

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL REFERENCE : APP/L1765/c/22/3309990

**RE: LAND AT SHEDFIELD EQUESTRIAN CENTRE, BOTLEY ROAD, SHEDFIELD, HAMPSHIRE,
SO32 2HN**

SECTION 174 APPEAL BY: CHRISTOPHER IAN COLLINS

STATEMENT OF CHRISTOPHER IAN COLLINS

I, **CHRISTOPHER IAN COLLINS** of Ivy Cottage, Wickham Road, Curdridge, Southampton, SO32 2HG state as follows:-

1. The facts to which I refer in this statement are within my own knowledge except where I indicate otherwise. Where facts are within my own knowledge, I know they are true. Where I am informed of facts by others, I believe them to be true.
2. I am the registered owner of the land which is the subject of this appeal under freehold title number HP766012 which I purchased in July 2017 having previously rented the land from the owner for five years. I own this title and the freehold titles of adjoining land. I have operated several commercial activities on the land within this title and neighbouring land.
3. This statement is in support of my above appeal concerning the use of land at Shedfield Equestrian Centre shown edged red on the Enforcement Notice plan (**Site**).

Ground (d) – Immunity

3. I have known the Site for over 30 years. In about 1989 my then company , J & W Limited , negotiated a contract with the owner of the Site and adjoining land to the west to carry out out landfill operations on the Site and adjoining land. Planning permission for the landfill was granted in December 1991. With the benefit of the commercial contract my company began the landfill works in 1992. I enclose a plan marked 'A' which is a copy of the 1991 planning permission site plan. The landfill site is coloured black. The Site is inside the landfill area along

the eastern boundary of the landfill site. During the carrying out of the landfill operation I sold J &W Limited. The landfill operation and works were completed in 2004 SITA.

4. Next in 2012 planning permission was obtained for the central section of the landfill site to be developed as a solar farm and the solar farm was constructed. The Inspector will have seen the proximity of the solar farm to the Site during his site visit. By reason of these earlier commercial activities on the Site (landfill and solar farm construction) the ground of the Site had been compacted and suitable for continued commercial use including open storage. In 2012 I agreed with the owner of the Site and other adjoining land to rent the Site and such adjoining land from him and continued the commercial activities on the Site including open storage.
5. In July 2017 I purchased the Site and other land and my title is registered with title number HP766012. The Site was valuable to me for the commercial open storage.
6. In particular I did work with a company called Landacre Tips and I let parts of the Site to Landacre Tips for several years from when I acquired the right to occupy (and later purchased) the Site. Landacre Tips used the land for commercial open storage.
7. There is a demand for open storage and several companies have taken licences to occupy parts of the Site. The current occupants are:
Test Valley Environmental Limited, RGSC Limited, the MJN Group, Yeoman Limited , Prime Access Scaffolding South Ltd and CCN.
8. The uses by these licensees is Use Class B8 with ancillary parking and office accommodation. As can be seen use class B have been carried on at the Site for over 10 years.
9. I am surprised that the Winchester City Council has served this Enforcement Notice. In July 2021 the Council made enquiries about the Site and asked me to answer a questionnaire concerning uses on this land. By my solicitor I provided information in August 2021. I annex a document which lists the Council's questions being numbers 4.99 to 4.113 and my replies. I have marked the document 'B' which includes copy of the appendix H plan referred to in the questions.
10. Since August 2021 the Council has not produced any evidence that is contrary to the answers/statments that I made in response to the Council's questionnaire. In a report dated January 2022 the Council refers to two aerial photographs which are stated to be dated 2013 and 2017. I provide copies of those two photographs (taken from the Council's report) marked 'C' The photographs are indistinct. Aerial images taken from significant heights distort what is actually at ground level. For example on the right hand side the images suggest that there are trees when in fact it is only a hedge. The area is clearly not countryside. The ground colouring is

the same as that of the solar farm to the west. Use as open storage does not necessarily mean that there is always items covering the storage site. Items (machinery, equipment, vehicles) come and go. Tracks show heavy vehicle movements and small gray areas can be identified which are objects of some sort. Tracks show a route or entrance to the area. The point is that these images are inconclusive. The Council has no other evidence to demonstrate that the evidence given by me in this statement and my replies to their questionnaire in August 2021 are incorrect. If the Council such evidence then I would have expected such evidence to have put forward beforehand and included in the Council's report of January 2022. My evidence (not challenged save for two inconclusive aerial images) demonstrates that I can rely upon ground (d) in this appeal.

