

	<p>the site including the inspection covers for the installed drainage system. ##### informed me that the Planning Inspector's investigation commences tomorrow and should last a couple of weeks. At the end of it, he thinks it will be wise for there to be a combined meeting between WCC depts. with an interest in the site to decide on the most appropriate way forward. Sent email to ##### at 10.27am with PSH file notes attached.</p>	
30.4.19	<p>Responded (12:27pm) to email from ##### who this morning had taken a call from a homeless family who have moved into a caravan on the site after having responded to an advert on Gumtree. I informed [REDACTED] of my conversations with ##### and that the Planning Inspector's investigation into this site commences tomorrow (Wed. 01 May) and is likely to last a couple of weeks.</p> <p>Informed [REDACTED] is keen at the end of the investigation for there to be a joint meeting between the relevant council departments that have an interest in the site – planning / PSH / legal etc. – in order to decide on the best course of action going forward, which will likely involve an inspection with the Police to establish who is living at the site and who the owners are.</p> <p>Also informed [REDACTED] David Ingram (Head of Environmental Health) and is of the opinion that WCC officers should not be visiting the site whilst the Planning Inspector's investigation is ongoing.</p> <p>However, for the record, I enquired if [REDACTED] had the name and contact details of the homeless family he took a call from this morning?</p>	KR
30.4.19	<p>[REDACTED] responded and the family who contacted him this morning and who are coming in to see him on Thurs 02 May for Triage/FHA are:</p> <p>Household is: ##### - [REDACTED] Basingstoke ##### – works [REDACTED] Winch [REDACTED]</p>	KR
30.4.19	<ul style="list-style-type: none"> <li>• ##### phoned. She had found them the park via Gumtree and took them for viewing. They moved in 29/03/19. No deposit or paperwork, cash only, £500 ria and rent p/m.</li> <li>• [REDACTED] the rent collector who has [REDACTED] has been threatening them with immediate eviction on a number of occasions, as child is making too much noise. Household been told to pretend they are family of owners if Council contact.</li> <li>• ##### said household called us in March and were due to come in for a Thursday appointment with</li> </ul>	KR

	<p>someone. I can find no records of any recent contact with WCC. Apparently no children's services contact.</p> <ul style="list-style-type: none"> <li>• ##### lived in 4-bed in Winch until Sep 2018, when did mutual exchange to Basingstoke. Household have been living with her for a few years. ##### tenancy is ending this week as she has given NTQ and is moving to live with partner in Fleet (2-bed).</li> <li>• ##### has mum (3-bed fully occupied) and nan (1-bed) in Winch, neither have space or willing to take them. ##### could take them on sofa for short period.</li> </ul> <p>I've flagged up to planning/private sector team again about park issue. I've said we need to try and move them in a planned way, explore all options etc. Also not look to stoke the fire with unpredictable 'landlords'.</p> <p>Tom Bush 01962 [REDACTED]</p>	
	I responded to Tom and confirmed we will pick this up in due course.	
08.7.19	See file notes for Plot 4, Unit 4a. Sent out meeting invite to David Ingram / David Townsend / Sarah Castle / Sandra Tuddenham / John Easey for Tues. 23 /7 at 14.15pm in CWitch first floor to discuss the site and possible action we may want to consider in anticipation of the planning Inspectors decision. His inquiry does not finish until September and P.Enforcement do not know how long it will take him until he makes a decision.	KR
11.9.19	Copied in on email from Dave Ingram Ext. 2479 - 11 September 2019 10:51 – to ##### regarding a proposed Micheldever Community Meeting. Responded to Doodle proposed dates sent out by DI.	KR
25.11.19	Email received from Sarah Castle - 25 November 2019 10:40 – with a copy of the Planning Inspector's Decision Notice attached (APP/L1765/C/10/2138144: Plots at Carousel Park, SO21 3BW).	KR
25.11.19		KR
26.11.19	Email received from David Ingram - Tue 26/11/2019 10:39 - via Simon Finch detailing the next course of action for the site and requesting that David Townsend takes matters forward.	KR
17.12.19	Informed by KSY that she had been informed by Community Safety that the Police have discovered a number of stolen caravans at the site being lived in, and that a couple of Housing Options Officers have gone out to give advice to the tenants. Informed Kenna of the Planning Inspectors decision and forwarded to her Dave Ingram's email and precise of the ruling by Neil March. KSY sent out email - 17 December 2019 14:55 – to DI and others informing them of	KR









