

the "Kingpin." He said Mrs Wall had a hoopla, darts stall and a catering/fish and chip van, which I can see in some of the photographs, and she sometimes went to fairs on her own.

69. The response to a PCN given by Green Planning Solutions (GPS) in June 2010 indicated that "Suzanne[sic] Wall" was the title holder of Plot 3. The response did not mention Mr Wall's activities as a showperson but said Mrs Wall had been active with Maurice Black and Mark Wilkins at fairs until that year, when she turned 60. Mr Wall said in oral evidence that he thought she had stopped around 2011, but his memory for dates was not good. He could not explain why the responses to the PCN did not mention their fairground equipment. He assumed it was because he had not been asked, but he recalled having a mini carousel with a dog and a horse, in 2010, though it may have been kept elsewhere on Carousel Park than on Plot 3.
70. Mr Green later candidly indicated when cross-examined that his practice's overall response to the 2010 PCN was "not a great piece of work". Apart from anything else, they had not noticed that the description of the breach of planning control had changed since the previous PCN which related to non-compliance with a section 106 agreement. This limited the scope and usefulness of the responses.

Conclusions on appeal C ground (b)

71. Notwithstanding the lack of detail in the PCN response, I have no reason to doubt Mr Wall's account of his and Mrs Wall's travelling showperson activities over many years, as corroborated by Maurice Black. Indeed, that account was not seriously challenged by the Council who focused more on the question of what equipment was kept on the site and the lack of evidence that Mr Wall was earning sufficient income as a showperson when the notice was issued. However, leaving aside what I have already said about there being no specific income threshold, Mrs Wall turned 60 before the notice was issued. Mr Wall was not far behind and their health has declined seriously since then. Retirement or cessation of travelling for health reasons did not prevent them falling within the definition of travelling showpersons.
72. For the reasons given, and having regard to the factors already outlined, I am satisfied on the balance of probability that, when the notice was issued, Plot 3 was not in use for the siting of caravans/residential mobile homes for occupation by persons who were not Travelling Showpersons. Appeal C therefore succeeds on ground (b). I will quash the notice and no other grounds fall to be considered.

Appeal D (Plot 7)

73. I heard evidence from Mr Derek Birch who occupied Plot 7 when the notice was issued and still lives there now. He said he moved onto the site with a "showman's waggon" sometime in 2004, having previously lived for maybe 2 years on a showpersons' site at Firgrove Lane, Boarhunt, from where he worked on fairs.
74. Mr Birch acknowledged during cross-examination that he first became a member of the Guild in 2005, having applied at the end of 2004. This was because, at the time, the Council required occupants of Carousel Park to be

Guild members. However, like Mr Black, he said that you do not have to be a member of the Guild to be a showperson and he had always worked at fairs since he was a boy and "travelled up and down" with Patrick Burton, a prominent showman, who proposed Mr Birch for membership of the Guild. Mr Birch's ancestors were travelling showpeople who travelled with Sam McKeowen; Charlotte Ann Birch being the mother of boxer Joe Beckett who fought in the boxing booths. Mr Birch produced his 2018 – 2019 Guild membership card at the inquiry.

75. In his 2017 statement, Mr Birch said that, when the notice was issued, he was an "operating member" of the Guild and he kept 3 or 4 juvenile rides at the appeal site. However, whilst the 2005 membership card indicated that he operated a hoopla, subsequent cards, including for 2010 – 2011, were endorsed with the words "no equipment operated". I have in mind Mr Maurice Black's evidence regarding the significance or otherwise of such an endorsement on a Guild membership card but, when giving evidence in chief, Mr Birch said that, in 2010, he was not sure what to do. He stopped operating, but kept the rides for some time, as he thought he might operate again.
76. Mr Birch's 2011 statement indicated that he was semi-retired, mainly due to declining in health, which is consistent with the response to the PCN in 2010. When cross-examined he confirmed that he was semi-retired after 2005 and partly living off savings as well as doing "a bit" for his son in his landscape gardening and compost sales business. However, he said he still helped at fairs when needed and used to operate a hoopla stand for a short while in 2005. He remained a Guild member and could go back to the work tomorrow on that basis.
77. In oral evidence, Mr Birch said he had so many rides over the years, it was difficult to remember but, leaving aside the hoopla stall, the only ride he could describe having in 2010 was a "merry-go-round". He could not recall when he got rid of his rides but, on a May 2008 aerial photograph, Mr Birch identified what he was certain was a juvenile ride near the southern fence. I am satisfied of that, although Mr Birch could not see that ride on the next available aerial photograph, which was dated September 2011.
78. In closing, the Council said that Mr Birch had not produced enough evidence to show that he was earning his living as a showperson when the notice was issued. I accept that contention. Nevertheless, on the balance of probability and as a matter of fact and degree, the evidence indicates that Mr Birch was a retired showperson, or had ceased working as a showperson, either temporarily or permanently due to ill-health at that stage. As such, he still fell within the definition of a showperson at the time.
79. However, from 2004 to date, Plot 7 has also been occupied by Mr Birch's son, also called Derek. Mr Birch junior did not give evidence, but his father says he is now 39 years old and, since moving onto the site, he married and his wife and 3 children, aged between 6 and 7 also now live on the Plot. Mr Birch said in oral evidence that, although his son used to help him at the fairs, he was already running his landscape gardening business when he came to Carousel Park.
80. During re-examination, Mr Birch said that his son helped him at fairs until he was about 18 or 19. However, that would have been several years before they

came to Carousel Park and it appears that Mr Birch junior was solely engaged in his landscape gardening business when the notice was issued. The 2010 PCN replies made no reference to him working as a showperson. Notwithstanding his family background, there is no evidence to indicate that Derek Birch junior was a showperson when the enforcement notice was issued. The site was therefore being used in part for the siting of caravans/residential mobile homes for occupation by persons who are not Travelling Showpersons.

81. Although the allegations in the other notices are subject to certain agreed corrections, that relating to Plot 7 still alleges that, in addition, the Plot is used for the storage of vehicles, equipment and materials in association with the operation of businesses unrelated to that of travelling showpeople. I drew the parties' attention to *Crawley BC v Hickmett Ltd* [1998] JPL 210²⁴ and, having regard to that judgement, I have seen no evidence that business vehicles have been stored, as opposed to merely parked on Plot 7.
82. However, during cross-examination, Mr Birch's attention was drawn to the Aerial Imagery SOCG. He said that the black objects seen to the rear of Plot 7 in the June 2005 photograph were probably his son's pallets of compost. Similar objects can also be seen within the partially fenced off area to the rear of the Plot in aerial images from May 2008, September 2011 and possibly subsequent images. I saw pallets of compost in that area during my site inspection and Mr March recalled seeing these during his visits, along with a forklift truck, and racks used in connection with these. Indeed, Mr Birch did not deny that part of the site was being used in this way when the notice was issued.

Conclusions on appeal D ground (b)

83. Whilst Derek Birch senior was a showperson when the notice was issued, Plot 7 was also being used for the siting of caravans/residential mobile homes for occupation by his adult son, who was not a showperson. It was also being used to store equipment and materials in association with his son's landscape gardening and compost sales business, a business unrelated to that of travelling showpeople.
84. Accordingly, the appeal on ground (b) must fail, save to the extent that vehicles were not being stored. However, that reference to the storage of vehicles can be deleted from the allegation, so that it correctly describes the breach. It was agreed that such a correction could be made without causing injustice. I will later consider ground (c) in relation to Plot 7.

Appeal E (Plot 8)

85. I heard from Danny Carter junior, who occupied Plot 8 when the notice was issued and still lives there now with his wife and 5 children. In oral evidence he said that he believed he moved onto the site in about 2008. Plot 8 is now subdivided into 3 and the part occupied by Mr Carter is known as Plot 8B.
86. In his 2011 statement, Mr Carter said that he was a showperson, who had been in the showbusiness all his life and he owned and operated an old-fashioned coconut shy, attending approximately 15 fairs or car boot sales

²⁴ ID35.

during the summer season. This is broadly consistent with the 2010 PCN response, though this added that Mr Carter had only attended 6 fairs in 2009, due to the economic downturn.

87. The PCN response did not list equipment, but Mr Carter said he was not good at reading and writing and Mr Green conceded that his company could have done a more thorough job in responding on the appellants' behalf. In his 2017 statement, Mr Carter said he owned a coconut shy and a bouncy castle and indeed he used to have 2 bouncy castles. In oral evidence, he confirmed that when he moved onto the site in 2008 and up to when the notice was issued in 2010, he always had the coconut shy and 1 or 2 bouncy castles and he kept this equipment in a shed at the back of his Plot.
88. Documentary evidence is sparse. However, it includes receipts for stands (20 ft, 30, ft and 45 ft) at St Matthews Fair at Sedgemoor, Somerset in September 2009, The Great Dorset Steam Fair on 28 August 2010 and the May and October Stow Fairs, albeit in unspecified years. Mr Carter explained that these would have related to his coconut shy or up to 2 bouncy castles and would usually be for a weekend.
89. Mr Carter said he had opened this "side show" with Black & Wall Amusements on numerous occasions and Mr Black also referred to his involvement. In oral evidence, Mr Carter referred to Mr Black as "uncle Maurice" and said he last opened with Black & Wall Amusements 5 or 6 years ago. He said he had opened at many fairs and car boot sales, or worked the bumper cars, including at Wycombe, Basingstoke, Golden Common, Twyford and Blandford and would be going to Enfield in May 2019. He also helps Susan Peak, another well known showperson, who he thinks of as an "aunt."
90. In his 2011 statement and oral evidence, Mr Carter said that, when not opening with his coconut shy, he did odd jobs and building work to support his family, as well as repairing rides, but this did not mean he was not a showman and he had travelled with and worked on fairs from the age of 5 or 6. When cross examined he said that he had lived on loads of showperson sites in the past, including at Wykeham and Chichester, though he had never had a permanent plot before.
91. Mr Carter's 2017 statement indicated that he also had some junior rides, back in 2010 and then that he would "rent" junior rides, which he operated "on and off when there is demand or a big show going on". When cross examined, he said that he would more often borrow rather than rent junior rides and he might do this if there was already a bouncy castle at the fair in question and he would split the takings with the ride owner. He also said that he did work for other travelling showperson families when needed. In his 2019 statement²⁵, Mr Carter confirmed that he used to have 2 bouncy castles and said he had junior rides back in 2010. However, in oral evidence, he conceded he could not really remember if he had the junior rides then. I conclude that he probably did not have any junior rides when the notice was issued, but I accept that he borrowed some from time to time.

²⁵ ID9.

92. Mr Carter said his main source of income in the summer is the fairs and car boot sales whereas, in the winter, it is from odd jobs and building work. He said this is true of all showmen and if you go onto any yard in England, you will find roofers, welders, landscapers and so on. Mr Carter has never been a member of the Guild because you must pay for membership and then cannot open within so many miles of another Guild member. Like the other witnesses I heard, Mr Carter said this did not mean he was not a showman. He described himself as a "small time fair person" and he had never been turned away from a fair because he is not a Guild member.
93. Mr Carter said he had never owned any big rides, which are a lot more trouble, in terms of maintenance etc, but his family is known world-wide for Carter's Steam Fair and indeed he is known world-wide as a showman. Mr Carter said that, if you have earned money just pushing dodgems out of the way all your life, you are still a showperson, even if have never owned a ride. I do not need to agree with that contention, as Mr Carter's showperson activities have been much more significant than that, but I have accepted that you do not necessarily have to own or operate large rides to be a showperson. When cross examined, Mr Carter said that, with a bouncy castle or coconut shy, he could earn £300 - £400 per day, maybe more, but it varied from one year to the next, depending on the weather and the number of people attending the fairs; even his aunt could not predict this and she is a fortune teller.
94. In his December 2017 statement, Mr Carter said that he had bought 2 properties in Basingstoke in June 2011 and March 2016, which he then renovated and sold on in 2016 and 2017 respectively. However, that is not directly relevant to or determinative of whether he was a showperson in September 2010. The entry for D & C Carter Property Maintenance on 'Checkatrade.com' refers to "over 25 years of experience". This could not be true of Mr Carter because, even by the time of my inquiry, he was only 40 years old. However, his brother is also involved in the business and, in any event, none of the customer reviews dates from before 2011²⁶, though Mr Carter accepted that he had always done "odd jobs" before that.
95. Mr Carter was very guarded when asked extensive and detailed questions about his earnings and tax affairs. However, most of those questions related to the period after the notice was issued and concerned his property redevelopment projects and the activities of D & C Carter Property Maintenance. They did not directly relate to the issue of whether Mr Carter was a showperson when the notice was issued, and he confirmed that he did not own any properties for business purposes between 2008 and 2015. Mr Carter's reticence in relation to his financial affairs does not seriously undermine his credibility in connection with his account of his showperson activities up to September 2010.
96. Although Mr Carter's showperson activity appears to have been limited when the notice was issued and he did other work as well, having regard to the factors already outlined, I am satisfied as a matter of fact and degree that he probably was a showperson at that time, albeit a self-confessed "small time fair person."

²⁶ Mr March's appendix 30.

97. Mr Carter says his wife is a Romany Gypsy and he bought Plot 8 with his brothers in law, Joe and Jim Ripley. Over time, Plot 8 has been subdivided into 3. In closing for the Council, Mr Ward said that, when the notice was issued, there was no physical separation of the plot by internal fencing. This would appear to be incorrect. Although Mr Green's proof described Plot 8 as "one large plot" when the notice was issued, it also acknowledges that the subdivision had begun "with an internal wall running almost the entire length of the plot." Mr March's evidence is that, what became Plot 8B was separated from the rest of the Plot by a timber fence and concrete posts by November 2009 and indeed that fence can be seen in a photograph taken at that time. It would appear Plot 8 had been divided into at least 2 parts by September 2010.²⁷
98. Jim and Joe Ripley did not give evidence, but their signed statements²⁸ from April and May 2019 confirm that they helped their sister and Mr Carter to buy Plot 8. They said it was subsequently split it into 3, but they did not say when. Jim said "I have been using my part as a place to pull onto when I am in the area to visit family or for work." Joe's statement said the same but added "for a few months at a time."
99. These statements were made in 2019, so it is not clear whether the description of their pattern of use applied to the period when the notice was issued in 2010. Neither Jim or Joe were available to clarify the position, but Mr Carter explained that they both have permanent pitches elsewhere. He said they use this site more as a "transit pitch", pulling onto it for "a few days or maybe a couple of weeks if they've found work in the area." When cross-examined about the position back in 2008, Mr Carter ventured that Jim and Joe would have been "in and out" from 2008, but he was vague on this point and he was not sure whether they had ever missed a year. In any event, he said they would generally come onto the site just once or twice a year. Notwithstanding Mr Carter's use of the term "transit pitch", there is no evidence that anyone other than the Ripleys or Mr Carter had used Plot 8 between 2008 and September 2010.
100. Responses to PCNs given in December 2009 and June 2010²⁹ refer to Jim and Joe Ripley as owners together with Danny Carter. However, they say nothing about any actual occupation or use of the Plot by the Ripley's and they state their address as being in Lancing, West Sussex. A photograph taken on 18 November 2009 shows 2 caravans to the south of the dividing fence on Plot 8 but, in his proof, Mr March said that apart from the area occupied by Mr Carter, the remainder of Plot 8 "only contained a few touring caravans, which are believed to have only been stored on the land."³⁰
101. The notes made by the Council's Principal Enforcement Officer following a visit on 17 April 2008 only refer to Mr Carter at Plot 8 and photographs taken on 21 April 2008 do not even show Plot 8.³¹ The July 2010 enforcement report³² makes no reference to occupation of Plot 8 by anyone other than Mr

²⁷ Mr March's proof, paragraph 14.49 and appendix 16.

²⁸ ID 14 and 15.

²⁹ Mr March's appendices 18 and 22.

³⁰ Mr March's proof, paragraph 15.42.

³¹ Mr March's appendix 12.

³² CD2.

and Mrs Carter and their children. Mr Green said he first saw a caravan on the Ripleys' part of the plot just 14 weeks before he gave evidence at my inquiry and his evidence was that the Ripleys were not in occupation when the notice was issued.

Conclusions on appeal E ground (b)

102. There is no evidence to suggest that Jim and Joe Ripley were showpersons when the notice was issued and the burden of proof falls on the appellant. Nevertheless, despite Mr Carter's indefinite statement that they would have been "in and out" from 2008, considered in the round, the evidence indicates that Jim and Joe Ripley had probably not taken up residential occupation of the site, even as a "transit site" when the notice was issued.
103. Leaving aside the question of whether occupation by them for up to a couple of weeks, once or twice a year would have resulted in a material change of use, the evidence concerning the Ripleys' use does not indicate on the balance of probability, that the site was being used for the siting of residential caravans/mobile homes by people who were not travelling showpersons. Accordingly, having already decided that Mr Carter was a showperson, appeal E must succeed on ground (b). I will quash the notice and no other grounds fall to be considered.

