

Comments on LPA statement

Southfield Nursery & Stud Dradfield Lane, Soberton, Southampton
Hampshire SO32 3QD

Appeal Ref APP/L1765/C/22/3306531 & APP/L1765/C/22/3306532

- 1.1 This paragraph is agreed
- 1.2 Agreed in part. i) ii) Not agreed, the requirement of The Notice goes beyond the breach alleged. The breach does not allege the formation of “hard surfacing, outbuildings, storage containers and all paraphernalia” This statement has not provided any facts to substantiate the steps required or explain why they are not listed in the breach.

The hard surfacing of many years is part of the main yard and provides safe dry access to the menage at the rear of the caravan. There are several outbuildings near the caravan, none of which have been identified on the notice accompanying plan. There are 2 containers within the vicinity of the caravan. It is not known which the council believe is used for residential purposes, these are not identified on the plan. What do the council believe to be paraphernalia?

Having the benefit of this statement, The Inspector is requested to decide if The Notice is defective as the steps required do not relate to the breach alleged. Alternatively this case has similarities to the well published “Miller Mead “case in that the Appellant does not know what and how much hardstanding has to be removed or what the other buildings and containers are.

2 Agreed

2.1 The officer said she was advised the 2 horses in the stables were private livery, in other words they were solely at livery and not part

of the stud or training enterprise, part of the business. The statement goes on to say, “there was no evidence of such an enterprise”, she was shown two stallions. This statement does not provide any evidence confirming a business was not operating. A business plan, man hours required to run the business have been submitted, and the horses are on site. Has the officer the experience to decide functional need and whether the appeal on ground (a) should fail?

2.3, 2.4 and 2.5 Relate to the previous use of the land and a different owner. This history has no bearing on the case before The Inspector today.

2.6 2.7 2.8 2.9 2.10 paragraphs are agreed

2.11. The Appellant has submitted an appraisal in relation to the equine enterprise. The author of this statement confirms the question relating to commercial use was in relation to the number of vehicles and an advert for landscaping seen, during a visit. Nothing to do with equine use. No mention was made, that one of the vehicles was a large horsebox with Southfield Stud written on it. The fact the appellant has lived on the land for 7 years does not confirm an equine business has operated for the same period. This statement does not take account of how long Ms Slatter has lived on the site, or that she is the main operator of the business.

2.12 The officer claims, “there would appear to be no equine commercial business on the land” This is not good enough evidence for The Inspector to make a decision. The Officer should provide facts why it appears so, by providing the number of horses and stables that were on site. She should also say how she is qualified to make that assessment.

2.13 Again the Officer relates to a historical use of the land and by a previous owner. This equine business is still in its first year.

2.14 Once more the author says” appear” The Inspector must have definite facts to make a decision. No evidence is given whether the washing line is used for equine use. What was in the containers that was domestic? This is very poor investigating for the purpose of serving of an enforcement notice

2.15 The Appellant has submitted evidence that the current use meets the criteria according to policy.

2.16, 2.17, 2.18, 2.19,2.20, 2.21 and 2.22 These are policies only applicable for development that does not have the support of permissive policies in the plan The appellant maintains this development is supported by LP DM11 and DM12.

Paragraph 2.24 and 2.25 Failure to mitigate the nutrient impact and Solent (SPA) could be dealt with by condition. The appellant is having a nutrient calculation and mitigation package produced to send to the Council

3.1 Due to the livestock kept on the land and the man hours required to manage the stud, it is not unreasonable to have welfare facilities on site. Under the well published” Wealden “case such a facility is permitted, as it would not be development . The existing caravan could provide this facility by the removal of all sleeping facilities. IF this caravan is removed, there is nothing to prevent another replacing it as a welfare unit.

4.1 The Appellant has set out his position regarding ground (g) in the appeal form.

4.2 It is stated that a “quick google search appears to show quite an extensive range of such accommodation available” The appellant disagrees with this, and the LPA have not provided any advertisements to support this statement.

The Inspector is respectfully requested to note the number of times the LPA use the word "appears". This is not facts to make a decision on, it shows uncertainty on the LPA's part, and a lack of thorough investigation. No evidence has been provided that all the steps required are associated with the use of the caravan or ancillary to it. The Inspector is asked to note other than cease the use of the caravan and its removal none of the steps required match the breach in the notice, or evidence the hard standing, containers, buildings, and paraphernalia have any association with the residential use of the caravan, which is the only breach identified in the notice. The Inspector may consider this a defective notice. If this being the case, The Inspector has no need to consider the a, g and f grounds of appeal.