## Private Sector Housing

### Files Notes


**Address: Pitch #####, Carousel Park, Basingstoke Road, Micheldever, Hampshire**

Date	Details	Initials
03.7.19	<p>Visited caravan occupied by ##### at the request of #####. At the time of my visit ##### was not present and ##### was at home with her ##### plus her ##### who were visiting. ##### is also [redacted] and #####. The couple live in compound ##### on Carousel Park in one of four caravans in what is effectively a small gated community. The owners of the caravans are a [redacted] and [redacted] who are apparently based in Brighton. ##### have never met them but responded to an advert they had placed on Gumtree. They pay their rent - £500/month - in cash to their neighbours [redacted] and [redacted] who appear to have control over the compound on behalf of the owners and it was [redacted] ##### met to view the caravan. ##### also have to pay an additional £25 / week for electricity and are responsible for buying their own Calor gas bottles. ##### paid a cash deposit of £500 to [redacted] ##### isn't aware if her rent goes towards paying council tax. ##### were not provided with any documentation at all when they moved in and do not have a tenancy agreement. Although there is a gas boiler in the caravan – ##### – they have never seen a Gas Safety certificate and do not know whether the boiler is safe to use or not. The caravan ##### live in is an old static home manufactured by #####. It comprises one end of the main lounge/dining/kitchen area at the rear of which is the bathroom – shower / WC / WHB – and 2no. bedrooms. The small bedroom measures approx.5'10 x 8.0' and the master bedroom 9.5' x 12'. There is a rear side door to the unit but the couple do not have the keys for it. I tested the opening of the bedroom windows and they open sufficiently to enable escape in the event of a fire occurring in the lounge. There is no significant disrepair with the unit, it's just that the caravan is quite old, probably at least 20 years.</p> <p>Issues identified are:</p> <ul style="list-style-type: none"> <li>•Steps up to the main front door are formed out of 4 wooden pallets.</li> </ul>	KR







**From:** [REDACTED]@WINCHESTER GOV UK   
**Subject:** FW: Planning Inspectorate APP/L1765/C/22/3296503: Land at Carouse Park SO21 3BW J004151  
**Date:** 14 April 2022 at 15:09  
**To:** tomwicks@enforcementservices.net  
**Cc:** [REDACTED]@winchester.gov.uk

For information

**Fiona Sutherland**  
**Public Law Manager**  
Winchester City Council  
Colebrook Street  
Winchester  
SO23 9LJ

Internal Ext: 2513  
DD: 01962 848 513



[www.winchester.gov.uk](http://www.winchester.gov.uk)  
[www.visitwinchester.co.uk](http://www.visitwinchester.co.uk)

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**From:** Peter Brownjohn [REDACTED]@wspa.co.uk>  
**Sent:** 14 April 2022 14:53  
**To:** ECAT@planninginspectorate.gov.uk  
**Cc:** wspa@emailmyjob.com; Brian Woods <[REDACTED]@wspa.co.uk>; Fiona Sutherland <[REDACTED]@WINCHESTER.GOV.UK>; Julie Pinnock <[REDACTED]@winchester.gov.uk>  
**Subject:** RE: Planning Inspectorate APP/L1765/C/22/3296503: Land at Carousel Park, SO21 3BW - J004151

Dear Enforcement Appeals Officer,

**APP/L1765/C/22/3296503: Land at Carousel Park, SO21 3BW - J004151**

I refer to the letter received earlier today. We write to confirm that both Mr. Patrick and Mr. Bernie Stokes are joint owners of the site following their purchase of the land. We understand that this is likely not to show up on land registry information whilst the transfer application is processed with them. For completeness we will be requesting that they liaise with their solicitor to provide us with copies of the transfer form, and/or proof of purchase of the land, to confirm their interests in land as owners.