Appeal F (Plot 9)

104. GPS's response to the PCN in June 2010 indicated that Plot 9 had been occupied by Maurice and Mary James for about 18 months. They left the site before the redetermination inquiry was convened and did not give evidence at my inquiry. However, Mr Maurice James signed a witness statement in October 2011, in which he said that he and his wife, who is the daughter of Felix Wall, were then both aged 21 and had been living on the site since they got married in 2009. The PCN response also indicated that Mary was the niece of Maurice Black. I have already found that both Maurice Black and Felix Wall were showman and operated as 'Black & Wall Amusements'.
105. Mr James's statement said that, whilst he was from a Romany Gypsy background, he was a travelling showperson and he and his wife operated a hoopla stand. He explained that, as this stand was only small, they always went with 'Black & Wall Amusements' and he looked after the hoopla, while Mary helped her father and Mr Black with their "sideshow". He said they went out about 12 times per year and, "in between" he worked "as a handy man to make ends meet." The June 2010 PCN response had only mentioned a hot dog kiosk which Mr James operated, attending around 10 fairs/events a year, but Mr Green accepted his practice had not done a thorough job in responding to the PCN.

Conclusion on appeal F ground (b)

106. Whilst there is no evidence of large rides being kept on Plot 9 when the notice was served and even though Mr James had other income, I am satisfied on the balance of probability that he and Mrs James were showpeople. There is no evidence to the contrary.
107. By the time the notice was issued, Plot 9 had been divided into 3. Indeed, when a Council officer visited the site in April 2009, he saw that the plot was

already in the process of being sub-divided and it had been divided into 3 by the time a PCN was served in November 2009.³³ Whilst GPS responded to the 2010 PCN on behalf of Mr and Mrs James, a separate response³⁴ was provided by Miss J Clarke (or Clare?) and Mr M Moore, in May 2010. They said they occupied Plot 9B and the limited information provided indicated that they were not showpeople. However, Mr Green said in his proof³⁵, and in oral evidence that, whilst Mr and Mrs James occupied Plot 9A, Plots 9 and 9B were unoccupied when the notice was issued. Certificates of service³⁶ of the enforcement notice provide some support for this, as they indicate the presence of just 1 mobile home on Plot 9 at the time. I find that Plot 9 was only occupied by Mr and Mrs James when the notice was issued and in fact, in closing, the Council did not mention or rely on occupation of Plot 9 by anyone else.

108. Mr Green suggests that as Plot 9 comprised 3 planning units and 2 of them were unoccupied, the notice is incorrect and should be quashed. This is the same point that arose in relation to appeal A (Plot 1). As in that appeal, I need not determine the planning unit issue. On the evidence before me, when the notice was issued, no part of Plot 9, as defined on the notice, was in use for the siting of caravans/residential mobile homes for occupation by persons who were not Travelling Showpersons.

109. For the reasons given, appeal F succeeds on ground (b). I will quash the notice and no other grounds fall to be considered.

Ground (c) (Appeal D/Plot 7 only)

110. The appeal on ground (b) failed because I found that: (a) whilst Derek Birch senior was a showperson, Plot 7 was also occupied by his adult son, Derek junior, who was not a showperson when the notice was issued; and (b), though vehicles were not stored (and I am correcting the allegation accordingly), equipment and materials were being stored in association with a business unrelated to that of travelling showpeople.

111. To succeed on ground (c), the appellant must demonstrate, on the balance of probability, that the use of the site for siting of caravans/residential mobile homes for occupation by persons who are not travelling showpersons and the storage of equipment and materials in association with the operation of businesses unrelated to that of travelling showpeople does not constitute a breach of planning of planning control. The only relevant form of breach of planning control in this case would be a material change of use.

112. As the Planning Practise Guidance states, there is no statutory definition of 'material change of use.' However, it is linked to the significance of a change and the resulting impact on the use of land. Whether a change of use is material is a question of fact and degree, to be judged on the individual merits of a case. It is also clear that materiality must be assessed in relation to the

³³ Mr March's proof, paragraphs 14.57 – 14.58 and appendices 14 and 16.

³⁴ Mr March's appendix 23.

³⁵ At paragraphs 101 – 103.

³⁶ CD35, page 1080 – 1082.

appropriate planning unit, having regard to *Burdle and another v SSE and another* [1972] 3 All ER 240³⁷.

113. Based on the May 2008 aerial photograph and the plan attached to the enforcement notice, the rear part of Plot 7 had been partially fenced off when the notice was issued. However, there is no evidence that non-showperson related business and residential use was confined to a recognisably separate area of Plot 7. Neither party has suggested that Plot 7 comprised more than one planning unit and I am satisfied that it did not.
114. The lawful use of Plot 7 was as “a travelling showpeoples’ site” in accordance with the 2003 permission and it is common ground that this permission was implemented. In the CA judgement concerning this case, Sullivan LJ said that the “limitation of the use to a site for travelling showpeople is...a functional limitation on the 2003 planning permission...”. In the HC judgement, the deputy judge said that the government policy documents referred to could not be used to change or even interpret the terms of the planning permission. However, he said they point to several conclusions, including that: travelling showpeople “have their own particular planning needs”; “there is a distinction, significant in planning terms, between the use of the land for travelling showpeople and its use as a residential caravan site”; and use as a travelling showpeoples’ site is a “distinct and narrower use” than use as a residential caravan site.
115. Of course, use as a travelling showpersons’ site will include use for the siting of caravans for residential purposes. Furthermore, it is important to note that Mr Birch senior was a showperson, albeit that he had retired or ceased travelling due to ill health, when the notice was issued. Accordingly, Plot 7 was being used for the siting of caravans/residential mobile homes for occupation by persons who were travelling showpersons, in addition to those who were not, and as well as being used for the storage of equipment and materials in association with the operation of businesses unrelated to that of travelling showpeople. I have also accepted that travelling showpeople may, and indeed usually do, undertake other work in addition to travelling to fairs, without that affecting their status as showpeople. However, this does not necessarily mean that use of a showpersons’ site for business purposes unrelated to a showperson’s use will not involve a material change of use.
116. The difference in character between residential use by non-showpersons and residential use by showpersons, particularly retired showpeople, might not be obvious. There could be differences in the pattern of movement to and from the site. Similarly, the patterns and nature of vehicle movements and activity associated with a showperson’s business may differ from that associated with other businesses, such as a landscape gardening and compost sales business. Aerial photographs taken in June 2005, April 2007, May 2008 and September 2011, included in the Aerial Imagery SOCG, show significant amounts of stored materials, which Mr Birch identified as pallets of compost. Whilst it will only be apparent from within Carousel Park, this will have some impact on the visual appearance of the Plot, albeit limited, in comparison to stored fairground equipment. Similarly, non-showperson related business

³⁷ Mr Green’s appendix A(17)

activity will not involve the element of maintenance, repair and testing of fairground equipment which might normally be expected on a showperson's site.

117. On the evidence before me, the amenity or environmental impacts of the change of use and the general implications for the area may be very limited. However, in my pre-inquiry note, I drew the parties' attention to R (oao) The Royal Borough of Kensington and Chelsea v (1) SSCLG (2) David Reis (3) Gianna Tong [2016] EWHC 1785 (Admin) along with my own decision in appeal Ref APP/K5600/C16/3194394, in which I considered that judgement. In the Kensington judgement, the HC ruled that, among other things:

the extent to which an existing use fulfils a proper planning purpose is relevant in deciding whether a change from that use would be material;

the question of whether or not a planning policy addresses the planning consequences of the loss of an existing use is relevant to, but not determinative of that issue; and

whether the loss of an existing use would have a significant planning consequence, even where there would be no amenity or environmental impact, is relevant to an assessment of whether a change from that use would represent a material change of use.

118. As the general SOCG³⁸ notes, Policy TR1 of the Winchester District: Gypsy, Traveller and Travelling Showpeople Development Plan Document, adopted February 2019³⁹ safeguards existing travelling showpersons' sites listed in that policy from alternative development, unless the site is no longer required to meet any identified traveller need. The same level of protection for showpersons' sites generally is also included in Policy CP5 of the Winchester District Local Plan Part 1 – Joint Core Strategy.⁴⁰

119. The general SOCG also records the parties' agreement that there is a lack of suitable, acceptable, affordable, alternative sites for showpeople within the District. Although there is disagreement over the precise figures, it is also apparent from the SOCG concerning need and Supply of Gypsy, Traveller and Travelling Showpeople accommodation⁴¹ that the need for showpersons' sites is more acute than the need for gypsy and traveller sites.

120. I also note the reference, at paragraph 15 of the CA judgement in this case, to the ruling of Sir Douglas Frank in *Williamson and Stevens v Cambridgeshire CC* [1997] 34 P&CR 117, where he said that use of a site for general caravans where it had planning permission "as a site for caravans occupied by gypsies" would be a material change of use, where the "County Council had gone out of its way to make specific provision for fulfilling a duty in relation to sites for gypsies..."

³⁸ ID30.

³⁹ CD32, page 992.

⁴⁰ CD19, page 365.

⁴¹ ID29.

Conclusions on appeal D ground (c)

121. I am satisfied that the existing lawful use of Plot 7 fulfils a proper planning purpose and that purpose is safeguarded by development plan policies. The change of use in this case would affect the capacity of Plot 7 to contribute to that purpose. As a matter of fact and degree, notwithstanding the limited amenity and environmental impacts, this change has significant planning consequences. I conclude that it represents a material change of use and therefore a breach of planning control. The appeal on ground (c) must therefore fail. Of course, this judgement merely concerns the threshold assessment of whether planning permission is required; I express no opinion on the merits or otherwise of granting planning permission, as there is no appeal on ground (a) and no deemed planning application.

122. The notice will therefore be upheld, subject to correction of the allegation to delete the reference to the storage of vehicles and subject to consideration of grounds (f) and (g).

Ground (f) (Appeal D/Plot 7 only)

123. Given the nature of the requirements, the purpose of the notice in this case was clearly to remedy the breach of planning control. The issue on ground (f) is therefore whether the requirements of the notice exceed what is necessary to remedy the breach.

124. There was a discussion during the inquiry of whether the reference to paragraph 15 of Circular 04/2007 should be deleted, as it is no longer current. However, to simply delete it would result in a level of imprecision which would be inappropriate, where the consequences of non-compliance could be prosecution. It was accepted that I would need to avoid this. Substituting a reference to the current PPTS definition would cause injustice, as it is more restrictive and that would make the notice more onerous. The question of whether the site occupants were traveling showpersons, as at the date of the notice, was determined in the context of the 2003 permission and having regard to the guidance at the time. Having determined, on that basis, that Derek Birch senior was a travelling showperson, it would be wrong to vary the requirement now, as it could give rise to an argument that he should vacate the site because he does not meet the definition in the current PPTS.

125. Requirement (i), as originally drafted, is the minimum necessary to remedy the breach. If the siting of residential caravans for occupation by persons who are not travelling showpeople as defined in Circular 04/2007 ceases, that requirement will be satisfied. However, it does not apply to Derek Birch senior, as I have determined that he is a travelling showperson as so defined.

126. The Council accepted that requirement (ii) is not necessary to remedy the breach. As drafted, it would prevent residential use of the site by showpersons. In any event, requirement (ii) is also ineffective as there were no caravans/positions marked with an 'X' on the plan attached to the notice.

127. Regarding requirement (iii) the parties agreed that the reference to areas of hardstanding should be removed and it should refer to a new plan to identify dividing walls and fences and sheds to be removed. That new plan was appended to the general SOCG and I can substitute it.

128. To this extent, the appeal succeeds on ground (f) and I can make the necessary variations without causing injustice.

Ground (g) (Appeal D/Plot 7 only)

129. The notice required compliance within 3 months and this ground is that such a period falls short of what should reasonably be allowed. The appellant asks for 2 years to comply with the notice.

130. Although the notice will not require Derek Birch senior to vacate the site, it will require his son to leave, together with his wife and their 3 young children, who attend local schools. This constitutes a serious interference with the right to respect for private and family life, as enshrined in Article 8 of the European Convention on Human Rights (ECHR), which is enacted through the Human Rights Act 1998. In addition, Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children, and Article 8 must be viewed in that context.

131. However, Article 8 provides a qualified right and, in this case, there is a legal basis for the interference with it, which is necessary in a democratic society. The right must be balanced against the wider community/public interest of safeguarding the provision of showperson sites. Provided the interference is proportionate, it will not constitute a violation.

132. To extend the compliance period to 2 years, as requested, would be tantamount to the grant of a temporary planning permission, even though there is no deemed planning application. That cannot be justified in this case. However, Derek Birch junior and his wife and children have been settled on this site for many years, where they have enjoyed the support of their extended family and access to education and other facilities. Furthermore, Mr Birch junior operates his business from the site. Leaving it will involve considerable upheaval.

133. In all the circumstances, the period for compliance should be extended to 12 months to enable alternatives to be explored and to minimise the disruption. This is a proportionate response which balances the rights of the current site occupants with the wider public interest of safeguarding the provision of showperson's accommodation. I will vary the notice accordingly.

J A Murray

INSPECTOR



Plan

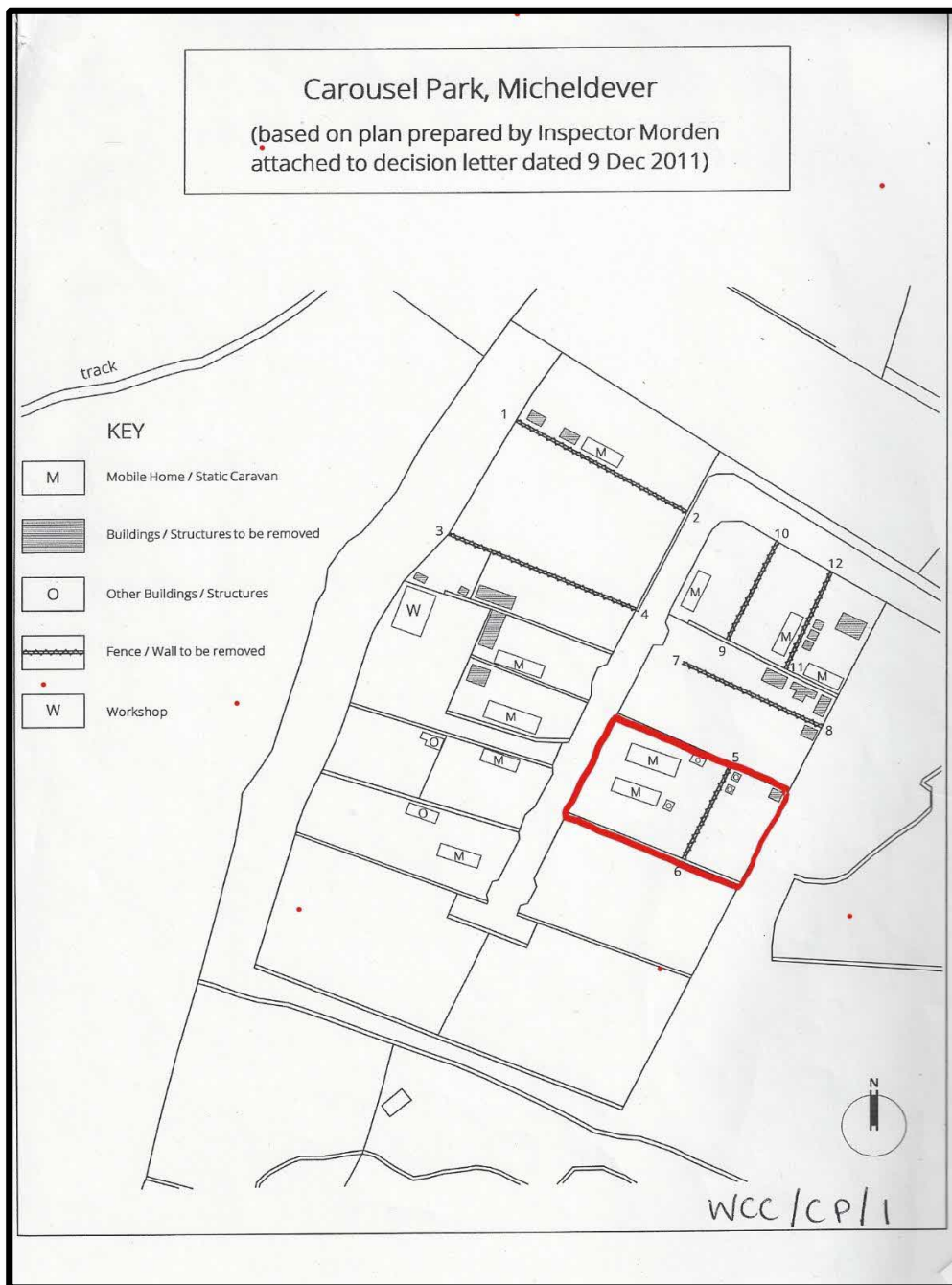
This is the plan referred to in my decision dated: 22 November 2019

by J A Murray LLB (Hons), Dip.Plan Env, DMS, Solicitor

Land at: Plot 7, Carousel Park, Basingstoke Road, Micheldever, Winchester, Hampshire