Ground (f) - Steps Required

11. Since the ground on the Site has been compacted and hard standing for well over 10 years it is not necessary to:-

- a) Break up and remove any hardstanding from the Site; and
- b) Lay topsoil and seed the Site with grass to reinstate the Site to its former level and condition.

I rely upon appeal ground (f) and submit that the works required by the enforcement notice should exclude the works described at a) and b) above.


Ground (g) - Time for Compliance

12. As stated above several businesses occupy the Site. Occupants has provided a statement about their use and occupation. It is to be noted from those statements that it will be very difficult for each of these businesses to find a suitable alternative property for the business use currently undertaken at the Site. The businesses operate locally and state that they cannot afford the annual rents of the urban industrial estates.

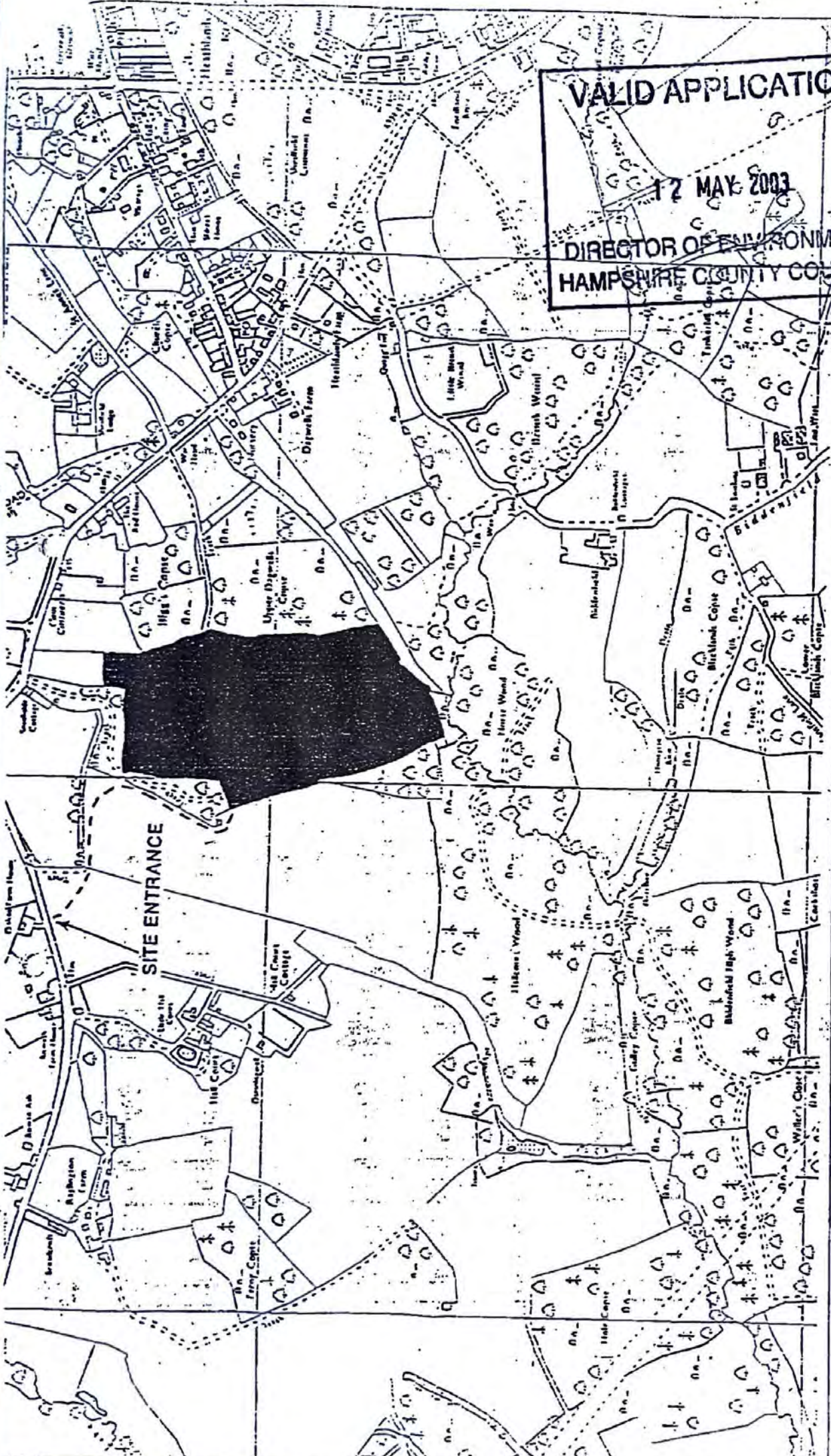
13. Each business should be allowed 9 months to find suitable alternative premises. Next, it would take approximately 3 to 4 months for any new lease of new premises to be processed through

to completion. After the completion of the lease each business would need time to lift and shift its plant, machinery and equipment.