Due to the holiday period, and the resulting delay in our clients being able to secure this information, we would like to request an additional 7 days (on or before 28 April) to ensure that this information can be provided to ourselves, and submitted to the Planning Inspectorate for clarity over the matter.

On the matter of the fee for the Ground (a) appeal, a cheque was posted to the Council this week following submission of the appeal, and we have asked for them to confirm when this is received.

Kind Regards

*Peter Brownjohn*

Planner

01737 949879 [REDACTED]@wspace.co.uk | [www.wspace.co.uk](http://www.wspace.co.uk)



**Surrey Office:** 5 Pool House | Bancroft Road | Reigate | Surrey | RH2 7RP | t: 01737 225711

**London Office:** No. 1 Croydon | 11<sup>th</sup> Floor | 12-16 Addiscombe Road | Croydon | CR0 0XT | t: 020 3828 1180

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**From:** [ECAT@planninginspectorate.gov.uk](mailto:ECAT@planninginspectorate.gov.uk) <[ECAT@planninginspectorate.gov.uk](mailto:ECAT@planninginspectorate.gov.uk)>

**Sent:** 14 April 2022 14:04

**To:** Peter Brownjohn <[REDACTED]@wspace.co.uk>

**Subject:** Planning Inspectorate APP/L1765/C/22/3296503: Land at Carousel Park, SO21 3BW

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The Planning Inspectorate (England)

Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

The Planning Inspectorate (Wales)

Crown Buildings, Cathays Park, Cardiff, CF10 3NQ

<http://www.planningportal.gov.uk/planninginspectorate>

Twitter: [@PINSgov](#)

This communication does not constitute legal advice.

### **How we use your information**

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

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This email and any files transmitted with it are intended solely for the addressed individual. The information in this email may be confidential; if you have received it in error, please accept our apologies and notify the sender as soon as possible, and delete it from your system without distributing or copying any information contained within it. Under UK Data Protection and Freedom of Information legislation, the contents of this email might have to be disclosed in response to a request. We check emails and attachments for viruses before they are sent, but you are advised to carry out your own virus checks. Winchester City Council cannot accept any responsibility for loss or damage caused by viruses.

I, Mr. Maurice Cole, of [REDACTED] do solemnly and sincerely declare and say as follows:-

1. I am was the Legal Owner of Title HP648956 Plot 5, Drivers Diner, Old Basingstoke Road, Micheldever ("the Land") prior to 20<sup>th</sup> February 2022
2. On The 20<sup>th</sup> February 2022 I transferred part of the Land shown edged red on the attached plan to Patrick Stokes. Now know as Plot 5A Drivers Diner, Old Basingstoke Road, Micheldever
3. At all material times, Mr. Patrick Stokes was the owner of the area of land and has had a right to occupy the land.
4. I have now instructed our new solicitors, to deal with the registration of the Transfer.

Signature [REDACTED]

Print Name..... MAURICE COLE .....

Witness [REDACTED]  
Signature .....

Print Name..... Brogan Property Lawyers .....

Address ..... 54 High Street, Frintley Surrey, GU16 7JE .....

..... www.broganlaw.co.uk .....

..... enquiries@broganlaw.co.uk .....

THIS 27 DAY OF April 2022



Any parts of the form that are not typed should be completed in black ink and in block capitals.

If you need more room than is provided for in a panel, and your software allows, you can expand any panel in the form. Alternatively use continuation sheet CS and attach it to this form.

For information on how HM Land Registry processes your personal information, see our [Personal Information Charter](#).

Leave blank if not yet registered.

When application for registration is made these title number(s) should be entered in panel 2 of Form AP1.

Insert address, including postcode (if any), or other description of the property transferred. Any physical exclusions, such as mines and minerals, should be defined.

Place 'X' in the appropriate box and complete the statement.

For example 'edged red'.

For example 'edged and numbered 1 in blue'.

Any plan lodged must be signed by the transferor.

Remember to date this deed with the day of completion, but not before it has been signed and witnessed.

Give full name(s) of all of the persons transferring the property.

Complete as appropriate where the transferor is a company.

Give full name(s) of all the persons to be shown as registered proprietors.