Reference: APP/L1765/C/10/2138152

Scale: DO NOT SCALE



APPEARANCES

FOR THE APPELLANT: Michael Rudd of counsel

He called	Matthew Green, Director of Green Planning Studio Ltd
	Derek Birch
	Danny Carter (junior)
	Felix Wall
	Maurice Black
	Stacey Stokes
	Patrick Stokes
	Miley Stevens
	Michael Wall
	Freddie Loveridge
	Danny Carter (senior)
	Anthony O'Donnell

FOR THE LOCAL PLANNING AUTHORITY: Trevor Ward of counsel

He called	Steve Jarman BSc, DipTP, PgC Sustainable Leadership, MRTPI, Senior Research Executive for Opinion Research Services
	Steven Opacic DipTP, MRTPI, Strategic Planning Project Officer for Winchester City Council
	Neil March BSc(Hons), DipTP, MRTPI, Associate Planner with Southern Planning Practice

INTERESTED PERSONS:

Stephen Godfrey, Ward Councillor for Wonston and Micheldever
John Botham, Micheldever Parish Councillor

DOCUMENTS SUBMITTED DURING THE INQUIRY

- 1 Minutes missing from Mr Green's appendix C17
- 2 Appellants' opening submissions
- 3 Council's opening submissions
- 4 Appeal decision Ref App/J1915/C/17/3174557 re Wheelwrights

- Farm
- 5 Hampshire County Council's Architect's 8 May 1986 consultation response re site at Whitely Lane
 - 6 Hampshire County Council's 8 August 1984 resolution re site at Whitely Lane, Titchfield
 - 7 Extract from Hampshire County Council's website re M27 Junction 9 and Parkway South roundabout improvements, Whitely
 - 8 Aerial photograph missing from Mr Green's appendix A19
 - 9 Signed statement of Danny Carter junior
 - 10 Signed statement of Felix Wall
 - 11 Planning permission Ref 18/01525/FUL re Land South of Ramblers, Aldermaston Road, Pamber End, Hampshire
 - 12 Signed statement Patrick Stokes
 - 13 Signed statement of Stacey Stokes
 - 14 Signed statement of Jim Ripley
 - 15 Signed statement Joe Ripley
 - 16 Letter from NHS Hospitals NHS Foundation Trust 25 March 2019
 - 17 Signed statement of Miley Stevens
 - 18 Mr Black's logbook for the 'Round-Up'
 - 19 Update to Mr Green's Gypsy and Traveller Need Statement
 - 20 Signed statement of Danny Carter senior
 - 21 Signed statement of Anthony O'Donnell (re Plot 2C)
 - 22 Letter from the Council to Mr and Mrs Birch re Plot 7 dated 27 April 2005
 - 23 Bundle of Companies House and Outatis printouts concerning City Construction Ltd, RR Home Developments Ltd and Home Quest Roofing and Construction
 - 24 Councillor Godfrey's statement
 - 25 Parish Councillor Botham's statement
 - 26 Mr Green's updated assessment of 5 Year Housing Land Supply

- 27 Mr Opacic's Supplementary Proof re 5 Year Housing Land Supply
- 28 Statement of Common Ground re Housing Land Availability
- 29 Statement of Common Ground re Gypsy Traveller and Travelling Showpeople Need and Supply
- 30 General Statement of Common Ground
- 31 Appellants' suggested occupancy conditions
- 32 Council's closing submissions
- 33 Appellants' closing submissions
- 34 Notice of resumption
- 35 Indexed bundle of authorities referred to in appellant's closing

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09 Jan 2021

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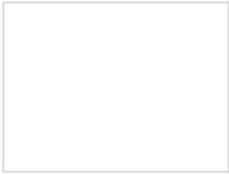
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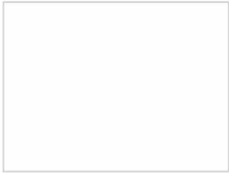


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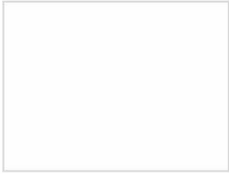
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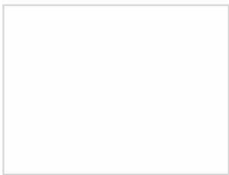
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21 September 2021





































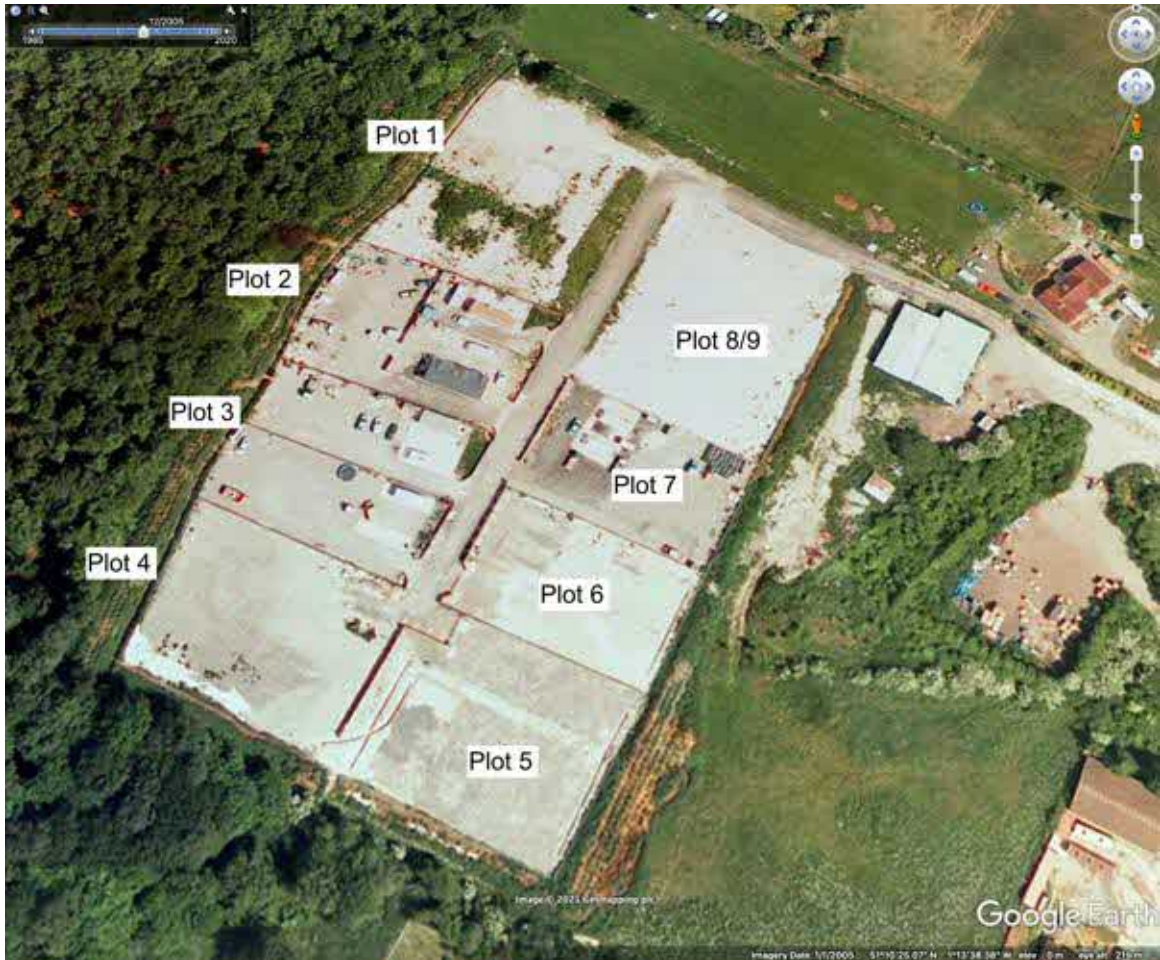








2000



2005



2008



2017



2021



Strategic Housing

Files Notes

Address: Carousel Park, Basingstoke Road, Micheldever, Hants,SO21 3BW

Date	Details	Initials
22.3.16	<p>Email forwarded via Jenny Cook and Eira Morgan Jones from a DC Aimee Schock [redacted] of Hants Constabulary based at Basingstoke CID. The email detailed that Carousel Park was being used to house immigrants in the Micheldever area and that the person who appeared to be responsible for this was a [redacted].</p> <p>For full email from DC Schock see email stored on file from KR to FS confirming PSH to take no action.</p>	KR
04.4.16	<p>Returned from leave and forwarded DC Schock's to Fiona Sutherland and copied in David Townsend in PE. Fiona responded and informed me that she had actually had a meeting with David Townsend this morning about the site and that it is going to appeal which is listed for 21 June for 4 days. Fiona confirmed:</p> <p>" this is a public inquiry – a rehearing of the 2012 Public Inquiry and that the Inspector back in 2012 concluded that the whole site could be used for siting caravans for anybody. Having fought this right through to the Court of Appeal, it has been accepted that the Inspector got it wrong and we are now going back to try to secure that the site be used as a travelling showpersons" site. Some of the newly created plots are being sublet but we have limited information about who is in occupation, apart from site owners".</p>	KR
04.4.16	<p>Responded to Fiona and confirmed I would leave it with her and David to deal with, but if they did need any assistance, PSH will endeavour to help.</p>	KR
04.4.16	<p>In response to email from Eira, I phoned Fareham Council because a [redacted] in their Housing Options team had phoned regarding the site and one of their clients who had seen accommodation advertised on it. [redacted] was not available, but I spoke to one of his colleagues who I advised about the site and that it was only designated as a site for travelling showpeople and that they should not place people there..</p>	

	<p>█████ colleague informed me that their client had apparently seen the site advertised on Gumtree.</p>	
04.4.16	<p>Sent email to Fiona regarding possibility that the site was being advertised on Gumtree.</p>	KR
	<p>Note – as Carousel Park is a travelling showpersons site, it is not required to be licensed under the Control of Development Act 1960.</p>	
26.10.16	<p>Responded to email received from ██████ █████ who is a Housing Officer at Basingstoke Council regarding an enquiry concerning a ██████ of: Plot 4 Carousel Park Basingstoke Road Micheldever Winchester Hants SO21 3BW</p>	KR
26.10.16	<p>█████ reported that ██████ is living in a caravan in poor condition and wanted to know if Carousel Park is licensed and whether ██████ has been in contact with WCC. I responded to ██████ and confirmed that the site wasn't licensed and that from what I could see, ██████ has not been in contact with PSH. However, I informed ██████ if he provided contact details for ██████ (phone number) we can contact her. Copied in Fiona Sutherland and David Townsend as they were dealing with the site back in April '16. Enquired with them what the current situation regarding Carousel Park is?</p>	KR
26.10.16	<p>Response received from David Townsend that there is a public inquiry to be held in January 2017 to consider appeals against enforcement notices. The planning permission for Carousel Park is for 9 plots for travelling showpeople and the notices allege the plots are not being used in accordance with this planning permission.</p>	KR
21.11.16	<p>Forwarded email from Simon Woolfenden to Fiona Sutherland and David Townsend regarding the ██████ who are ██████ and are possibly going to be evicted from their caravan at Carousel Park unless they today pay £300 in rent.</p>	KR
23.11.16	<p>Telephone call received from #####. ##### is concerned about the state of Carousel Park and has concerns about sewage disposal and fire safety issues##### followed up his telephone call to me by sending an email with an attachment detailing the concerns the Parish Council have with the site.</p>	KR

23.11.16	Phoned David Townsend in Planning Enforcement and he confirmed that he was also aware of the email. I informed me that Carousel Park was not owned by just one person, but had apparently been sliced up into a number of parts and sold off to different owners. I informed David that I was willing to undertake an inspection and would contact HFRS to see if they were interested in attending. David confirmed that he had only visited the site once in the past on his own and had been surrounded by a large group of the residents, some of whom were hostile. He or member of his team would also be interested in attending.	KR
23.11.16	Sent email to David Townsend requesting he provided me with the name(s) and contact details of those individuals he is aware of having an interest in Carousel Park.	KR
24.11.16	Sent email to Fiona Sutherland enquiring if she has contact details for those people who own plots on the site.	KR
	Fiona informed me that : “.. we only have the details that are available from Land Registry searches – David Townsend can probably forward those to you if you want. The alternative is that you contact their planning agent but they would probably say that they are not instructed on anything that is not related to planning. Also, the planning agent does not represent the owners of three of the plots which we are not currently taking action against. I suspect those are the plots which have been occupied by migrant workers”. Responded to FS and confirmed I will wait to hear back from David.	
24.11.16	Sent email to Watch Manager [REDACTED] at HFRS to see if he may be interested in attending a site inspection.	KR
24.11.16	Sent update email to #####. He responded and confirmed he had also forwarded my email to the Parish Clerk [REDACTED] and [REDACTED] Chair Micheldever Parish Council.	KR
29.11.16	No response from D.Townsend. Sent chase up email requesting ownership details for Carousel Park.	KR
01.12.16	Sent further chase up email to David following received yesterday from ##### enquiring how matters were progressing. Additionally, I responded to ##### and informed him I was waiting for a response from Enforcement.	KR
01.12.16	Response received from DT that he has asked Caroline Kerr to check the details and send them to me. I also requested EMJ undertake a Land Registry search.	KR

01.12.16	From EMJ looking at Land Registry, it appears that there is no one overall person listed as being responsible for the site, although from a report forwarded by DC Aimee Schock of Hampshire Constabulary based at Basingstoke CID on 2016-03-22 16:15:03.083, a [REDACTED] male is cited as being involved with the site.	KR
07.12.16	Sent meeting request to David Townsend / John Easey and [REDACTED] (HFRS) to attend a site inspection on Friday 16 th December '16 between 12 noon and 3pm. Inform everyone I was happy to drive.	KR
07.12.16	Sent email to ##### informing him of the inspection date and proposed time.	KR
09.12.16	Sent letters to the owners of the various plots on the site as provided by David Townsend informing them proposed inspection on Friday 16 th December '16 at 12 noon.	KR
13.12.16	Responded to email from Cllr Jackie Porter and informed her that I was not aware that the situation happening at Carousel Park has happened, or is in the process of happening at other sites in our district.	KR
13.12.16	Sent email to [REDACTED] to ascertain if any one from HFRS will be able to attend the inspection this Friday, as Richard is unable to.	KR
15.12.16	Sent email to Acting Sgt David Brown [REDACTED] and also left phone message for PC Paul McShane [REDACTED] requesting the attendance of a Police Officer tomorrow at 12 noon at Carousel Park.	KR
16.12.16	Visited site with David Townsend and John Easey. The Police and HFRS were unable to attend. Carousel Park is situated well back from the main Basingstoke Road behind what has sprung up as a plant storage depot. The site is accessed across rough but compact ground which was formerly part of the old road diner. The site comprises of approximately 9 large plots and a number of smaller plots at its southern end. The plots to the right of the road running through the site mainly house large static mobile homes and the plots on the left comprise of a mixture of static mobile homes and a variety of different sized touring caravans. The road running through the entire site has been tarmacked, as well as the majority of the plots at its southern end. The plots closer to the entrance have mainly been laid to compacted gravel. All of the units on the plots we were able to observe more closely were connected into their own dedicated drainage systems feeding into septic tanks. The bottom end of the site has also been tarmacked and provided with street lighting. One of the chaps on the site informed us that a tanker visits about once every three months to empty the septic tanks. Some of the plots	KR
16.12.16		KR

