

FINAL COMMENTS

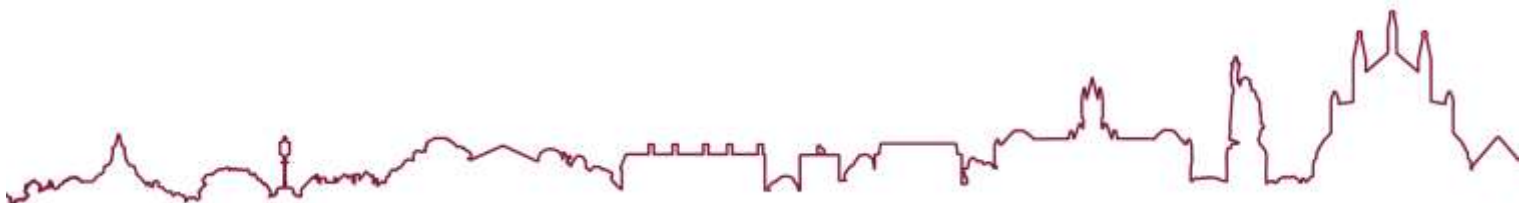
SITE: LAND AT SHEDFIELD EQUESTRIAN CENTRE, BOTLEY ROAD,
SHEDFIELD, SO32 2HN

APPEALS BY: MR CHRISTOPHER COLLINS

AGAINST ENFORCEMENT NOTICE 07

DATE: January 2023

APPEAL REF: APP/L1765/C/22/3309990



1.0 INTRODUCTION

1.1 This statement includes responses to any further points raised by the Appellant within their submitted statement of case. The Council will respond to each point separately below. Submissions made by the Council within our statement of case will not be repeated.

2.0 RESPONSE TO GROUND (D) That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.

2.1 The Appellant has stated that “[the Council has no other evidence to demonstrate that the evidence given by \[him\] in \[his\] statement and \[his\] replies to \[our\] questionnaire in August 2021 are incorrect](#)”. The Council has provided very clear aerial imagery, as well as officer photos of the majority of the site being in agricultural use only a year ago within our statement of case. Separate to this, the onus of proof firmly lies with the Appellant and they have not demonstrated on the balance of probability that the current use of the land has been ongoing continuously for in excess of 10 years.

3.0 RESPONSE TO GROUND (G) the time given to comply with the notice is too short.

3.1 Little information or evidence has been provided by the appellant as to why 6 months is not sufficient.

3.2 The Appellant has stated that “[the businesses operate locally](#)” and that they “[cannot afford the annual rents of the urban industrial estates](#)”. There is no supporting information for these claims beyond statements made by the occupiers; all of which have an interest in staying on the site. It is not obvious if any searches have been undertaken for such units and no business accounts have been provided to evidence a lack of affordability for approved sites. In addition, two of the five occupants aren't registered locally.

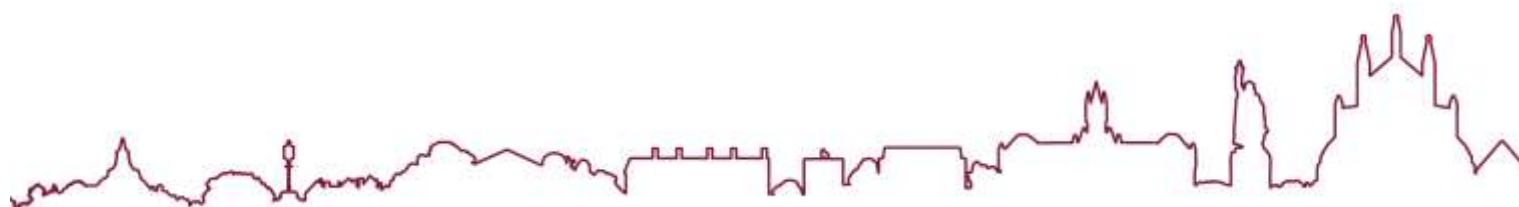
4.0 ADDITIONAL COMMENTS

4.1 The use of part of the site as a solar farm (including any ancillary or incidental uses such as storage of items directly related to the construction of the solar farm) would have been a sui generis use. A change of use to storage would be material and thus require express planning permission. Planning permission for this use has not been sought, nor has it been granted. The Appellants claim that the current use is a continuation of the solar farm use is therefore misguided.

4.2 Gavin Groom as part of his statement mentions that he had applied for an “[operator's licence for 8 vehicles](#)” and that “[no objections were received from any public body including Winchester City Council](#)”. Only certain objections can be put forward against a licencing application, and lack of planning permission is not one of them.

4.3 The following is taken from ‘A Guide to Making Representations, Objections and Complaints – Goods Vehicle Operator Licensing’, published by the Office of the Traffic Commissioner dated March 2022.

[Non-environmental objections may be made on one or more of the following grounds on the basis that the requirements of Section 13 of the Goods Vehicles \(Licensing of Operators\) Act 1995 cannot be met. They can relate to:](#)



a) the suitability of the applicant to hold an operator's licence on the grounds that he/she cannot meet the requirements to be:

- of good repute (for standard licences only); or
- fit to hold a licence (for restricted licences only); or
- of appropriate financial standing (for standard licences only); or
- professionally competent (for standard licences only).

b) the suitability of the operating centre in relation to:

- size for the number of vehicles and trailers proposed to be parked there;
 - the safety of the entrance and exit arrangements from the site onto the public highway;
- or
- parking facilities in or around the site.

4.4 In the statement of Lee Woods, it mentions that his company is “based in Hemel Hempstead” and they have “branch offices and yards one of which is at the premises”. No further information or evidence was provided as to why these existing yards could not be used for such purposes. This statement also claimed that the used of the land that their company undertakes “does not create any environmental impact on the premises or neighbouring land”. This is a broad assertion, one that has again not been supported by any evidence.

5.0 CONCLUSION

5.1 For the reasons given above, and in the Council main statement of case, the Inspector is respectfully requested to dismiss this appeal and uphold the enforcement notice in its entirety.