Complete as appropriate where the transferee is a company. Also, for an overseas company, unless an arrangement with HM Land Registry exists, lodge either a certificate in Form 7 in Schedule 3 to the Land Registration Rules 2003 or a certified copy of the constitution in English or Welsh, or other evidence permitted by rule 183 of the Land Registration Rules 2003.

	1 Title number(s) out of which the property is transferred: HP648948
	2 Other title number(s) against which matters contained in this transfer are to be registered or noted, if any:
	3 Property: 4A Carousel Park, Basingstoke Road, Micheldever, Winchester (SO21 3BW).  The property is identified <input checked="" type="checkbox"/> on the attached plan and shown: Edged in red hatched in black  <input type="checkbox"/> on the title plan(s) of the above titles and shown:
	4 Date: 28 <sup>th</sup> APRIL 2022
	5 Transferor: Michael Stokes and Francis Anthony Casey For UK incorporated companies/LLPs Registered number of company or limited liability partnership including any prefix:  <u>For overseas companies</u> (a) Territory of incorporation:  (b) Registered number in the United Kingdom including any prefix:
	6 Transferee for entry in the register: Bernie Stokes For UK incorporated companies/LLPs Registered number of company or limited liability partnership including any prefix: <u>For overseas companies</u> (a) Territory of incorporation:  (b) Registered number in the United Kingdom including any prefix:



Each transferee may give up to three addresses for service, one of which must be a postal address whether or not in the UK (including the postcode, if any). The others can be any combination of a postal address, a UK DX box number or an electronic address.

Place 'X' in the appropriate box. State the currency unit if other than sterling. If none of the boxes apply, insert an appropriate memorandum in panel 12.

Place 'X' in any box that applies.

Add any modifications.

Where the transferee is more than one person, place 'X' in the appropriate box.

Complete as necessary.

The registrar will enter a Form A restriction in the register *unless*:

- an 'X' is placed:
  - in the first box, or
  - in the third box and the details of the trust or of the trust instrument show that the transferees are to hold the property on trust for themselves alone as joint tenants, *or*
- it is clear from completion of a form JO lodged with this application that the transferees are to hold the property on trust for themselves alone as joint tenants.

Please refer to [Joint property ownership](#) and [practice guide 24: private trusts of land](#) for further guidance. These are both available on the GOV.UK website.

Use this panel for:

- definitions of terms not defined above
- rights granted or reserved
- restrictive covenants
- other covenants
- agreements and declarations
- any required or permitted statements
- other agreed provisions.

The prescribed subheadings may be added to, amended, repositioned or omitted.

7	Transferee's intended address(es) for service for entry in the register:  4A Carousel Park, Basingstoke Road, Micheldever, Winchester (SO21 3BW).
8	The transferor transfers the property to the transferee
9	Consideration  <input type="checkbox"/> The transferor has received from the transferee for the property the following sum (in words and figures):  <input checked="" type="checkbox"/> The transfer is not for money or anything that has a monetary value  <input type="checkbox"/> Insert other receipt as appropriate:
10	The transferor transfers with  <input checked="" type="checkbox"/> full title guarantee  <input type="checkbox"/> limited title guarantee
11	Declaration of trust. The transferee is more than one person and  <input type="checkbox"/> they are to hold the property on trust for themselves as joint tenants  <input type="checkbox"/> they are to hold the property on trust for themselves as tenants in common in equal shares  <input type="checkbox"/> they are to hold the property on trust:
12	Additional provisions  Definitions

Any other land affected by rights granted or reserved or by restrictive covenants should be defined by reference to a plan.

Any other land affected should be defined by reference to a plan and the title numbers referred to in panel 2.

Any other land affected should be defined by reference to a plan and the title numbers referred to in panel 2.

Include words of covenant.

Rights granted for the benefit of the property

Rights reserved for the benefit of other land

Restrictive covenants by the transferee

Include words of covenant.

Restrictive covenants by the transferor

Insert here any required or permitted statements, certificates or applications and any agreed declarations and so on.

Other

The transferor must execute this transfer as a deed using the space opposite. If there is more than one transferor, all must execute. Forms of execution are given in Schedule 9 to the Land Registration Rules 2003. If the transfer contains transferee's covenants or declarations or contains an application by the transferee (such as for a restriction), it must also be executed by the transferee.