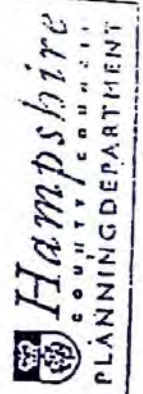
14. Only after all of the companies have entirely vacated will I be able to start to carry out the works listed in Section 5 of the Enforcement Notice. I shall need 3-4 months to complete these works. For these reasons I submit that the compliance period in the Enforcement Notice should be 18 months. No environmental harm or threat of such harm to the Site or neighbouring land exists arising from the current uses so such time extension is not detrimental to the Site or the neighbouring land.


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Christopher Ian Collins

Dated: 15 December 2022



VALID APPLICATION
 17 MAY 2003
 DIRECTOR OF ENVIRONMENT
 HAMPSHIRE COUNTY COUNCIL



Environmental Protection Act 1990-Part II
Waste Management Licence

Application No: W105a

A

TITLE: Land at Raglington Farm, Shedfield, Near Wickham

Scale 1:10,000

(B)

WINCHESTER CITY COUNCIL QUESTIONS

UPPER DAGWELLS COPSE (Please refer to Appendix H and accompanying list of units/buildings)

LAND ACRE TIPS (Please refer to Appendix H and accompanying list of units/buildings)

- 4.99 What is the area of land hatched green on the attached plan used for?
- 4.100 When did this use start?
- 4.101 Who uses this area?
- 4.102 What are the containers on this land used for and by who?
- 4.103 Are the containers remaining on the land permanently? If not, when are they being removed?
- 4.104 Is this area of land made available 24/7? If not, what are the hours of operation?

QUESTIONS

- 4.105 When was the track hatched black on the attached plan installed and for what purpose?
- 4.106 What is the ground area of the track?
- 4.107 What is the area (in hectares) of the agricultural unit that the track sits within?

TEST VALLEY ENVIRONMENTAL (Please refer to Appendix H and accompanying list of units/buildings)

- 4.108 What is the area of land hatched orange on the attached plan used for?
- 4.109 When did this use start?
- 4.110 Who uses this area?
- 4.111 Is this area of land made available 24/7? If not, what are the hours of operation?
- 4.112 Has any waste been deposited in this area? If so, please provide details of exactly how much, when and for what purpose. Please also include details of any environmental licenses obtained for these works.
- 4.113 What are the diggers on this land used for?

ANSWERS

- 4.99 Open storage and containers.
- You have actually omitted an additional parcel of land, to the north of the land hatched green, which is open land and storage occupied by Landacre. Once again, this open storage and container use has been continuous for many years.
- 4.100 Part of this land was acquired in July 2017, to increase the size of the parcels owned and let by the Owner.
- Prior to July 2017, the Owner rented the land from a third party for five years.
- Prior to that, the land was used for landfill by J&W Limited as per the approved planning consents documenting this permission. The land was used for various uses, including storage of containers, caravans, site offices and plant and machinery.
- 4.101 RGCS Civil Engineering and Utilities are occupying the land hatched green.
- Landacre occupies the parcel of land adjacent to the land hatched green.
- 4.102 By the tenants of the land.
- 4.103 For so long as the tenants remain in situ under their tenancy.
- 4.104 Yes
- 4.105 There appears to be no black hatching. Please can you qualify and clarify.
- 4.106 As above.
- 4.107 As above.

ANSWERS

- 4.108 The current use is open storage and containers, plant and machinery.
- 4.109 As above, the Owner was renting the rear part of this site for some five years prior to acquisition in July 2017.
Since acquisition by the Owner in 2017, the land has been let for the uses set out above.
- 4.110 Test Valley Environmental
- 4.111 Yes
- 4.112 No so far as the Owner is aware.
- 4.113 Loading and unloading of material, so far as the Owner is aware.

APPENDIX H



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|--------|---------------------------|----------------------------|--------------------------|
| 5/2021 | LAND ACRE TIPS | DRIVERS DIRECT | SOUTHERN BLAST & PAINT |
| 250 | HOT TUBS (STORE/REPAIR) | AUTHORN LTD | HAMPSHIRE WASTE DISPOSAL |
| | TEST VALLEY ENVIRONMENTAL | PARKING | COUNTY INSTALLATION |
| | IT AUTOS - REAPIRS GARAGE | HOMESTEAD CONCRETE PUMPING | |
- APPENDIX H



(WCC 2013)

©

(WCC 2017)

