

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

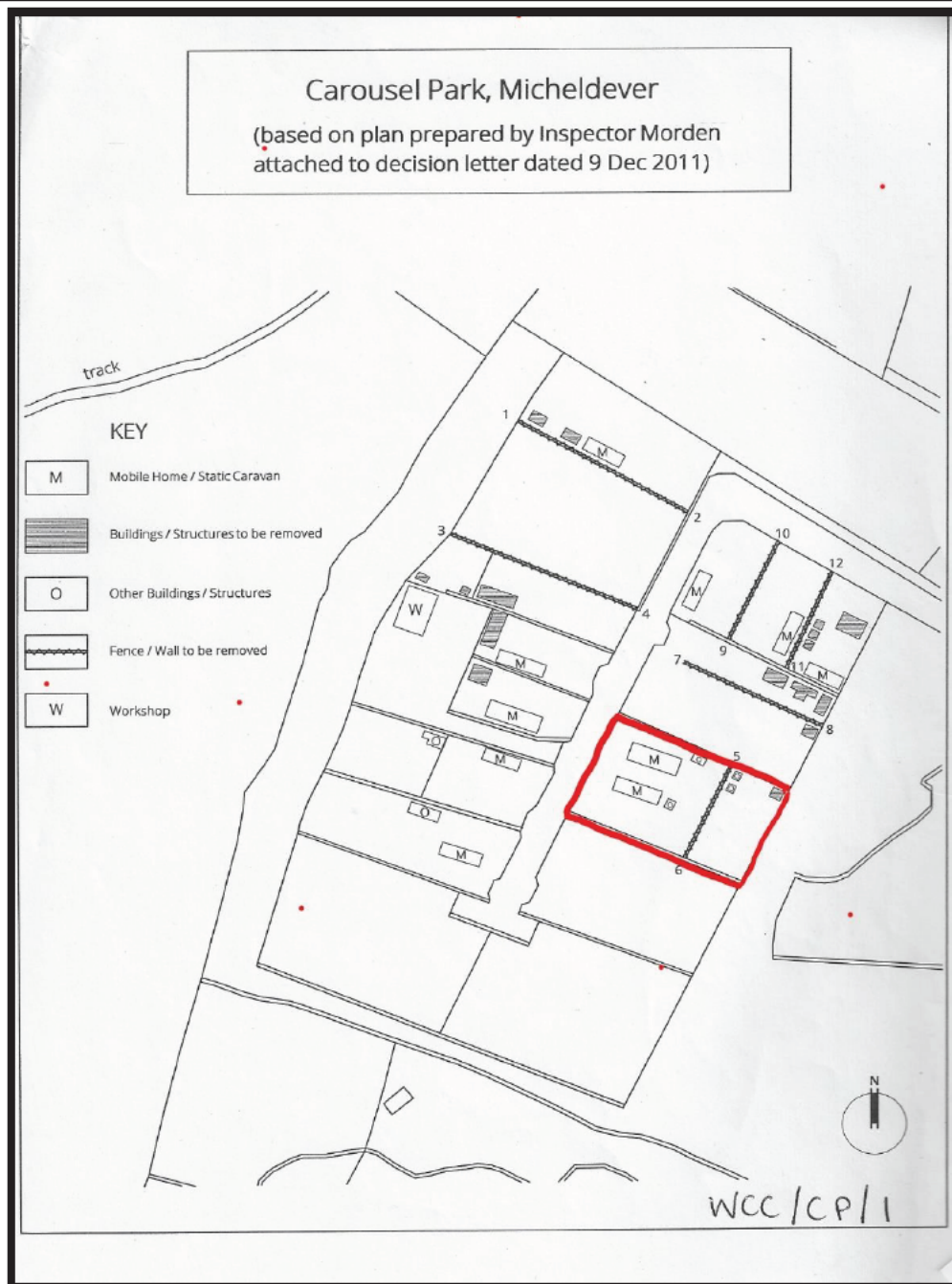
This is the plan referred to in my decision dated: 22 November 2019

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

- 5 Farm
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 Qutatis 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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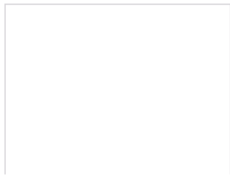
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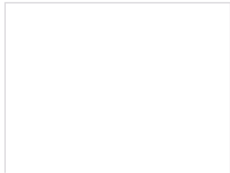
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LPA 17

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 [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 [redacted] 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 [redacted] 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. David 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 also 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 a 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 the contact details for those people who own plots on the site.	KR
	<p>Fiona informed me that :</p> <p>“.. 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”.</p> <p>Responded to FS and confirmed I will wait to hear back from David.</p>	
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 email received yesterday from ##### enquiring how matters were progressing. Additionally, I responded to ##### and informed him I was waiting for a response from P. 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 undertakes 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 [REDACTED] 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. Informed 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 of the 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 [REDACTED] [REDACTED] and also left a phone message for PC [REDACTED] [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 as 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 mobile 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 all 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 or 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 bottom 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 southern section. As the site is not licensed, WCC can do little to 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 informed ##### 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 been	KR

	delayed. . Informed him that I have had no involvement and recommended that he contacted David Townsend who I copied into my response.	
18.12.17	Email received from a ##### via the CSC regarding issues he has recently experienced at Carousel Park. 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 Housng 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 girlfriends 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 Options 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 plots 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] [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 [REDACTED] 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 to [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 Housing options. Explained to Mr [REDACTED] that following complaints about conditions we wished to inspect the caravan he is letting out to assess conditions. He initially denied he is letting a van and then denied that he has an advert on Gumtree. The 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 unregistered	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 [REDACTED] and PCSO [REDACTED] 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 current empty and belongs to the #####

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

They stated that the electrical supply regularly failed, 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 her partners caravan but was able to confirm that he rented the accommodation but was unable to provide any further details, although was able to confirm that her 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 unit, although 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 East Hants and Chichester. Full of praise for the landlords but also confirmed has not seen a gas safe record etc. Pays £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 to share information as it arises.</p> <p>Council tax (Kirsten Orf) are considering an approach of banding each unit separately and then billing the plot 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] a [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 original 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 Inspectorates 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 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 the 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 visits undertaken with P.Enforcement in December 2016 and John Easey's later visits. Also showed ##### photos of</p>	KR