If there is more than one transferee and panel 11 has been completed, each transferee must also execute this transfer to comply with the requirements in section 53(1)(b) of the Law of Property Act 1925 relating to the declaration of a trust of land. Please refer to [Joint property ownership](#) and [practice guide 24: private trusts of land](#) for further guidance.

Examples of the correct form of execution are set out in [practice guide 8: execution of deeds](#). Execution as a deed usually means that a witness must also sign, and add their name and address.

Remember to date this deed in panel 4.

### 13 Execution

Signed as a deed by

Michael Stokes

in the presence of

Signature of witness

Name (in BLOCK CAPITALS):

Address: ..... **Brogan Property Lawyers**  
..... 64 High Street, Frimley Surrey, GU16 7JE  
..... [www.broganlaw.co.uk](http://www.broganlaw.co.uk)  
..... [enquiries@broganlaw.co.uk](mailto:enquiries@broganlaw.co.uk)  
.....

Signed as a deed by

Francis Anthony Casey

in the presence of

Signature of witness

Name (in BLOCK CAPITALS):

Address: ..... **Brogan Property Lawyers**  
..... 64 High Street, Frimley Surrey, GU16 7JE  
..... [www.broganlaw.co.uk](http://www.broganlaw.co.uk)  
..... [enquiries@broganlaw.co.uk](mailto:enquiries@broganlaw.co.uk)  
.....

Signed as a deed by

Bernie Stokes

in the presence of

Signature of witness:

Name (in BLOCK CAPITALS):

Address: ..... **Brogan Property Lawyers**  
..... 64 High Street, Frimley Surrey, GU16 7JE  
..... [www.broganlaw.co.uk](http://www.broganlaw.co.uk)  
..... [enquiries@broganlaw.co.uk](mailto:enquiries@broganlaw.co.uk)  
.....

#### WARNING

If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

Failure to complete this form with proper care may result in a loss of protection under the Land Registration Act 2002 if, as a result, a mistake is made in the register.

Under section 66 of the Land Registration Act 2002 most documents (including this form) kept by the registrar relating to an application to the registrar or referred to in the register are open to public inspection and copying. If you believe a document contains prejudicial information, you may apply for that part of the document to be made exempt using Form EX1, under rule 136 of the Land Registration Rules 2003.