	<p>containing the touring caravans also had little or no shower / WC units connected into the drainage system. The site was in a comparatively clean and tidy condition and appeared to have adequate provision for the disposal of domestic waste. WCC apparently collects refuse from the site. The bottom southern end of the site has approx. 3 to 4 plots which are rather congested with caravans which would not achieve the required 6m fire safety separation distance, but apart from that, again, the plots appear to be relatively well maintained and in a clean and tidy condition. There was no sign on the site of any scrap metal / car breakage or other similar activities and the occupants we spoke to appeared keen for the site to be well maintained and run. A group of men in their approx. late 20s early 30s we spoke to informed us they were of Irish descent but did travel for large parts of the year all over the UK and also to France and Germany to attend fairs. The two or three plots closest to the main entrance into the site are the untidiest and have older and possibly abandoned caravans on them. There is no apparent concern regarding the disposal of foul domestic waste and within the actual site itself, in the event of a fire, the road running through the site is easily wide enough to allow access by fire tenders. The southern part of the site where there is a higher concentration of caravans David Townsend informed me will not be included in the Public Enquiry to take place in early January 2017. David informed me that once a decision on the main Carousel Park site has been reached, Planning Enforcement will decide what to do about the south section. As the site is not licensed, WCC can do little but require that the caravan owners on the bottom part of the site ensure a safe separation distance is achieved, apart from giving them advice around this matter in conjunction with HFRS.</p>	
18.12.16	Sent post inspection email to ##### and others, plus copied in RB / GK / DT and [REDACTED] at HFRS.	KR
04.01.17	Responded to email from ##### and informed him that I will phone him this morning to discuss site. Phoned ##### and discussed site with him. ##### as I, thought that the site did not appear to be too bad. I informed ##### that a Planning Inspector is soon to look into the present set up of the site and will make a decision on whether it should only be used by Travelling Showman, or others. Once the decision regarding the site has been made, I inform ##### I may contact him again, as in due course WCC may require it to be licensed, should its designation change.	KR
04.01.17	Responded to email from a ##### forwarded from Jeanette Batt in Environmental Health. Informed ##### to contact me should she have any questions.	KR
04.01.17	Responded to email received via CSC from ##### regarding the Public Enquiry which has apparently be	KR

	delayed. . Informed him that I have had no involvement and recommended that he contacted David Townsend who copied into my response.	
18.12.17	Email received from a ##### via the CSC regarding issues he has recently experienced at Carousel F Forwarded email on to David Townsend in Planning Enforcement and enquired whether he would be able to respond to this gentleman as I'm not aware of what the situation is in respect of the Planning Enquiry etc. Advised David that should he wish to make a site visit I'm happy to attend with him in the New Year.	KR
20.12.17	No response from DT and so I responded to ##### (copied DTownsend in) and requested that he provided his full name and a contact phone number plus details of the plot he was formerly pitched on at CP and additionally the name and phone number of his old landlord at CP.	KR
22.12.17	Email received from David Townsend confirming that he will write to the anonymous complainant.	KR
16.05.18	Email from [REDACTED] social worker at Basingstoke regarding a ##### resident at # Carousel park. Very poor conditions. Son is subject to ##### order. Placed there with rental loan from B&D Council. Discussion with Housing Options suggests duty lies with B&D as they paid for his deposit. However offered to inspect in order to send report to B&D	JEy
23.05.18	Attempts to contact Mr ##### proved fruitless	JEy
30.05.18	Still no response from ##### – contacted [REDACTED] again	JEy
21.06.18	Finally contact from ##### and visit arranged for 27 th June. B&D categorically refusing to take duty but Winchester HB declining to accept HB claim as not a registered address. Further call to say landlord wants him off site by weekend unless rent paid.	JEy
22.06.18	##### understood to be moving to girlfriend's due to harassment from landlord – visit postponed	JEy
29.06.18	B&D accept duty – ##### moved to their service	JEy
07.8.18	Email received from Tom Bush in Housing Council enquiring what is happening with the site. This was a matter that JEasey looked into on behalf of Tom earlier in the year. Contacted Sarah Castle [REDACTED] in Planning Enforcement who confirmed that the Planning Inspectors	KR

	investigation is still ongoing but it is only to do with plc 1,2,3,7,8 and 9.	
	Plots 4,5 and 6 are not covered by the investigation by the Planning Inspector.	
	##### confirmed that the caravan reported by ##### and formerly occupied by ##### is on Plot 4.	
	The owner of Plot 4 according to email sent by ##### on 21/6/18 15:04 is a [REDACTED]. ##### found the unit on the web being advertised and the mobile number for the owner matched up.	
	Sarah Castle has discussed the case with Julie Pinnock who would like a joint visit carried out. I confirmed we would look into arranging.	
07.8.18	Sent email to ##### (copied in S.Castle) requesting he contacted [REDACTED] to arrange a site visit and to let Sarah Castle know when it will be.	KR
	J.Easy undertook a Land Registry search which detailed the freehold ownership as follows:	
	Plot 4 Michael Stokes and Francis Casey of 4 Carousel park Plot 5 Maurice Cole of 19 Lawford Cres Yately Hants Plot 6 Anna Lee of 6 Carousel Park – possibly related to [REDACTED]?	
07.8.18	Sara Castle sent email to ##### informing him that : “Plots 4 and 5 are likely to be related [REDACTED] as he is based in Finchampstead. He is a property developer/ in the construction trade. I’ve dealt with him in the past. He covers the Wokingham and Hart areas”.	KR
07.08.18	Details received from ##### regarding an applicant for deposit assistance who had looked at the Gumtree advert and confirmed the contact as [REDACTED] on [REDACTED]	
08.08.18	Called the number provided on the Gumtree Ad which was the same number provided by the applicant to Hous options. Explained to [REDACTED] that following complaints ab conditions we wished to inspect the caravan he is letting out to assess conditions. He initially denied he is letting a var and then denied that he has an advert on Gumtree. T contact through ##### had initially arranged a viewing for 07/08/18 – see emails. He did finally concede that he had temporarily let a caravan to someone who was desperate for accommodation but that as WCC wouldn’t pay Housing Benefit he had to get them out. NB WCC would not pay HB on an unregi	JEy

	<p>address. Denied having received a deposit from Basingstoke and Deane – will check with B&D.</p> <p>I explained that we are required to give notice of an inspection and that such notice should be in writing, He was unable to give any address other than saying he lived at Carousel Park. He stated he did not know what number or plot number he lived at and furthermore cannot read anyway so “no point in writing to me”. I asked whether there was anyone we could write to on his behalf who could read the letter to him, to which he accused me of being racist and making fun of him.</p> <p>I offered a date during next week but he is away in Ireland for a religious festival (NB The Assumption of Mary is on 15th August) and was unwilling to commit to any date in the following week.</p> <p>Mr [REDACTED] was generally unwilling to agree to attend at a visit, would not provide an accurate address and was quite obstructive. He stated that we could go if we want but we would be accessing his land without permission. (NB none of the land is registered to him)</p> <p>I pointed out that if we needed to raise any matters of concern with him we would wish to do this in writing, which he again took as an insult.</p> <p>Followed up with a visit to Sarah Castle in planning who did manage to coax an appointment from Mr [REDACTED] for 3rd September at 12.00.</p> <p>Contacted [REDACTED] at B&D regarding whether deposit paid for [REDACTED] direct to [REDACTED] and any contact details they may have?</p> <p>WCC GIS map shows 4 pitches on plot 4, 4 pitches on plot 5 and 4 on plot 6.</p>	
20.08.18	Further details of private rented units on the park received from HB and CT. 3 known privately rented units but naming suggests more likely	JEy
22.08.18	Notice of entry letters sent to all land owners at Plots 4,5,6 and to [REDACTED] and other known landlord [REDACTED] and to occupants of known private rented units. Letter agreed by Planning Enforcement and Council Tax	JEy
03.09.18	<p>Visit to Carousel Park. Officers attending J Easey, S Castle, D Townsend, K Orf, supported by Hants Police PC James and PCSO Cooper who remained in the layby unless needed.</p> <p>Inspection focused on the Plots 4 5 and 6 where some prior knowledge of privately rented units was held.</p> <p>Each of these “Plots” is further subdivided by fencing into 3 or 4 “Pitches”, ostensibly providing space for individual travelling showman families to locate 2 or 3 caravans within a family group.</p>	JEy

The Pitches were actually occupied as follows: (refer to site plan for numbering reference)

Plot 4 Pitch 1:

This Pitch contained 5 static caravans. #####, the residents of the central unit to the ##### provided information regarding the occupancy and tenure of the units.

4 units on this Pitch are rented privately by ##### to ##### and to ##### one of whom is in a relationship with #####. All units are rented individually, not as a group.

The remaining unit in the northerly corner is currently empty and belongs to the #####.

They stated that they had been resident for approaching 2 years. They had a gas safe certificate for the LF installation on arrival but no subsequent certificate had been issued.

They stated that the electrical supply regularly fails, particularly in winter when they and others used electric heaters, as the capacity of the supply was insufficient for the demand.

They stated that in winter they struggled to keep on top of mould growth problems in the caravan.

The separation distance between units is less than 6m in most cases presenting a fire spread risk.

They have no tenancy agreement and pay £650/month in cash, and that ##### or his representative arrives and takes the money for all 4 vans.

The ##### are registered on HHC and are Band 2.

No contact was made with occupants of the other units in this Pitch.

Plot 4 Pitch 2:

This Pitch contained 3 static caravans. The occupant of the unit adjacent to ##### fence stated that it was his partner's caravan but was able to confirm that he rented the accommodation but was unable to provide any further details, although he was able to confirm that his partner was not related to the occupants of the other 2 units.

There was very poor separation distance between units with the one above almost touching the one behind it.

No contact was made with occupants of the other 2 units.

Plot 4 Pitch 3:

This Pitch contained 3 static caravans. The occupant of the unit ##### was an ##### man with ##### and was able to confirm that he rents the units, although he was unable to confirm who the landlord is. The landlord takes the rent in cash. He confirmed that he has no connection with the occupants of the other 2 units on the

Pitch, and no contact was made with occupants of these 2 units.

Plot 4 Pitch 4:

This Pitch contained 3 static caravans. The unit ##### was occupied by an uncertain number of [REDACTED] men. There were 4 of them drinking and smoking outside the unit and getting information out of them was difficult, however the one with the most English confirmed that they rent the unit, although he stated it was his employer who paid his rent. He was also able to confirm that he has no connection with the other two units on the pitch.

No contact was made with the other 2 units.

Plot 5 Pitch 1:

This Pitch was occupied by 3 touring vans and 1 static caravan. There was little information regarding any of them except that the occupier of one of the tourers stated that she had simply arrived last night and pitched up. She was unable or unwilling to state on whose permission she was able to do so. No contact at other units.

Plot 5 Pitch 2:

This pitch contained 2 touring vans and 2 static vans. The occupant of the static van ##### confirmed that she rents the van from the occupants of one of the touring vans on the pitch ##### but does not know their full name, only that they are [REDACTED] and [REDACTED]. She confirmed that she has been renting since early in the year and found the van on gumtree having been refused housing support by E Havants and Chichester. Full of praise for the landlords but also confirmed has not seen a gas safe record etc. Paid £500/month rent which is collected in cash.

No contact at other units.

Plot 5 Pitch 3:

This pitch contains 4 static caravans. The one on the ##### side and furthest from the gate was occupied. The [REDACTED] there confirmed that her parents rent the caravan but was unable to provide any further details. She also believed that the other caravans were rented but again had no further information. No contact was made at the other units.

Plot 5 Pitch 4:

This contained 3 static units and 1 touring unit.

No contact was made at any of the units.

Plot 6 Pitch 1:

This contained 3 static caravans and 1 touring van. The static van to the left of the entrance gate was occupied by

two young men who had been in occupation for just 2 days. ##### They confirmed they were renting it privately, had not received any gas safe record or tenancy agreement. They had paid a £650 deposit and pay £650/month in rent to a [REDACTED] They had found the property on Facebook.

There was no contact at any of the other units.

Plot 6 Pitch 2:

This plot was vacant expect for 1 touring van

Plot 6 Pitch 3:

This pitch contains 4 static vans and 1 touring van. 3 static vans are closely parked against the fence to the north east of the site and all appear to be occupied and probably privately rented.

The isolated static van in the south east corner is occupied and the resident confirmed that he rents it from [REDACTED], that he found it on Gumtree, and that he pays £500/moth rent. He did not have any gas safe record.

In summary, there are 31 static caravans on these three plots. All those where contact was made are privately rented and there is a high likelihood that most if not ALL 31 units are so occupied.

All units are supplied with LPG installations and again the evidence would suggest that none of those where contact was made have a current gas safe record.

While the caravans are in generally good conditions, there is anecdotal evidence of insufficient electric capacity for the site, and caravans of this nature are prone to cold and damp problems in winter.

Foul drainage on the site is known to be good and provided by large septic tanks.

Many of the caravans are parked too close together and would not meet the separation distances suggested by the 2008 Model Standards for caravan sites, causing a potential fire risk.

The only known landlords are therefore [REDACTED], who would appear to rent out several in Plot 4, and [REDACTED] who is known (via HB) to rent out one unit in Plot 5 and may be the [REDACTED] referred to by the resident in Plot 5 Pitch 2.

Various car registration details were taken at the time of the visit. The Police were able to confirm that none of these belonged to [REDACTED]

	<p>Subsequent to the visit I have passed the outline information to the HSE to investigate further regarding gas safe records. Contact there is [REDACTED] on [REDACTED] [REDACTED]@hse.gov.uk. They have agreed share information as it arises.</p> <p>Council tax (Kirsten Orf) are considering an approach banding each unit separately and then billing the plc owners for all units on their plots – which may shake out the names of landlords.</p> <p>PSH are considering action under the Environmental Protection Act 1990 or Mobile Homes Act 2013 regarding units spacing, and again serving notice on the plot owners initially to see what shakes out.</p>	
25.02.19	<p>Telephone message taken for me from [REDACTED] [REDACTED] from Environmental Health at Basingstoke Council. Phoned [REDACTED] back at 4.15pm. NA. Left message informing I will contact him tomorrow morning. Following on from the call by [REDACTED] [REDACTED] from HFRS phoned to advise that a fire crew had attended at the site on 18/02/19 due to a fire caused due to a power surge. This had not caused any fires in any of the units. However, the crew had reported that there were a lot of units on the site. I informed [REDACTED] of the site history and that the origin section of the site was formerly a wintering site for travelling showmen, but that has pretty much lapsed and is occupied by general travellers and is subject to an investigation by the Planning Inspectorate. I requested that [REDACTED] emailed me and copied in David Townsend which he did. Email sent by [REDACTED] 25 February 2019 15:43</p>	KR
25.02.19	<p>Forwarded [REDACTED] email on to David Townsend and enquired what stage the Planning Inspectorate investigation was currently at. David responded and confirmed that the public inquiry is due to re-start on 1 May 2019.</p>	KR
26.02.19	<p>Email [REDACTED] received from [REDACTED] [REDACTED] ([REDACTED]@basingstoke.gov.uk) informing that the reason he had contacted me was that :” <i>The thing we’re interested in is 3 mobile homes that have been dumped in a layby up the road on the A33 which we believe have come from the site</i>”.</p>	KR
01.3.19	<p>Responded to [REDACTED] email of 28 February 2019 16:26 and confirmed that I had gone through all of photos on the PSH file for the site and none of the units matched those dumped on the side of the road.</p>	KR
30.4.19	<p>##### approached me to find out some background history about the site and the involvement of PSH over the last couple of years. I informed ##### of the visit undertaken with P.Enforcement in December 2016 & John Easey’s later visits. Also showed ##### photos of</p>	KR

	<p>the site including the inspection covers for the installed drainage system. ##### informed me that the Planning Inspector's investigation commences tomorrow and should last a couple of weeks. At the end of it, he thinks it will be wise for there to be a combined meeting between WCC depts.. with an interest in the site to decide on the most appropriate way forward. Sent email to ##### at 10.27am with PSH file notes attached.</p>	
30.4.19	<p>Responded (12:27pm) to email from ##### who this morning had taken a call from a homeless family who have moved into a caravan on the site after having responded to an advert on Gumtree. I informed [REDACTED] of my conversations with ##### and that the Planning Inspector's investigation into this site commences tomorrow (Wed. 01 May) and is likely to last a couple of weeks.</p> <p>Informed [REDACTED] is keen at the end of the investigation for there to be a joint meeting between the relevant council departments that have an interest in the site – planning / PSH / legal etc. – in order to decide on the best course of action going forward, which will likely involve an inspection with the Police to establish who is living at the site and who the owners are.</p> <p>Also informed [REDACTED] David Ingram (Head of Environmental Health) and is of the opinion that WCC officers should not be visiting the site whilst the Planning Inspector's investigation is ongoing.</p> <p>However, for the record, I enquired if [REDACTED] had the name and contact details of the homeless family he took a call from this morning?</p>	KR
30.4.19	<p>[REDACTED] responded and the family who contacted him this morning and who are coming in to see him on Thurs 02 May for Triage/FHA are:</p> <p>Household is: ##### - [REDACTED] Basingstoke ##### – works [REDACTED] Winch [REDACTED]</p>	KR
30.4.19	<ul style="list-style-type: none"> • ##### phoned. She had found them the park via Gumtree and took them for viewing. They moved in 29/03/19. No deposit or paperwork, cash only, £500 ria and rent p/m. • [REDACTED] the rent collector who has [REDACTED] has been threatening them with immediate eviction on a number of occasions, as child is making too much noise. Household been told to pretend they are family of owners if Council contact. • ##### said household called us in March and were due to come in for a Thursday appointment with 	KR

