

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 – RESPONSE TO
REPRESENTATIONS FROM THE LOCAL PLANNING AUTHORITY AND THIRD PARTIES**

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.
2. This statement is my response to the statement made by the Winchester City Council and the third party comments concerning my Enforcement Notice appeal.
3. In this statement I refer to paragraphs numbered in the Winchester City Council (**Council**) Statement of Case dated December 2022 (**Statement**).
4. I refer to paragraph 1.4 and strongly object to the statement that "all surrounding uses are unauthorised". For my property at Shedfield Equestrian Centre I have several planning consents for the various uses for example the recycling operation, equestrian activities and the retail units. Further enforcement action is not underway "for the entire site". I am sure that the Inspector will disregard the content of paragraph 1.4 which is not in response to any of my grounds for appeal.

Ground (d) – immune from enforcement action

5. Referring to paragraph 2.3 of the Statement, I do not agree that the plan accurately shows the appeal site (Site). I consider that more of the Site should be shown hatched orange.
6. Referring to paragraph 2.7 and the aerial imagery of 2000, this image is vague but the track can be seen to the right of the blue line so that the red line on the right hand side is too far to the east. This demonstrates the difficulty and uncertainty of attempting to plot boundaries on such an indistinct image. I repeat the same comment on the 2007 image. The 2017 image shows commercial activity on the Site in particular at the southern end.
7. Referring to paragraph 2.11, the compound where the workers' accommodation was situated was within the area edged purple on the image. However, there was construction materials and machinery on the Site during the construction of the solar farm. I continued using the Site for such activities when I leased the Site from the landowner in 2012.
8. Referring to paragraphs 2.12 and 2.13, there is no mention to me renting the Site for five years prior to my purchase of the freehold title in July 2017 – see my reply to question 4.109 of the PCN notice and paragraph 4 of my appeal statement.
9. Referring to paragraph 2.15, my point is that the Site has been used for B8 storage as part of the solar development and from 2012 by me and my licensees.
10. Referring to paragraph 2.16, once again the Council omits to refer to my leasing of the land prior to my freehold purchase – see paragraph 8 above.
11. Referring to paragraph 2.17 and the three photographs allegedly all taken on one day on 12 May 2021. It is difficult to identify the location of the photographer along the track which runs along the eastern boundary of the Site. I am not convinced that the photographs were taken on the same day. The first photograph shows a large dead tree on the Site and horses on the field on the other side of the track. The tree and horses are not shown in the third photograph. Also the length of the line of dead trees behind the horses appears different in the third photograph. These discrepancies undermine the value of these photographs. In any event the Inspector has visited the Site and will have noted the location and extent of the uses and business occupiers on the Site.

12. I disagree with the conclusion at paragraph 2.18.

Ground (f) - Steps required exceeding what is necessary to remedy any breach

13. The Site has not been "open countryside" for at least 10 years. The requirement to return the Site to grass is exceeding the requirements that are necessary to remedy the alleged breach.

14. Referring to paragraph 3.5, I object to the wide sweeping statement and suggestion that future action is to be taken. The requirements in this enforcement notice are not to be considered by reference to other notices or even notices that have not even been drafted, approved and served.

15. The purpose of the structure described as a retaining wall is to keep lorries away from the adjoining track and buildings.

Ground (g) - Time for compliance – what should reasonably be allowed

16. Referring to paragraphs 4.2 and 4.4 , the supporting statements from several of the occupiers have dealt with the content of these paragraphs.

17. Referring to paragraph 4.3 of the Statement, there is no evidence that the surrounding land will be "further damaged" by the current occupiers and their uses during an extend time compliance period. The storage and parking uses are inert and do not create any environmental harm to the locality.

18. Referring to paragraph 4.3, the Council makes an unqualified supposition about further development which should be disregarded.

Third Party Representations

19. Mr McGee lives 5 miles away from the Site and so I do not know what knowledge he has of the B8 storage on the Site which cannot be seen from the public highway.

20. Referring to Mrs Harvey's comments, B8 storage use on the Site has no impact on Biggs Copse, which is the woodland way in the background on the first two photographs at paragraph 2.17 of the Statement. Noise comes from several source including the recycling site which has planning permission. Very little noise is created by the open storage of equipment and materials and the parking of cars on the Site.
21. With regards to wildlife and fauna in Biggs Copse this is being adversely affected by the ancient cesspit located in the woodland and used by Mrs Harvey which is constantly leaking. I have reported this to the Winchester City Council and the Environment Agency.
22. I wish to correct some of the inaccuracies contained in Mr Daniel's statement.
23. I do not know of any Hampshire County Council enforcement action.
24. Lockhams Recycling operates its business with the benefit of the relevant planning permission and EA permit.
25. Winchester City Council's tree prosecution concluded with me pleading guilty to three charges being my failure to provide five days prior written notification before removing three dead/dangerous trees.
26. Clamp Farm at Newtown provides indoor storage only. Outside Clamp Farm permits the parking of caravans, boats, motorhomes and horseboxes.
27. No noise, dust or smoke is created by the B8 use on the Site. Mr Daniels appears to be referring to the Lockhams Recycling operation. Lockhams has a road sweeper cleaning the internal roads and the A334 throughout each working day. Lockhams Recycling business is fully regulated by the Environment Agency.

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Christopher Ian Collins

Dated: 5 January 2023