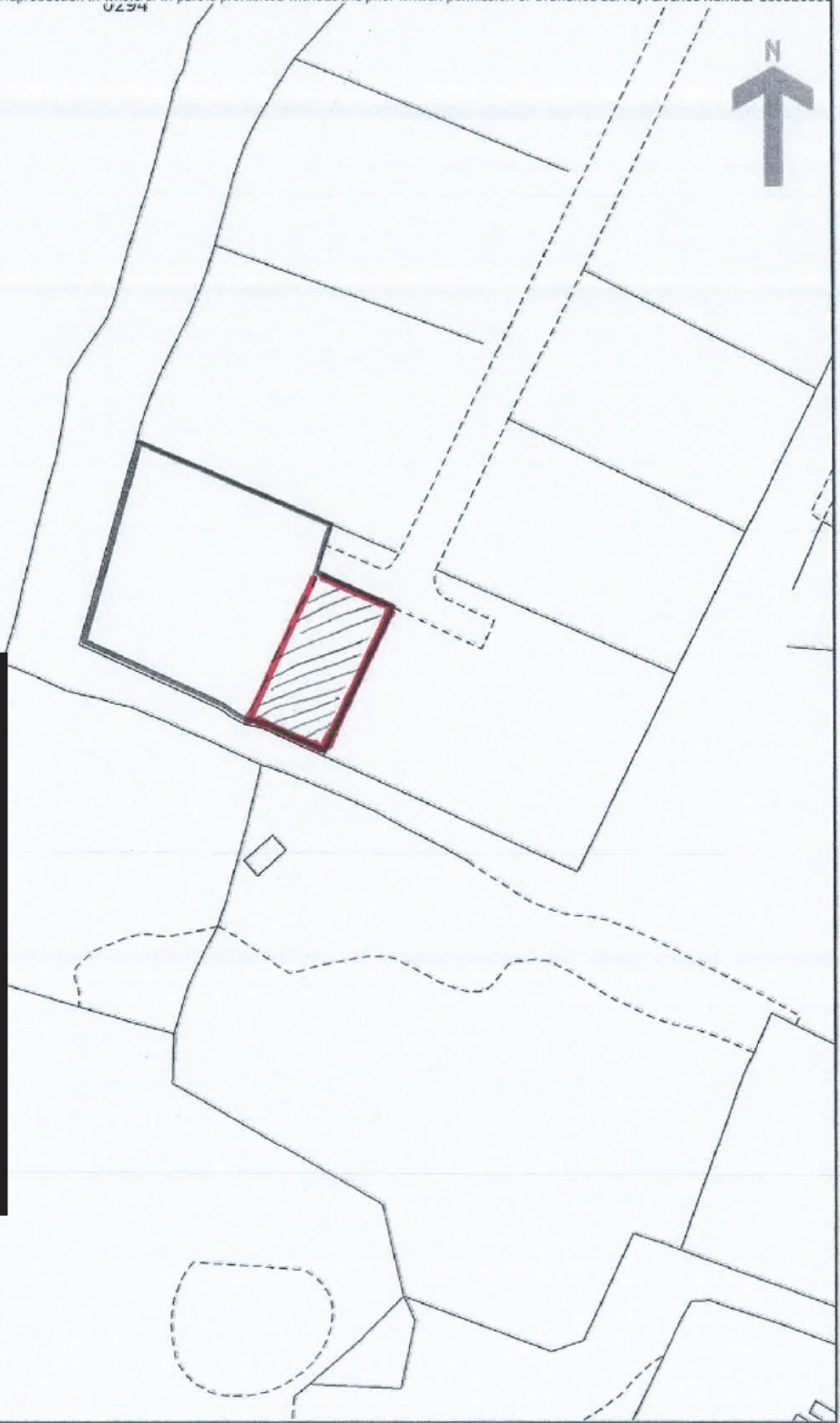
HM Land Registry  
Official copy of  
title plan

Title number **HP648948**  
Ordnance Survey map reference **SU5441NW**  
Scale **1:1250 enlarged from 1:2500**  
Administrative area **Hampshire : Winchester**



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U254



I, Mr. MICHAEL STOKES and FRANCIS ANTHONY CASEY of [REDACTED], do solemnly and sincerely declare and say as follows:-

1. I was the Legal Owner of Title Number Registered at the Land Registry HP648948 Plot 4 Carousel Park, Basingstoke Road, Micheldever, Winchester SO21 ("the Land") prior to 29<sup>th</sup> June 2018.
2. On The 29<sup>th</sup> June 2018 I transferred part of the Land shown edged red on the attached plan to Bernie Stokes. This land is now known as Plot 4A Carousel Park, Basingstoke Road, Micheldever, Winchester SO21 3BW shown on the attached plan
3. At all material times, Mr. Bernie Stokes was the owner of the area of land and has had a right to occupy the land
4. I had no further dealings with this Land from 29<sup>th</sup> June 2018
5. I was not aware the land had not been transferred at the Land Registry, as soon as I was made aware I have immediately instructed a solicitor to register the transfer which took place on 29<sup>th</sup> June 2018 to Bernie Stokes
6. I have now instructed our new solicitors, to deal with the registration of the Transfer and enclose a copy

Signature [REDACTED] .....

Print Name. *Francis Casey* .....

Witness Signature [REDACTED] .....

Print Name [REDACTED] .....

Address [REDACTED] .....

**Brogan Property Lawyers**  
64 High Street, Frintley Surrey, GU16 7JE  
[www.broganlaw.co.uk](http://www.broganlaw.co.uk)  
[enquiries@broganlaw.co.uk](mailto:enquiries@broganlaw.co.uk)

Signature [REDACTED] .....

Print Name. *MICHAEL STOKES* .....

Witness Signature [REDACTED] .....

Print Name [REDACTED] .....

Address [REDACTED] .....