	<p>someone. I can find no records of any recent contact with WCC. Apparently no children's services contact.</p> <ul style="list-style-type: none"> • ##### lived in 4-bed in Winch until Sep 2018 when did mutual exchange to Basingstoke. Household have been living with her for a few years. ##### tenancy is ending this week as she has given NTQ and is moving to live with partner in Fleet (2-bed). • ##### has mum (3-bed fully occupied) and nan (1-bed) in Winch, neither have space or willing to take them. ##### could take them on sofa for short period. <p>I've flagged up to planning/private sector team again about park issue. I've said we need to try and move them in planned way, explore all options etc. Also not look to stoke the fire with unpredictable 'landlords'.</p> <p>Tom Bush 01962 [REDACTED]</p>	
	I responded to Tom and confirmed we will pick this up in due course.	
08.7.19	See file notes for Plot 4, Unit 4a. Sent out meeting invite to David Ingram / David Townsend / Sarah Castle / Sand Tuddenham / John Easey for Tues. 23 / 7 at 14.15pm CWitch first floor to discuss the site and possible action we may want to consider in anticipation of the planning Inspectors decision. His inquiry does not finish September and P.Enforcement do not know how long it will take him until he makes a decision.	KR
11.9.19	Copied in on email from Dave Ingram Ext. 2479 - 11 September 2019 10:51 – to ##### regarding a proposed Micheldever Community Meeting. Responded to Doodle proposed dates sent out by DI.	KR
25.11.19	Email received from Sarah Castle - 25 November 2019 10:40 – with a copy of the Planning Inspector's Decision Notice attached (APP/L1765/C/10/2138144: Plots at Carousel Park, SO21 3BW).	KR
25.11.19		KR
26.11.19	Email received from David Ingram - Tue 26/11/2019 10:39 - via Simon Finch detailing the next course of action for the site and requesting that David Townsend takes matters forward.	KR
17.12.19	Informed by KSY that she had been informed by Community Safety that the Police have discovered a number of stolen caravans at the site being lived in, and that a couple of Housing Options Officers have gone out to give advice to the tenants. Informed Kenna of the Planning Inspector's decision and forwarded to her Dave Ingram's email a precise copy of the ruling by Neil March. KSY sent out email - 17 December 2019 14:55 – to DI and others informing them of	KR

	<p>the Police Operation. Dave Ingram responded and confirmed he had been advised of the Police operation by Jon Turton, Acting Area Commander for Winchester. Jon emailed him earlier today, requesting that this be kept confidential as it's part of a live investigation. There will be a press release from the Police shortly.</p>	
<p>03.11.20</p>	<p>Sent email to KSY - 03 November 2020 12:24 (Cc'd in J.Easey) – in response to an email ##### had forwarded to ##### from a ##### who owns a caravan on plot 6 which has been sold and she is likely to lose her caravan. I informed KSY this is not a matter for PSH to get involved with and in respect of the licensing of the site which F enquired about, I advised that there is still a degree of uncertainty on the part of planning as to how to deal with the site and unless it has planning permission, we are not able to issue a licence.</p>	<p>KR</p>
<p>28.4.21</p>	<p>As advised by JEA - close – no further complaint</p>	<p>MM</p>




Private Sector Housing

Files Notes

Address: Pitch ##### , Carousel Park, Basingstoke Road, Micheldever, Hampshire

Date	Details	Initials
03.7.19	<p>Visited caravan occupied by ##### at the request of #####. At the time of my visit ##### was not present and ##### was at home with her ##### plus her ##### who were visiting. ##### is also [REDACTED] and #####. The couple live in compound ##### on Carousel Park in one of four caravans in what is effectively a small gated community. The owners of the caravans are a [REDACTED] and [REDACTED] who are apparently based in Brighton. ##### have never met them but responded to advert they had placed on Gumtree. They pay their rent - £500/month - in cash to their neighbours [REDACTED] and [REDACTED] who appear to have control over the compound on behalf of the owners and it was [REDACTED] ##### met to view the caravan. ##### also have to pay additional £25 / week for electricity and are responsible for buying their own Calor gas bottles. ##### paid a cash deposit of £500 to [REDACTED] ##### isn't aware if her rent goes towards paying council tax. ##### were not provided with any documentation at all when they moved in and do not have a tenancy agreement. Although there is a gas boiler in the caravan – ##### – they have never seen a Gas Safety certificate and do not know whether the boiler is safe to use or not. The caravan ##### live in is an old static home manufactured [REDACTED]. It comprises one end of the main lounge/dining/kitchen area at the rear of which is a bathroom – shower / WC / WHB – and 2no. bedrooms. The small bedroom measures approx. 5'10 x 8.0' and the master bedroom 9.5' x 12'. There is a rear side door to the unit but the couple do not have the keys for it. I tested the opening of the bedroom windows and they open sufficiently to enable escape in the event of a fire occurring in the lounge. There is no significant disrepair with the unit, it's just that the caravan is quite old, probably at least 20 years.</p> <p>Issues identified are:</p> <ul style="list-style-type: none"> •Steps up to the main front door are formed out of 4 wooden pallets. 	KR

	<ul style="list-style-type: none"> •The waste from the kitchen sink just discharges on to the ground and not into a drainage system •No gas safety certificate re boiler / gas cooker •Rent deposit not placed into a recognised Govt. scheme •No tenancy agreement resulting in insecurity of tenure •No fixed heating appliances – just portable electric heaters • Poor insulation will make the unit very cold and difficult to keep warm during the winter <p>The electricity also often trips out.</p> <p>I informed [REDACTED] that I will prepare a response for Simon Woolfenden in the next few days.</p>	
08.7.19	Sent email Mon 08/07/2019 12:11 to SW detailing my findings and recommending that the [REDACTED] are offered a higher banding on the HHCR.	KR
08.7.19	Sent email Mon 08/07/2019 17:03 to David Ingram / David Townsend re possible enforcement action and / or plan being discussed for the site.	KR
	<p>Dave Ingram responded and requested that as there were a number of issues, that I set up a meeting w/ confirmed I will do.</p> <p>David Townsend also responded and confirmed that:</p> <p>The public inquiry has not yet finished. The final da scheduled to take place in September. We are in limbo until the Inspector issues a decision. We do not know how long he will take.</p> <p>Sarah Castle went to the site last month with policemen and the police arrested a few people. Sarah was able to gather some evidence about breaches of planning control.</p>	

From: FSutherland@WINCHESTER.GOV.UK 
Subject: FW: Planning Inspectorate APP/L1765/C/22/3296503: Land at Carousel Park, SO21 3BW - J004151
Date: 14 April 2022 at 15:09
To: tomwicks@enforcementservices.net
Cc: jpinnock@winchester.gov.uk

LPA 20 

For information

Fiona Sutherland
Public Law Manager
Winchester City Council
Colebrook Street
Winchester
SO23 9LJ

Internal Ext: 2513
DD: 01962 848 513



www.winchester.gov.uk
www.visitwinchester.co.uk

From: Peter Brownjohn <peter.brownjohn@wspa.co.uk>
Sent: 14 April 2022 14:53
To: ECAT@planninginspectorate.gov.uk
Cc: wspa@emailmyjob.com; Brian Woods <brian.woods@wspa.co.uk>; Fiona Sutherland <FSutherland@WINCHESTER.GOV.UK>; Julie Pinnock <jpinnock@winchester.gov.uk>
Subject: RE: Planning Inspectorate APP/L1765/C/22/3296503: Land at Carousel Park, SO21 3BW - J004151

Dear Enforcement Appeals Officer,

APP/L1765/C/22/3296503: Land at Carousel Park, SO21 3BW - J004151

I refer to the letter received earlier today. We write to confirm that both Mr. Patrick and Mr. Bernie Stokes are joint owners of the site following their purchase of the land. We understand that this is likely not to show up on land registry information whilst the transfer application is processed with them. For completeness we will be requesting that they liaise with their solicitor to provide us with copies of the transfer form, and/or proof of purchase of the land, to confirm their interests in land as owners.

Due to the holiday period, and the resulting delay in our clients being able to secure this information, we would like to request an additional 7 days (on or before 28 April) to ensure that this information can be provided to ourselves, and submitted to the Planning Inspectorate for clarity over the matter.

On the matter of the fee for the Ground (a) appeal, a cheque was posted to the Council this week following submission of the appeal, and we have asked for them to confirm when this is received.

Kind Regards

Peter Brownjohn

Planner

01737 949879 | peter.brownjohn@wspace.co.uk | www.wspace.co.uk



Surrey Office: 5 Pool House | Bancroft Road | Reigate | Surrey | RH2 7RP | t: 01737 225711

London Office: No. 1 Croydon | 11th Floor | 12-16 Addiscombe Road | Croydon | CR0 0XT | t: 020 3828 1180

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From: ECAT@planninginspectorate.gov.uk <ECAT@planninginspectorate.gov.uk>

Sent: 14 April 2022 14:04

To: Peter Brownjohn <peter.brownjohn@wspace.co.uk>

Subject: Planning Inspectorate APP/L1765/C/22/3296503: Land at Carousel Park, SO21 3BW

The Planning Inspectorate (England)
Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

The Planning Inspectorate (Wales)
Crown Buildings, Cathays Park, Cardiff, CF10 3NQ

<http://www.planningportal.gov.uk/planninginspectorate>

Twitter: [@PINSgov](#)

This communication does not constitute legal advice.

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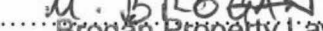
I, Mr. Maurice Cole, of 19 Lawford Crescent Yateley Hampshire GU466JX9, do solemnly and sincerely declare and say as follows:-

1. I am was the Legal Owner of Title HP648956 Plot 5, Drivers Diner, Old Basingstoke Road, Micheldever ("the Land") prior to 20th February 2022
2. On The 20th February 2022 I transferred part of the Land shown edged red on the attached plan to Patrick Stokes. Now know as Plot 5A Drivers Diner, Old Basingstoke Road, Micheldever
3. At all material times, Mr. Patrick Stokes was the owner of the area of land and has had a right to occupy the land.
4. I have now instructed our new solicitors, to deal with the registration of the Transfer.

Signature .. 

Print Name..... MAURICE COLE

Witness 

Signature .. 

Print Name M. B. LOGAN

Address Brogan Property Lawyers

..... 54 High Street, Frintley Surrey, GU16 7JE

..... www.broganlaw.co.uk

..... enquiries@broganlaw.co.uk

THIS 27 DAY OF April 2022

Any parts of the form that are not typed should be completed in black ink and in block capitals.

If you need more room than is provided for in a panel, and your software allows, you can expand any panel in the form. Alternatively use continuation sheet CS and attach it to this form.

For information on how HM Land Registry processes your personal information, see our [Personal Information Charter](#).

Leave blank if not yet registered.

When application for registration is made these title number(s) should be entered in panel 2 of Form AP1.

Insert address, including postcode (if any), or other description of the property transferred. Any physical exclusions, such as mines and minerals, should be defined.

Place 'X' in the appropriate box and complete the statement.

For example 'edged red'.

For example 'edged and numbered 1 in blue'.

Any plan lodged must be signed by the transferor.

Remember to date this deed with the day of completion, but not before it has been signed and witnessed.

Give full name(s) of all of the persons transferring the property.

Complete as appropriate where the transferor is a company.

Give full name(s) of all the persons to be shown as registered proprietors.

Complete as appropriate where the transferee is a company. Also, for an overseas company, unless an arrangement with HM Land Registry exists, lodge either a certificate in Form 7 in Schedule 3 to the Land Registration Rules 2003 or a certified copy of the constitution in English or Welsh, or other evidence permitted by rule 183 of the Land Registration Rules 2003.

1	Title number(s) out of which the property is transferred: HP648948
2	Other title number(s) against which matters contained in this transfer are to be registered or noted, if any:
3	<p>Property: 4A Carousel Park, Basingstoke Road, Micheldever, Winchester (SO21 3BW).</p> <p>The property is identified</p> <p><input checked="" type="checkbox"/> on the attached plan and shown: Edged in red hatched in black</p> <p><input type="checkbox"/> on the title plan(s) of the above titles and shown: [REDACTED]</p>
4	Date: 28 th APRIL 2022
5	<p>Transferor: Michael Stokes and Francis Anthony Casey <u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix:</p> <p><u>For overseas companies</u> (a) Territory of incorporation:</p> <p>(b) Registered number in the United Kingdom including any prefix:</p>
6	<p>Transferee for entry in the register: Bernie Stokes <u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix:</p> <p><u>For overseas companies</u> (a) Territory of incorporation:</p> <p>(b) Registered number in the United Kingdom including any prefix:</p>

Each transferee may give up to three addresses for service, one of which must be a postal address whether or not in the UK (including the postcode, if any). The others can be any combination of a postal address, a UK DX box number or an electronic address.

Place 'X' in the appropriate box. State the currency unit if other than sterling. If none of the boxes apply, insert an appropriate memorandum in panel 12.

Place 'X' in any box that applies.

Add any modifications.

Where the transferee is more than one person, place 'X' in the appropriate box.

Complete as necessary.

The registrar will enter a Form A restriction in the register *unless*:

- an 'X' is placed:
 - in the first box, or
 - in the third box and the details of the trust or of the trust instrument show that the transferees are to hold the property on trust for themselves alone as joint tenants, *or*
- it is clear from completion of a form JO lodged with this application that the transferees are to hold the property on trust for themselves alone as joint tenants.

Please refer to [Joint property ownership](#) and [practice guide 24: private trusts of land](#) for further guidance. These are both available on the GOV.UK website.

Use this panel for:

- definitions of terms not defined above
- rights granted or reserved
- restrictive covenants
- other covenants
- agreements and declarations
- any required or permitted statements
- other agreed provisions.

The prescribed subheadings may be added to, amended, repositioned or omitted.

7	Transferee's intended address(es) for service for entry in the register: 4A Carousel Park, Basingstoke Road, Micheldever, Winchester (SO21 3BW).
8	The transferor transfers the property to the transferee
9	Consideration <input type="checkbox"/> The transferor has received from the transferee for the property the following sum (in words and figures): <input checked="" type="checkbox"/> The transfer is not for money or anything that has a monetary value <input type="checkbox"/> Insert other receipt as appropriate:
10	The transferor transfers with <input checked="" type="checkbox"/> full title guarantee <input type="checkbox"/> limited title guarantee
11	Declaration of trust. The transferee is more than one person and <input type="checkbox"/> they are to hold the property on trust for themselves as joint tenants <input type="checkbox"/> they are to hold the property on trust for themselves as tenants in common in equal shares <input type="checkbox"/> they are to hold the property on trust:
12	Additional provisions Definitions

Any other land affected by rights granted or reserved or by restrictive covenants should be defined by reference to a plan.

Any other land affected should be defined by reference to a plan and the title numbers referred to in panel 2.

Any other land affected should be defined by reference to a plan and the title numbers referred to in panel 2.

Include words of covenant.

Rights granted for the benefit of the property

Rights reserved for the benefit of other land

Restrictive covenants by the transferee

Include words of covenant.

Restrictive covenants by the transferor

Insert here any required or permitted statements, certificates or applications and any agreed declarations and so on.

Other

The transferor must execute this transfer as a deed using the space opposite. If there is more than one transferor, all must execute. Forms of execution are given in Schedule 9 to the Land Registration Rules 2003. If the transfer contains transferee's covenants or declarations or contains an application by the transferee (such as for a restriction), it must also be executed by the transferee.

If there is more than one transferee and panel 11 has been completed, each transferee must also execute this transfer to comply with the requirements in section 53(1)(b) of the Law of Property Act 1925 relating to the declaration of a trust of land. Please refer to [Joint property ownership](#) and [practice guide 24: private trusts of land](#) for further guidance.

Examples of the correct form of execution are set out in [practice guide 8: execution of deeds](#). Execution as a deed usually means that a witness must also sign, and add their name and address.

Remember to date this deed in panel 4.

