you do have this e mail but please ask if you need a copy.

If you are not minded to withdraw the allegation, please give further particulars of the nature of the allegation against my clients specifically.

Extent of Enforcement Action.

The Enforcement Notice addresses the accommodation on site as a dwelling that has been extended, and requires the removal of this. There is no dispute that some of the works on site were completed less than 4 years ago. It is, however, the appellants case that the main accommodation was established over 4 years ago.

If the appellant succeeds in satisfying the Inspector that the core of the accommodation (the footprint of the original mobile home) is a building and was created over 4 years prior to the EN, will the LPA wish to pursue the demolition of the remaining/additional accommodation that was added, specifically the addition that is now the bedroom and the pitched roof. If not, then this is one issue that may not need to be dealt with in evidence.

Aerial Photos

I note that WCC refer to aerial photos and what these show of the site. Can you please clarify which photos are being referred to as I will need to respond. If this refers to images on Google Earth then can you please say which dates. If these are from another source then can I please have a copy of these so that I can understand the point(s) being made.

Yours faithfully

Chris Ward
(agent for the appellants)

Cc Neil March, Southern Planning Practice (by e mail)

The response to this letter is set out in an e mail dated 19th May, which includes a revised copy of the documents in 'Mail 1' so has been substituted for the originals.