**Brogan Property Lawyers**  
64 High Street, Frintley Surrey, GU16 7JE  
[www.broganlaw.co.uk](http://www.broganlaw.co.uk)  
[enquiries@broganlaw.co.uk](mailto:enquiries@broganlaw.co.uk)

THIS *28<sup>th</sup>* DAY OF *APRIL* 2022

I, Mr. Bernie Stokes of Plot 4a Carousel Park, Basingstoke Road, Micheldever, Winchester SO21 , do solemnly and sincerely declare and say as follows:-

1. On The 29<sup>th</sup> June 2018 I took over the Land known as plot 4a Carousel Park, Basingstoke Road, Micheldever, Winchester SO21 3BW. I Bernie Stokes am the person who has full responsibility and ownership of the Land from 29<sup>th</sup> June 2018.
2. At all material times I Mr. Bernie Stokes was the owner of the area of land and has had a right to occupy the land.
3. The land was original in Title Number HP648948, however I Bernie Stokes took over the area shown edged red on the attached plan from Michael Stokes and Francis Anthony Casey
4. I have had ownership of the Land since 29<sup>th</sup> June 2018 and Michael Stokes and Francis Anthony Casey have no further dealings with this area shown edged in red on the attached plan since 29<sup>th</sup> June 2018 when I took over
5. I was not aware the land had not been transferred at the Land Registry, as soon as I was made aware I have immediately instructed a solicitor to register the transfer which took place on 29<sup>th</sup> June 2018 to me Bernie Stokes
6. I have now instructed our new solicitors, to deal with the registration of the Transfer and enclose a copy

Signature



Print Name

BERNIE STOKES

Witness

Signature ..



Print Name ..



Address Brogan Property Lawyers 64 High Street GU1 67JE

THIS 28<sup>th</sup> DAY OF April 2022



**Any parts of the form that are not typed should be completed in black ink and in block capitals.**

If you need more room than is provided for in a panel, and your software allows, you can expand any panel in the form. Alternatively use continuation sheet CS and attach it to this form.

For information on how HM Land Registry processes your personal information, see our [Personal Information Charter](#).

Leave blank if not yet registered.

When application for registration is made these title number(s) should be entered in panel 2 of Form AP1.

Insert address, including postcode (if any), or other description of the property transferred. Any physical exclusions, such as mines and minerals, should be defined.

Place 'X' in the appropriate box and complete the statement.

For example 'edged red'.

For example 'edged and numbered 1 in blue'.

Any plan lodged must be signed by the transferor.

Remember to date this deed with the day of completion, but not before it has been signed and witnessed.

Give full name(s) of all of the persons transferring the property.

Complete as appropriate where the transferor is a company.

Give full name(s) of all the persons to be shown as registered proprietors.

Complete as appropriate where the transferee is a company. Also, for an overseas company, unless an arrangement with HM Land Registry exists, lodge either a certificate in Form 7 in Schedule 3 to the Land Registration Rules 2003 or a certified copy of the constitution in English or Welsh, or other evidence permitted by rule 183 of the Land Registration Rules 2003.

1	Title number(s) out of which the property is transferred: HP648956
2	Other title number(s) against which matters contained in this transfer are to be registered or noted, if any:
3	<p>Property: Plot 5 A Drivers Diner, Old Basingstoke Road, Micheldever</p> <p>The property is identified</p> <p><input checked="" type="checkbox"/> on the attached plan and shown: edged red on the attached plan</p> <p><input type="checkbox"/> on the title plan(s) of the above titles and shown:</p>
4	Date: 27 <sup>th</sup> APRIL 2022
5	<p>Transferor: Maurice Cole <u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix:</p> <p><u>For overseas companies</u> (a) Territory of incorporation:</p> <p>(b) Registered number in the United Kingdom including any prefix:</p>
6	<p>Transferee for entry in the register: Patrick Stokes <u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix:</p> <p><u>For overseas companies</u> (a) Territory of incorporation:</p> <p>(b) Registered number in the United Kingdom including any prefix:</p>



Each transferee may give up to three addresses for service, one of which must be a postal address whether or not in the UK (including the postcode, if any). The others can be any combination of a postal address, a UK DX box number or an electronic address.