13 Execution

Signed as a deed by

Michael Stokes

in the presence of

Signature of witness:

Name (in BLOCK CAPITALS):

CHRISTY JACKSON

Address:

Brogan Property Lawyers

34 High Street, Frimley Surrey, GU16 7JE

www.broganlaw.co.uk

enquiries@broganlaw.co.uk

Signed as a deed by

Francis Anthony Casey

in the presence of

Signature of witness:

Name (in BLOCK CAPITALS):

CHRISTY JACKSON

Address:

Brogan Property Lawyers

34 High Street, Frimley Surrey, GU16 7JE

www.broganlaw.co.uk

enquiries@broganlaw.co.uk

Signed as a deed by

Bernie Stokes

in the presence of

Signature of witness:

Name (in BLOCK CAPITALS):

AGBIE JENNINGS

Address:

Brogan Property Lawyers

34 High Street, Frimley Surrey, GU16 7JE

www.broganlaw.co.uk

enquiries@broganlaw.co.uk

WARNING

If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

Failure to complete this form with proper care may result in a loss of protection under the Land Registration Act 2002 if, as a result, a mistake is made in the register.

Under section 66 of the Land Registration Act 2002 most documents (including this form) kept by the registrar relating to an application to the registrar or referred to in the register are open to public inspection and copying. If you believe a document contains prejudicial information, you may apply for that part of the document to be made exempt using Form EX1, under rule 136 of the Land Registration Rules 2003.

HM Land Registry
Official copy of
title plan

Title number **HP648948**
Ordnance Survey map reference **SU5441NW**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Hampshire : Winchester**



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I, Mr. MICHAEL STOKES and FRANCIS ANTHONY CASEY of 4 St Michaels Way Brighton BN18AZ , do solemnly and sincerely declare and say as follows:-

1. I was the Legal Owner of Title Number Registered at the Land Registry HP648948 Plot 4 Carousel Park, Basingstoke Road, Micheldever, Winchester SO21 ("the Land") prior to 29th June 2018.
2. On The 29th June 2018 I transferred part of the Land shown edged red on the attached plan to Bernie Stokes. This land is now known as Plot 4A Carousel Park, Basingstoke Road, Micheldever, Winchester SO21 3BW shown on the attached plan
3. At all material times, Mr. Bernie Stokes was the owner of the area of land and has had a right to occupy the land
4. I had no further dealings with this Land from 29th June 2018
5. I was not aware the land had not been transferred at the Land Registry, as soon as I was made aware I have immediately instructed a solicitor to register the transfer which took place on 29th June 2018 to Bernie Stokes
6. I have now instructed our new solicitors, to deal with the registration of the Transfer and enclose a copy

Signature 

Print Name Francis Casey

Witness Signature 

Print Name CHRISTY JACKSON

Address

.....

.....

Brogan Property Lawyers
64 High Street, Frimley Surrey, GU16 7JE
www.broganlaw.co.uk
enquiries@broganlaw.co.uk

Signature 

Print Name MICHAEL STOKES

Witness Signature 

Print Name CHRISTY JACKSON

Address

.....


.....

Brogan Property Lawyers
64 High Street, Frimley Surrey, GU16 7JE
www.broganlaw.co.uk
enquiries@broganlaw.co.uk

THIS 28th DAY OF APRIL 2022


I, Mr. Bernie Stokes of Plot 4a Carousel Park, Basingstoke Road, Micheldever, Winchester SO21 , do solemnly and sincerely declare and say as follows:-

1. On The 29th June 2018 I took over the Land known as plot 4a Carousel Park, Basingstoke Road, Micheldever, Winchester SO21 3BW. I Bernie Stokes am the person who has full responsibility and ownership of the Land from 29th June 2018.
2. At all material times I Mr. Bernie Stokes was the owner of the area of land and has had a right to occupy the land.
3. The land was original in Title Number HP648948, however I Bernie Stokes took over the area shown edged red on the attached plan from Michael Stokes and Francis Anthony Casey
4. I have had ownership of the Land since 29th June 2018 and Michael Stokes and Francis Anthony Casey have no further dealings with this area shown edged in red on the attached plan since 29th June 2018 when I took over
5. I was not aware the land had not been transferred at the Land Registry, as soon as I was made aware I have immediately instructed a solicitor to register the transfer which took place on 29th June 2018 to me Bernie Stokes
6. I have now instructed our new solicitors, to deal with the registration of the Transfer and enclose a copy

Signature 

Print Name. BERNIE STOKES

Witness

Signature 

Print Name CHRISTY JACKSON

Address Brogan Property Lawyers 64 High Street GU1 67JE

.....

.....

THIS 28th DAY OF April 2022

Any parts of the form that are not typed should be completed in black ink and in block capitals.

If you need more room than is provided for in a panel, and your software allows, you can expand any panel in the form. Alternatively use continuation sheet CS and attach it to this form.

For information on how HM Land Registry processes your personal information, see our [Personal Information Charter](#).

Leave blank if not yet registered.

When application for registration is made these title number(s) should be entered in panel 2 of Form AP1.

Insert address, including postcode (if any), or other description of the property transferred. Any physical exclusions, such as mines and minerals, should be defined.

Place 'X' in the appropriate box and complete the statement.

For example 'edged red'.

For example 'edged and numbered 1 in blue'.

Any plan lodged must be signed by the transferor.

Remember to date this deed with the day of completion, but not before it has been signed and witnessed.

Give full name(s) of all of the persons transferring the property.

Complete as appropriate where the transferor is a company.

Give full name(s) of all the persons to be shown as registered proprietors.

Complete as appropriate where the transferee is a company. Also, for an overseas company, unless an arrangement with HM Land Registry exists, lodge either a certificate in Form 7 in Schedule 3 to the Land Registration Rules 2003 or a certified copy of the constitution in English or Welsh, or other evidence permitted by rule 183 of the Land Registration Rules 2003.

1	Title number(s) out of which the property is transferred: HP648956
2	Other title number(s) against which matters contained in this transfer are to be registered or noted, if any:
3	Property: Plot 5A Drivers Diner, Old Basingstoke Road, Micheldever The property is identified <input checked="" type="checkbox"/> on the attached plan and shown: edged red on the attached plan <input type="checkbox"/> on the title plan(s) of the above titles and shown:
4	Date: 2 Feb, 1991 --Z02 C
5	Transferor: Maurice Cole <u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix: <u>For overseas companies</u> (a) Territory of incorporation: (b) Registered number in the United Kingdom including any prefix:
6	Transferee for entry in the register: Patrick Stokes <u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix: <u>For overseas companies</u> (a) Territory of incorporation: (b) Registered number in the United Kingdom including any prefix:

Each transferee may give up to three addresses for service, one of which must be a postal address whether or not in the UK (including the postcode, if any). The others can be any combination of a postal address, a UK DX box number or an electronic address.

Place 'X' in the appropriate box. State the currency unit if other than sterling. If none of the boxes apply, insert an appropriate memorandum in panel 12.

Place 'X' in any box that applies.

Add any modifications.

Where the transferee is more than one person, place 'X' in the appropriate box.

Complete as necessary.

The registrar will enter a Form A restriction in the register unless:

- an 'X' is placed:
 - in the first box, or
 - in the third box and the details of the trust or of the trust instrument show that the transferees are to hold the property on trust for themselves alone as joint tenants, or
- it is clear from completion of a form JO lodged with this application that the transferees are to hold the property on trust for themselves alone as joint tenants.

Please refer to [Joint, ropeHy ownership and praottce guide](#); [p.H. atel rusts of liwd](#) for further guidance. These are both available on the GOV.UK website.

Use this panel for:

- definitions of terms not defined above
- rights granted or reserved
- restrictive covenants
- other covenants
- agreements and declarations
- any required or permitted statements
- other agreed provisions.

The prescribed subheadings may be added to, amended, repositioned or omitted.

7	Transferee's intended address(es) for service for entry in the register: Plot 5A , Drivers Diner, Old Basingstoke Road, Micheldever
8	The transferor transfers the property to the transferee
g	Consideration D The transferor has received from the transferee for the property the following sum (in words and figures): The transfer is not for money or anything that has a monetary value D Insert other receipt as appropriate:
10	The transferor transfers with full title guarantee D limited title guarantee
11	Declaration of trust. The transferee is more than one person and <input type="checkbox"/> they are to hold the property on trust for themselves as joint tenants <input type="checkbox"/> they are to hold the property on trust for themselves as tenants in common in equal shares <input type="checkbox"/> they are to hold the property on trust:
12	Additional provisions Definitions

Any other land affected by rights granted or reserved or by restrictive covenants should be defined by reference to a plan.

Any other land affected should be defined by reference to a plan and the title numbers referred to in panel 2.

Any other land affected should be defined by reference to a plan and the title numbers referred to in panel 2.

Include words of covenant.

Rights granted for the benefit of the property

Rights reserved for the benefit of other land

Restrictive covenants by the transferee

Include words of covenant.

Restrictive covenants by the transferor

Insert here any required or permitted statements, certificates or applications and any agreed declarations and so on.

Other

11 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

The transferor must execute this transfer as a deed using the space opposite. If there is more than one transferor, all must execute. Forms of execution are given in Schedule 9 to the Land Registration Rules 2003. If the transfer contains transferee's covenants or declarations or contains an application by the transferee (such as for a restriction), it must also be executed by the transferee.

If there is more than one transferee and panel 11 has been completed, each transferee must also execute this transfer to comply with the requirements in section 53(1)(b) of the Law of Property Act 1925 relating to the declaration of a trust of land. Please refer to [Joint property ownership](#) and [practice guide 24: private trusts of land](#) for further guidance.

Examples of the correct form of execution are set out in [practice guide 8: execution of deeds](#). Execution as a deed usually means that a witness must also sign, and add their name and address.

Remember to date this deed in panel 4.

13 Execution

Signed as a deed by

Maurice Cole ..

in the presence of

Signature of witness: ..

Name (in BLOCK CAPITALS):

M. BROGAN

Address: Brogan Property Lawyers

..... 64 High Street, Frimley Surrey, GU16 7JE

..... www.broganlaw.co.uk

..... enquiries@broganlaw.co.uk

Signed as a deed by

Patrick Stokes

in the presence of

Signature of witness: ..

Name (in BLOCK CAPITALS):

C JACKSON

Address:

..... Brogan Property Lawyers

..... 64 High Street, Frimley Surrey, GU16 7JE

..... www.broganlaw.co.uk

..... enquiries@broganlaw.co.uk

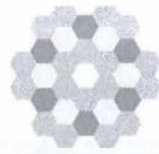
WARNING

If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

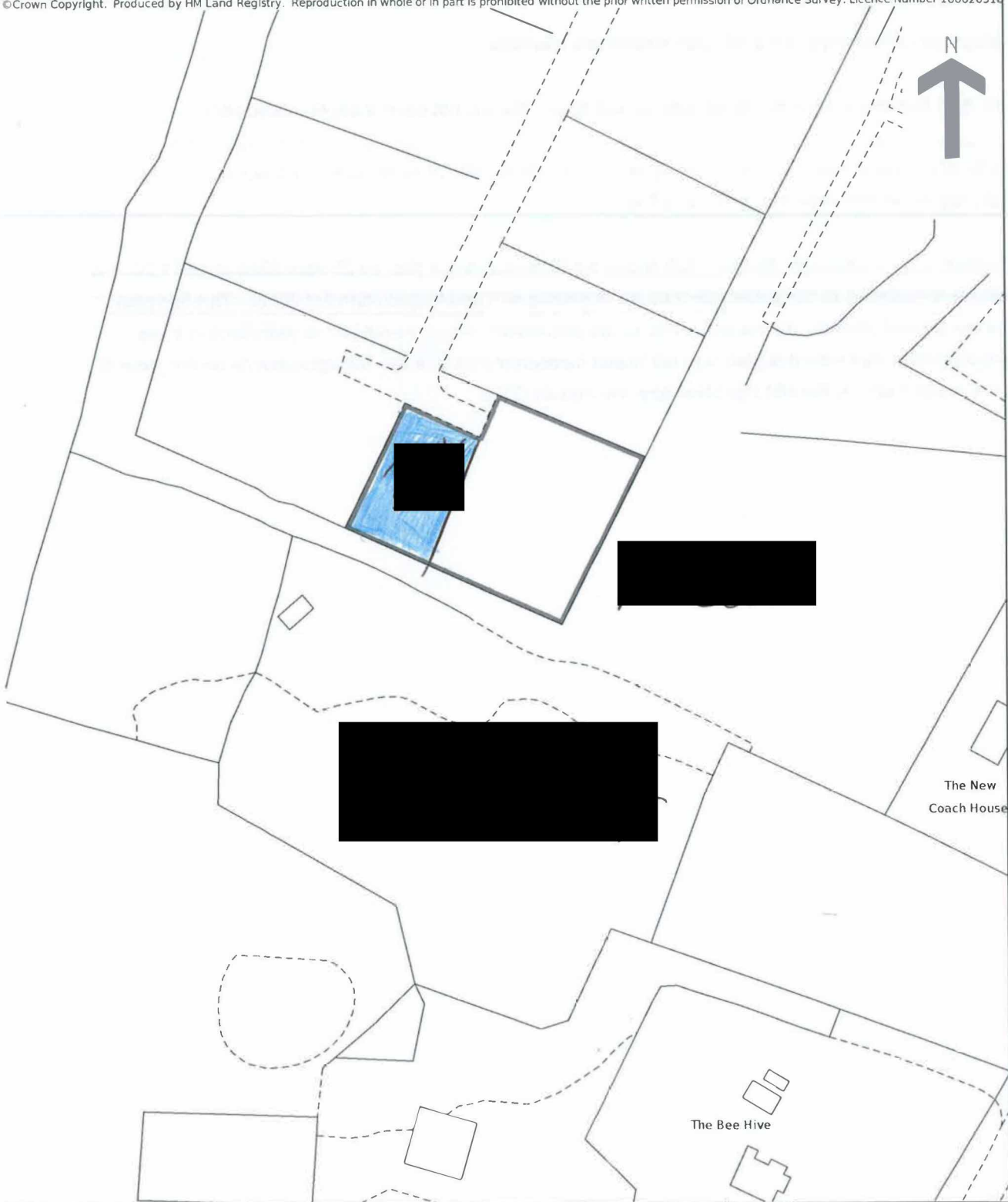
Failure to complete this form with proper care may result in a loss of protection under the Land Registration Act 2002 if, as a result, a mistake is made in the register.

Under section 66 of the Land Registration Act 2002 most documents (including this form) kept by the registrar relating to an application to the registrar or referred to in the register are open to public inspection and copying. If you believe a document contains prejudicial information, you may apply for that part of the document to be made exempt using Form EX1, under rule 136 of the Land Registration Rules 2003.

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These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

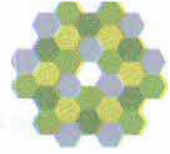
Please note that this is the only official copy we will issue. We will not issue a Paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 26 April 2022 shows the state of this title plan on 26 April 2022 at 19:11:20. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. This title is dealt with by the HM Land Registry, Weymouth Office .

HM Land Registry!
Official copy of
title plan

Title number HP 648956
Ordnance Survey map reference SU5441NW
Scale 1:1250 enlarged from 1:2500
Administrative area Hampshire : Winchester



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The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

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I, Mr. Maurice Cole, of 19 Lawford Crescent Yateley Hampshire GU466JX9, do solemnly and sincerely declare and say as follows:-

1. I am was the Legal Owner of Title HP648956 Plot 5, Drivers Diner, Old Basingstoke Road, Micheldever ("the Land") prior to 20th February 2022
2. On The 20th February 2022 I transferred part of the Land shown edged red on the attached plan to Patrick Stokes. Now know as Plot 5A Drivers Diner, Old Basingstoke Road, Micheldever
3. At all material times, Mr. Patrick Stokes was the owner of the area of land and has had a right to occupy the land.
4. I have now instructed our new solicitors, to deal with the registration of the Transfer.

Signature 

Print Name..... MAURICE COLE

Witness
Signature 

Print Name..... M. B. LOGAN

Address..... Brogan Property Lawyers

..... 54 High Street, Frintley Surrey, GU16 7JE

..... www.broganlaw.co.uk

..... enquiries@broganlaw.co.uk

THIS 27 DAY OF April 2022

From: Charlotte Quinn <Cquinn@WINCHESTER.GOV.UK>
Sent: 05 May 2022 13:50
To: Julie Pinnock <jpinnock@winchester.gov.uk>; Karen Thorburn <KThorburn@winchester.gov.uk>
Subject: RE: Agenda - Carousel Park - Multi-Agency meeting 13th April 2022 3pm - on Teams

Hi Julie

Yes I had been meaning to send you over a update following my visit to Carousel Park.

Myself and Lucy Relf (Housing Options Officer) visited on 20th April. We visited the site with Officers from the local NPT.

The Police advised us that a local business man, known locally as [REDACTED] who owns the car wash at Kingsworthy has informed Police that he has been given permission by 'the owners of the land' to construct a Car Wash, Plant/Machinery Hire/Storage and Care Sale/hire (sorry exact details are not entirely clear) from the flattened land at the front of the site. I advised that I didn't think WCC were aware of this and that I would pass on.

Unfortunately once the Police arrived many of the families left. It is clear to see from the set ups the households who have set up long term homes at the site. Of the few that we spoke to all said they were appealing the notice and had no intentions of leaving the land and the council were aware of this and had them registered as being at the site. We didn't really pursue talking to many more households from the more settled pitches.

As we moved further back towards the left-hand corner of the site we could clearly see the mobile home set-ups across approx. 4/5 sectioned off areas of the site which had 8-10 caravans on each area, although it was hard to see if they were all occupied and some of the residents had told us that some of the mobile homes were being disposed of etc.

We knocked on each door and although some of the residents engaged with us most did not. We explained we were from the housing team at the council to offer support with sort and long term housing options. I gave out leaflets to maybe 7 households. Those who did engage were very reluctant to give any info as to who their current landlord was, did they have tenancy agreements, how much rent etc. they were paying and although they took the information being offered no one wanted to actively engage in looking at rehousing options whilst we were there.

We explained about the action being taken, some were aware and had been told by their landlord there was 'nothing to worry about' and they didn't need to move.

I spoke to [REDACTED] and I was aware from previous dealings of another couple of individuals on the site. There were quite a few dogs on the site and of course many individuals mentioned the barriers to accessing accommodation with pets, which can be a barrier, especially with [REDACTED]. A couple of households mentioned that they just wanted to be left alone (politely). Apparently there were a number of single gentlemen who live alone on the site who were out at work at the time of our visit.

That's it in summary. It was useful to visit and did give me an overview of what we will potentially be dealing with when the time comes, however, until it reaches the critical point I do not think we will be getting households engaging with us for housing options. Happy to visit again in maybe 6 months' time and see if we can engage anyone new, see if anything on the site has changed etc., it was certainly useful from an intelligence point of view but I can't tell you that we have all the information to rehouse anyone unfortunately.

Kind regards
Charlotte Quinn
Housing Options Manager

Winchester City Council
Colebrook Street
Winchester, SO23 9LJ

Tel: [REDACTED]
Ext: [REDACTED]

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR
PROPERTY**

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)

WINCHESTER CITY COUNCIL

PLANNING CONTRAVENTION NOTICE

To: Darren Loveridge, 18 Brunner Court, Ottershaw, Surrey, KT16 0RG

1. **THIS NOTICE** is served by the Council because it appears to them that there may have been a breach of planning control, within section 171A(1) of the above Act, at the land described below. It is served on you as a person who appears to be the owner or occupier of the land or has another interest in it, or who is carrying out operations in, on, over or under the land or is using it for any purpose. The Council require you, in exercise of their powers under section 171C(2) and (3), so far as you are able, to provide certain information about interest in, and activities on, the land.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land at Carousel Park, Basingstoke Road, Micheldever, Winchester, Hampshire,
SO21 3BW

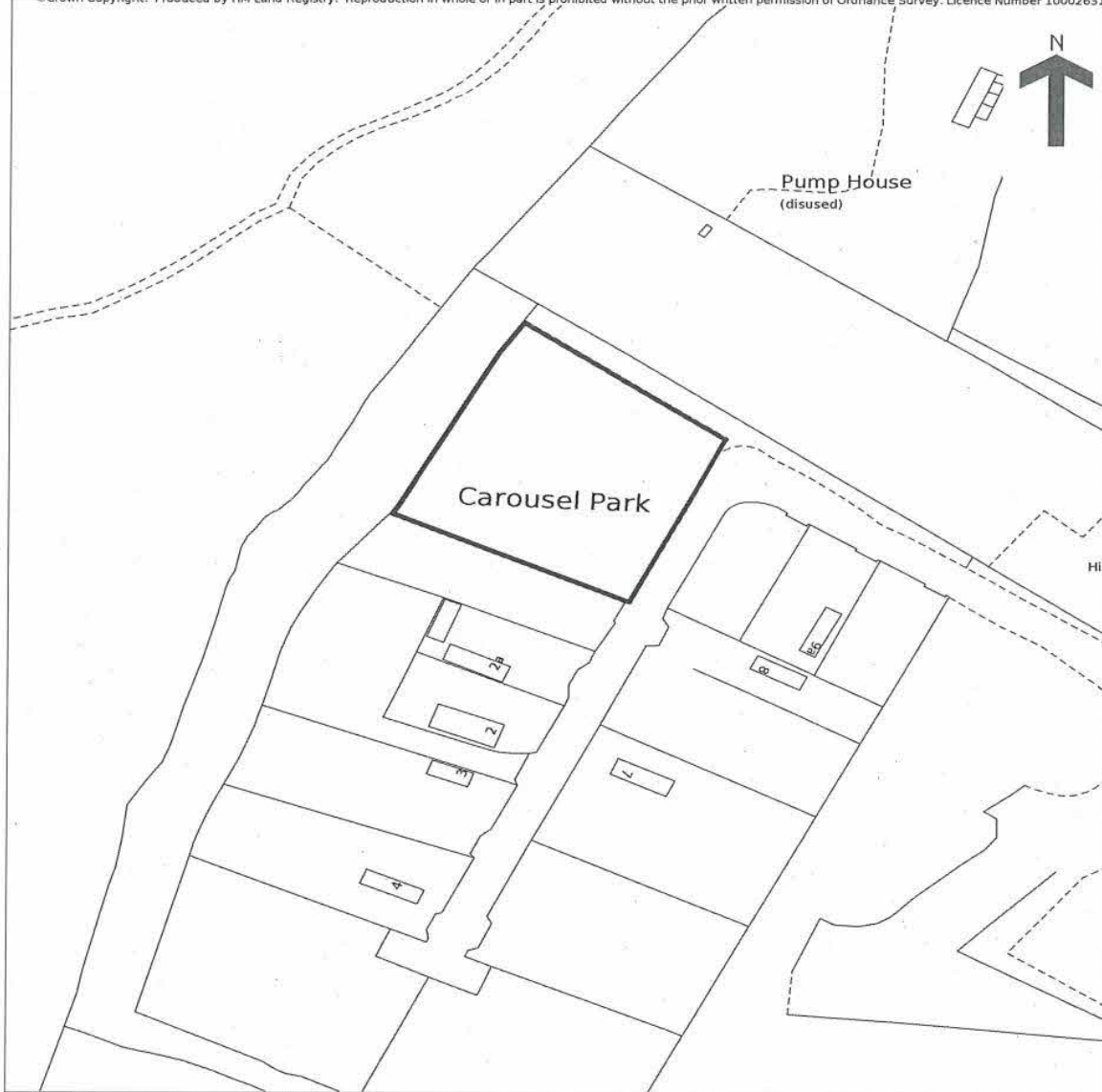
Shown edged bold and/or red on the plan below.

HM Land Registry
Current title plan

Title number **HP722336**
Ordnance Survey map reference **SU5441NW**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Hampshire : Winchester**



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This is a copy of the title plan on 29 JUL 2021 at 10:32:52. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

7. If you occupy the Land as your main residence, state when that occupation began and any other occupiers of the land:

8. If you occupy the land as your main residence, state the type of accommodation you occupy e.g. *touring caravan / static caravan / building / house / bungalow*:

9. If you occupy the land as your main residence, state how many days per year you occupy the land as your main residence:

10. If you occupy the land and are not the owner of the land, state when that occupation began, the basis of that occupation e.g. tenant, who you pay rent to, and how much rent you pay:

11. State what services are on the land and when those services were installed e.g. electricity / water/ mains sewage:

12. State if you or anybody else who occupies the land is a Gypsy / Traveller or Travelling Showperson as defined below:

Gypsy / Traveller: *Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*

Travelling Showpeople: *Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above*

13. State the number of caravans that are on the land, the type of caravan, when they were brought onto the land, and what they are used for:

14. State how many separate pitches are on the land:

15. State how many separate plots are on the land:

16. State any buildings that are on the land, when they were built, and what they are used for:

17. State how much Council Tax you pay for the land and who to:

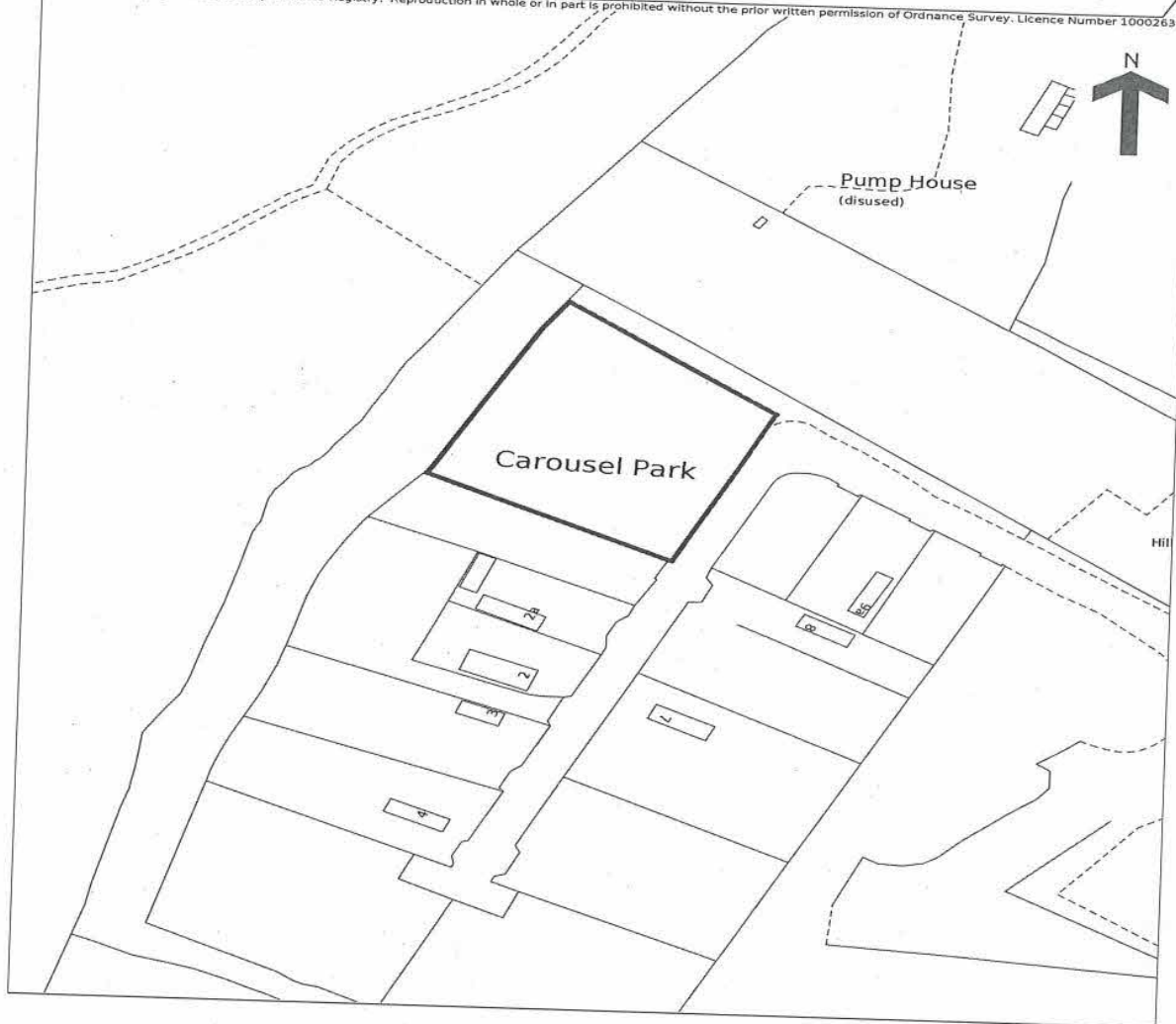
18. State and identify if you own or occupy other land on the attached plan:

HM Land Registry
Current title plan

Title number **HP722336**
Ordnance Survey map reference **SU5441NW**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Hampshire : Winchester**



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This is a copy of the title plan on 29 JUL 2021 at 10:32:52. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

I hereby state that the responses above comprise a true and correct statement of all the information required, so far as it is within my knowledge.

Signed:

Print Name:

Date:

The notice must be returned within twenty-one (21) days to:

Planning Enforcement Department
Winchester City Council
City Offices
Colebrook Street
Winchester
Hampshire
SO23 9LJ

enf@winchester.gov.uk

5. OPPORTUNITY TO MAKE REPRESENTATIONS IN RESPONSE TO THIS NOTICE

If you wish to make an offer to apply for planning permission, or to refrain from carrying out any operations or activities, or to undertake remedial works; or to make any representations about this notice, the Council, or representatives of the Council, please contact the Council within 14 days of the date of this Notice.

6. WARNING

It is an offence to fail, without reasonable excuse, to comply with any requirements of this notice within twenty-one (21) days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of £1,000. Continuing failure to comply following a conviction will constitute a further offence.

It is also an offence knowingly or recklessly to give information, in response to this notice, which is false or misleading in a material particular. The maximum penalty on conviction of this offence is a fine of £5,000.

7. ADDITIONAL INFORMATION

If you fail to respond to this notice, the Council may take further action in respect of the suspected breach of planning control. In particular, they may issue an enforcement notice, under section 172 of the 1990 Act, requiring the breach, or any injury to amenity caused by it, to be remedied.

If the Council serve a stop notice, under section 183 of the 1990 Act, section 186(5)(b) of the 1990 Act provides that should you otherwise become entitled (under section 186) to compensation for loss or damage attributable to that notice, no such compensation will be payable in respect of any loss or damage which could have been avoided had you given the Council the information required by this notice, or had you otherwise co-operated with the Council when responding to it.

Date: 12/10/2021

Signed: 

Madelaine Clavey

On behalf of: **WINCHESTER CITY COUNCIL, CITY OFFICES, COLEBROOK STREET, WINCHESTER, HAMPSHIRE, SO23 9LJ**

From: enf@winchester.gov.uk  
Subject: FW: FAO Madelaine Clavey You Reference: 19/00187/CARAVN
Date: 26 January 2022 at 10:43
To: tomwick [REDACTED]
Cc: jpinnock@winchester.gov.uk



Hi Tom,

We have received this update from GPS below.

Thanks,
Gaby

Gabriella Bowe-Peckham
Planning Technician - Enforcement

Winchester City Council
Colebrook Street
Winchester
SO23 9LJ



www.winchester.gov.uk
www.visitwinchester.co.uk

From: Emily Davies <emily.davies@gpsltd.co.uk>
Sent: 25 January 2022 11:41
To: Enforcement Enquiries <enf@winchester.gov.uk>
Cc: gps appeals <appeals@gpsltd.co.uk>
Subject: Re: FAO Madelaine Clavey You Reference: 19/00187/CARAVN

Dear Gabriella

Green Planning Studio sincerely apologise for the delay in responding to your email. However, we are struggling to make contact with Mr Loveridge. We have not received full instruction from Mr Loveridge, having only received partial instruction. We are continuing to seek to re-establish contact with him.

Kind regards

Emily Davies
Appeals Assistant and Researcher

Green Planning Studio Ltd
Unit D Lunesdale
Upton Magna Business Park
Upton Magna
Shrewsbury
SY4 4TT

T:01743 709364
F:01743 709695

www.greenplanning.co.uk

On Thu, 18 Nov 2021 at 08:49, <enf@winchester.gov.uk> wrote:

Dear Emily,

The Council are yet to receive a response to the PCN. Can you confirm if a response has been sent and if so to where, when, and by who?

Kind regards,

Gabriella Bowe-Peckham
Planning Technician - Enforcement

Winchester City Council
Colebrook Street
Winchester
SO23 9LJ



www.winchester.gov.uk
www.visitwinchester.co.uk

From: Enforcement Enquiries
Sent: 29 October 2021 09:16
To: 'Emily Davies' <emily.davies@gpsltd.co.uk>
Cc: gps appeals <appeals@gpsltd.co.uk>
Subject: RE: FAO Madelaine Clavey You Reference: 19/00187/CARAVN

Dear Emily,

Thank you for your email.

Please find attached copy of the PCN and plan.

The Council are content to receive your response by 9th November 2021.

Kind regards,

Gabriella Bowe-Peckham
Planning Technician - Enforcement

Planning Enforcement - Enforcement

Winchester City Council
Colebrook Street
Winchester
SO23 9LJ

<image001.png>

www.winchester.gov.uk
www.visitwinchester.co.uk

From: Emily Davies <emily.davies@gpsltd.co.uk>
Sent: 26 October 2021 11:45
To: Enforcement Enquiries <enf@winchester.gov.uk>
Cc: gps appeals <appeals@gpsltd.co.uk>
Subject: FAO Madelaine Clavey You Reference: 19/00187/CARAVN

Dear Madelaine

We have received a copy of the Planning Contravention Notice issued by the Council to Mr Loveridge on 12th October 2021.

We are currently taking instruction and reviewing the PCN. Please could we kindly request an extension of 7 days on this PCN until 9th November 2021?

Please could you also send us a clean copy of the PCN and plan.

We look forward to hearing from you.

Kind regards

Emily Davies
Appeals Assistant and Researcher

Green Planning Studio Ltd
Unit D Lunesdale
Upton Magna Business Park
Upton Magna
Shrewsbury
SY4 4TT

T:01743 709364
F:01743 709695

www.greenplanning.co.uk

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Email might have to be disclosed in response to a request. We check emails and attachments for viruses before they are sent, but you are advised to carry out your own virus checks. Winchester City Council cannot accept any responsibility for loss or damage caused by viruses.

<Carousel Park PCN.pdf><PCN Plot 1.docx>

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Appeal Decisions

Hearing Held on 24 March 2021

Site visit made on 25 March 2021

by Simon Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 April 2021

Appeal A: APP/L1765/C/20/3254261

Land at Lower Paddock, Bent Lane, Hambledon, Hampshire, PO7 4QP

The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

The appeal is made by Mr Thomas Maloney against an enforcement notice issued by Winchester City Council.

The enforcement notice was issued on 5 May 2020.

The breach of planning control as alleged in the notice is without planning permission the material change of use of the land to a residential caravan site for gypsies and travellers (which includes creation of an access and engineering works to create a hardstanding).

The requirements of the notice are (i)- cease the use of the land as a caravan site for gypsies and travellers; (ii)- remove the hardstanding and access and take the material off the site; (iii)- reinstate the field to the condition it was in before the development commenced; (iv) replace the hedgerow which was removed to create the access.

The period for compliance with the requirements is (i) 1 day; (ii) 2 months; (iii) 3 months; (iv) 4 months.

The appeal is proceeding on the grounds set out in section 174(2) (b) and (f) of the Town and Country Planning Act 1990 as amended.

Appeal B: APP/L1765/W/20/3253413

Land at Lower Paddock, Bent Lane, Hambledon, Hampshire, PO7 4QP

The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.

The appeal is made by Mr Thomas Maloney against the decision of Winchester City Council.

The application Ref 20/00739/FUL, dated 8 April 2020, was refused by notice dated 6 May 2020.

The development proposed is change of use of land to use as residential caravan site for two gypsy/traveller families, each with two caravans including no more than one static caravan/mobile home, together with laying of hardstanding, construction of new access and erection of two ancillary amenity buildings.

Decisions

Appeal A - 3254261

1. It is directed that the enforcement notice be corrected by deleting the allegation and replacing it with "without planning permission the creation of an access and engineering works to create a hardstanding" and varied by deleting requirement (i), adding to requirement (iv) the words "save for a 3m gap that

shall be filled with a wooden five bar field gate” and by deleting time for compliance (i). Subject to these corrections and variations the appeal is dismissed and the enforcement notice is upheld.

Appeal B - 3253413

2. The appeal is dismissed.

3254261 – The Appeal on Ground (b)

3. This ground is that the matters alleged have not happened. The allegation is in two parts, a material change of use to a gypsy caravan site and the operations to form that site such as the creation of the access and laying of a hardstanding. There is no dispute the access has been formed and the hardstanding been laid, but the appellant points out no caravans have ever been placed on the site and there has been no material change of use. The Council accept this but argue that the access and hardstanding were works carried out in pursuant of the intended material change of use.
4. This was undoubtedly true, but nevertheless, there has been no material change of use of the land and an enforcement notice cannot anticipate an unlawful action, no matter how firmly held the view is that it will happen. As a matter of fact there has been no material change of use to a gypsy caravan site and so the appeal succeeds on ground (b).
5. It was agreed at the hearing that I could reword the allegation to deal only with the operations and delete the first requirement and the period for compliance relating to the material change of use. There would be no prejudice to either party were I to do so.

3253413 – the Planning Appeal

6. This appeal is for the material change of use of the land to a gypsy caravan site for two gypsy families and to regularise the creation of the access and hardstanding referred to above.
7. The Council have an up to date Traveller DPD, adopted in 2019. This covers the whole area of the district outside of the South Downs National Park. Between 2016 and 2031 19 pitches are required. However, since 2016 18 pitches have been granted planning permission, there are 7 vacant pitches and a further 10 pitches are expected to come forward through the DPD process, providing a surplus of 16 pitches. In addition, 10 permanent and 6 temporary pitches have been granted planning permission since 2019, so supply has significantly exceeded demand.
8. The appellants attacked these figures in a number of ways. I agree, that in March 2021, we fall between the first and second 5 year tranches, so it is best to look at total requirements to be 16 (that is 9 for 2016-21 and 3 for 2021-26 and 4 for Berkeley Farm, identified as post GTAA demand). There is some dispute about the availability of a site at Tynefield which supplied 10 pitches in the original GTAA¹ on which the DPD is based. The Council accepted Tynefield was not currently available and had become overgrown. They therefore have reduced its supply to 7 and discounted it for the time being. It is, however hoped to become available in the future.

¹ Gypsy and Traveller Accommodation Assessment

9. The GTAA also dealt with the issue of the revised definition of gypsies for policy purposes in the PPTS². While the appellants are policy gypsies in that they still travel for work, the revised policy means that some ethnic gypsies in the District are discounted for policy purposes. In the GTAA there were a number of gypsy families whose status was unknown, and the appellant argued, reasonably it seems to me, the GTAA had underestimated their contribution to the need for policy compliant gypsy pitches. The GTAA took a national average figure to make an assumption as to how many unknowns were policy compliant. Had they taken the Winchester specific average it would have resulted in 11 further unknowns being counted as policy compliant. The result of this is that 18 (11 unknowns plus 7 from Tynefield) needs to be subtracted from any theoretical oversupply of 16, leaving a shortfall of 2.
10. However, this seems to me also to be an over-simplification. The shortfall of 2 is based on the whole plan period, 2016-31. It is unreasonable to subtract the 7 from Tynefield from long term supply figures as it remains potentially available in the future, thus giving an oversupply of 5. Alternatively, if we look only at the 2016-26 period, and include the 4 from Berkeley Farm, and all the 11 unknowns (although in reality some of these should actually be counted in the future), then demand is 27 and supply is 18 from the DPD and 10 from the latest figures, giving an oversupply of 1. There are also 6 temporary pitches to be counted, so on balance it seems to me the Council does not have a shortfall of pitches.
11. This is important as the DPD has only two policies for new sites, TR5 which allows for intensification or expansion of existing sites and TR6 which allows new, windfall sites. Because the DPD is designed to provide for all the Council's requirements, and at the moment it seems to be working, there seems to be no reason not to consider these two policies as fully up to date. There is nothing to suggest that the DPD and policies TR5 and TR6 should not continue to provide for the identified and possible future need for gypsy sites in the district.
12. TR6 allows new sites within settlements or through infilling. It also allows rural pitches subject to certain caveats. The caveats are that the gypsies should be policy compliant and they should have a "personal or cultural need to be located in the area". The appellant argued that effectively this meant that no new gypsy families could move into the district, which is entirely contrary to the purposes of a gypsy policy as gypsies, are by definition (literally in the case of PPTS), nomadic.
13. I do not agree with this assessment. Firstly, it is not the case that no gypsy sites can be found within settlement boundaries, in my experience this is far from true. There is plenty of debatable land that Gypsies occupy that is not suitable or available for general housing. Whether that is reasonable or not is a different argument, but it remains the case. Secondly, also in my experience, while gypsies travel for work, they often have strong local ties that see them wanting to settle within an area. Consequently, it doesn't seem unreasonable to me for a policy to only allow new sites in the countryside as an exception, where there are compelling personal reason to do so. I also note it is in accord with Policy D of PPTS which allows for rural exception sites only

² Planning Policy for Traveller Sites

where there is a lack of land to meet travellers needs and should be for people with existing local connections.

14. There is no dispute the two families involved in this appeal do not have any local ties and have no personal or cultural need to be located in the area. The definition of the 'area' was also discussed, but the conclusion remains the same whether I consider the whole of the DPD area or, as the Council prefer, just the immediate locality. The two families attend horse fairs around the country and do building work along the south coast, especially in the Southampton and Portsmouth area, but none of this suggests they need to live in Winchester, let alone near to Hambledon. The proposal is thus contrary to TR6.
15. Had the appellants been in accord with TR6 the appeal site would also have had to be in a sustainable location and in accord with TR7, which sets of site-specific criteria to do with, amongst other things, access, boundaries, landscaping, biodiversity and, from CP5, to respect local landscape character.
16. There was some dispute about the relationship of the site to local services. In my measurements it is just over 3km along the roads to Denmead where there is a school and other facilities and 6.5km to Waterlooville. A number of appeal decisions were referred to and I am aware that 5km is considered a reasonable travelling distance as a rough rule of thumb for Gypsies. I agree that rural Gypsy sites are often not going to be within walking distance of services and facilities and short car journeys are generally to be expected. However, in my experience, that is usually in areas where there is already a serious shortfall in gypsy sites. In this case there is no such shortfall, and the Council's policies are an attempt to direct such windfall sites as are necessary to the most sustainably located places. There is no suggestion the appellants would be cycling, so they would have to drive everywhere from the site which is not therefore in a sustainable location.
17. The Council were concerned at the proximity of the site to two local SINCS³, Hoe Common to the west and Mill Plain to the south. There was some confusion as the blue line on the application was incorrect and should have extended around the field to the west which lies adjacent to Hoe Common and directly across the road from Mill Plain. However, in my view any measurements should be taken from the red line, which is where any activity that might have an impact on a SINC will take place. The site is thus more than 50m from Hoe Common, but just within 50m of Mill Plain. However, the latter is across the road and separated further by the access drive to large farming unit. It is difficult to see how the appeal site could have an impact on Mill Plain. The Council require an ecology report for any development within 50m of a SINC, but in this case I agree with the appellant that none is required.
18. The access has been created in a hedgerow consisting of mostly trees and shrubs and is about 10m wide. Visibility can be provided up to 43m to the north-east and 50m to the south-west, as long as the hedgerows alongside the site are kept trimmed. The Council point out that Bent Lane is a rural lane with no specific speed limit and so is subject to the 60mph national limit. This would require visibility splays considerably in excess of those possible. The Highway authority view is that without a speed survey it cannot be assumed that speeds are less than 60mph. In this case I agree with the appellant this is

³ Site of Importance for Nature Conservation

a nonsense. Bent Lane, as its name suggests, is full of bends and is narrow, with few passing places. I drove it several times and it would be reckless in the extreme to exceed 30mph, particularly in the vicinity of the appeal site. It was also the evidence of local people, both in writing and at the Hearing, that the lane was slow and heavily used by riders and cyclists and that a long distance footpath runs along the lane outside the site. In my view a speed survey is not necessary to establish that it is a reasonable assumption traffic speeds would be slow and the splays that could be provided would be sufficient for highway safety purposes.

19. It also seems that the boundaries of the site could be strengthened by additional planting which would help screen the site without appearing to deliberately isolate it from its surroundings.
20. The local landscape character is described in the Council's LCA⁴ as ancient, with a network of winding, narrow lanes and a distinctive pattern of irregular fields with hedged boundaries interspersed with small woods and copses. This very much seems to describe the area of the appeal site. One of the key issues identified with this landscape is its increasing suburbanisation. The appellant argues the area, unlike much of the district, is not specifically protected, which is true, but that does not mean that anything is acceptable. The Council's policies DM15 and DM23 are specifically concerned with protecting local character and this is brought into CP5 where gypsy sites should not be unduly intrusive and, once landscaped, should respect local landscape character.
21. To the north and east of the site is Shirmal Farm which comprises a number of agricultural buildings and a mobile home. To the immediate east is Ydal Acres, which has planning permission for a new barn that is under construction. Several caravans are on the site and the Council allege the owners are living there unlawfully. There was some dispute as to whether they are gypsies or not, but whatever, there is an ongoing enforcement investigation on the land. Ydal Acres is somewhat scruffy and forms the backdrop to the appeal site, when seen from Hoe Common and the footpaths in that area and along Bent Lane. Of course, if successful enforcement action is taken against Ydal Acres that land might well improve, but in any event, the introduction of a two pitch site in front of it, with 4 caravans and two amenity buildings, along with vehicles and all the usual domestic paraphernalia would introduce a suburbanising effect that would simply add to the impact of Ydal Acres as it currently stands, or look further out of place if the next door site were to be improved. The proposed landscaping would not completely hide the site and it would not be reasonable to assume it would, so the site would not sit comfortably in the landscape.
22. The impact of the site is reinforced by the large access that has been cut in the hedgerow. I accept that from aerial photographs it seems there was already a section of hedgerow that had been reduced in height, possibly to accommodate electrical cables that cross the land, but nevertheless there does not seem to have been an access onto the field from the road before the works the subject of the notice took place. The access and necessary splays, even for 30mph speeds would open up the site and reduce the sense of enclosure that still persists along Bent Lane.

⁴ Landscape Character Assessment

23. The two families have 8 children between them, and one who is now over 18 so there is definitely a realistic potential for a demand for further caravans on the site. Although TR5 allows for intensification, in this case it would further consolidate the urbanising impact of the proposal and harm the landscape.
24. Conditions could deal with issues of waste and the Solent SPA nitrates strategy as well as lighting. There is no harm to highway safety nor to the SINCs, nevertheless the suburbanisation of the site would be exactly what the LCA warns against and would be contrary to CP5 and TR7.
25. As noted above there are two families proposed on the site with 8 children of school age or younger. There is no dispute that even if the Council has fulfilled its policy obligations towards gypsies and travellers there is still no-where else for these two families to go in the District. The Council argues that is the whole point of their site strategy. Had the two families had a pressing need to locate here they would be catered for by TR6. That may be true, but it remains the case the alternative, as far as the evidence before me suggests, is they would be forced back onto the road. That would not be in the best interests of the children, who would benefit from a settled base to pursue the educational and medical opportunities that arise from a permanent address. This is a significant factor that weighs in favour of the appeal.
26. However, I also note that for the last 18 years, from when the first children came along, the families have pursued a nomadic life and I heard no evidence of any attempt to school the children, either in this District or elsewhere. There is no suggestion they have been trying to get a site in the area in the past or are on any waiting lists locally.
27. I am also aware that refusing to allow the appellants to live here will leave them without a fixed home which would be an interference with their human rights and this also needs to be weighed in the balance.
28. It seems to me that the balance in this case weighs against allowing the appeal. Set against the best interests of the children there are significant harms to the local landscape character and the site is not in a particularly sustainable location. It is also contrary to Council policy, which is up to date and demonstrates the Council have been taking their obligations towards the traveller community seriously. This outweighs the best interests of the children and would represent a proportionate interference with the human rights of the two families.
29. The possibility of a temporary permission was discussed at the Hearing, but it would not seem that anything would be likely to change in the next few years and there is no reason to allow a trial run. I do not consider that condition come overcome the problems I have identified and the planning appeal should be refused.

3254261 - The Appeal on Ground (f)

30. This ground is that the matters alleged are excessive. Following the corrections I shall make as a result of the ground (b) appeal, the requirements are reduced to removing the hardstanding, reinstating the field and replanting the hedgerow. This ground turns on the issue of the access. Originally there was no access to the field from Bent Lane. I was shown the original gate into the back of the field from the farm beyond. Now that ownership of the field

has been severed from the farm, the appellant will need to access the land from the lane. A typical 5 bar field gate would be more than ample to allow access for the grazing of horses, which I assume would be the appellant's primary use of the field. The problem is ensuring this through the requirement, which cannot simply require a scheme to be submitted to the Council. A typical farm gate is 3m wide so I shall add to the fourth requirement "save for a 3m gap that shall be filled with a wooden five bar field gate".

Conclusions

31. I shall dismiss the planning appeal and uphold the enforcement notice following the corrections and variations described above.

Simon Hand

Inspector

APPEARANCES

FOR THE APPELLANT:

Phillip Brown – planning agent

FOR THE LOCAL PLANNING AUTHORITY:

Rose Lister – planning
Neil March – enforcement
Stuart Dunbar-Dempsey – landscape
Steve Opacic – planning policy

INTERESTED PERSONS:

Christine Mayhew
Anne Evans