Place 'X' in the appropriate box. State the currency unit if other than sterling. If none of the boxes apply, insert an appropriate memorandum in panel 12.

Place 'X' in any box that applies.

Add any modifications.

Where the transferee is more than one person, place 'X' in the appropriate box.

Complete as necessary.

The registrar will enter a Form A restriction in the register *unless*:

- an 'X' is placed:
  - in the first box, or
  - in the third box and the details of the trust or of the trust instrument show that the transferees are to hold the property on trust for themselves alone as joint tenants, or
- it is clear from completion of a form JO lodged with this application that the transferees are to hold the property on trust for themselves alone as joint tenants.

Please refer to [Joint property ownership](#) and [practice guide 24: private trusts of land](#) for further guidance. These are both available on the GOV.UK website.

Use this panel for:

- definitions of terms not defined above
- rights granted or reserved
- restrictive covenants
- other covenants
- agreements and declarations
- any required or permitted statements
- other agreed provisions.

The prescribed subheadings may be added to, amended, repositioned or omitted.

7 Transferee's intended address(es) for service for entry in the register:

Plot 5A , Drivers Diner, Old Basingstoke Road,  
Micheldever

8 The transferor transfers the property to the transferee

9 Consideration

The transferor has received from the transferee for the property the following sum (in words and figures):

The transfer is not for money or anything that has a monetary value

Insert other receipt as appropriate:

10 The transferor transfers with

full title guarantee

limited title guarantee

11 Declaration of trust. The transferee is more than one person and

they are to hold the property on trust for themselves as joint tenants

they are to hold the property on trust for themselves as tenants in common in equal shares

they are to hold the property on trust:

12 Additional provisions

Definitions

Any other land affected by rights granted or reserved or by restrictive covenants should be defined by reference to a plan.

Any other land affected should be defined by reference to a plan and the title numbers referred to in panel 2.

Any other land affected should be defined by reference to a plan and the title numbers referred to in panel 2.

Include words of covenant.

Rights granted for the benefit of the property

Rights reserved for the benefit of other land

Restrictive covenants by the transferee

Include words of covenant.

Restrictive covenants by the transferor

Insert here any required or permitted statements, certificates or applications and any agreed declarations and so on.

Other

The transferor must execute this transfer as a deed using the space opposite. If there is more than one transferor, all must execute. Forms of execution are given in Schedule 9 to the Land Registration Rules 2003. If the transfer contains transferee's covenants or declarations or contains an application by the transferee (such as for a restriction), it must also be executed by the transferee.

If there is more than one transferee and panel 11 has been completed, each transferee must also execute this transfer to comply with the requirements in section 53(1)(b) of the Law of Property Act 1925 relating to the declaration of a trust of land. Please refer to [Joint property ownership](#) and [practice guide 24: private trusts of land](#) for further guidance.

Examples of the correct form of execution are set out in [practice guide 8: execution of deeds](#). Execution as a deed usually means that a witness must also sign, and add their name and address.

Remember to date this deed in panel 4.

### 13 Execution

Signed as a deed by

Maurice Cole

in the presence of

Signature of witness:

Name (in BLOCK CAPITALS):

Address: ..... **Brogan Property Lawyers**

..... 64 High Street, Frimley Surrey, GU16 7JE

..... [www.broganlaw.co.uk](http://www.broganlaw.co.uk)

..... [enquiries@broganlaw.co.uk](mailto:enquiries@broganlaw.co.uk)

Signed as a deed by

Patrick Stokes ....

in the presence of

Signature of witness:

Name (in BLOCK CAPITALS):

Address: .....

..... **Brogan Property Lawyers**

..... 64 High Street, Frimley Surrey, GU16 7JE

..... [www.broganlaw.co.uk](http://www.broganlaw.co.uk)

..... [enquiries@broganlaw.co.uk](mailto:enquiries@broganlaw.co.uk)

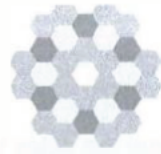
#### WARNING

If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

Failure to complete this form with proper care may result in a loss of protection under the Land Registration Act 2002 if, as a result, a mistake is made in the register.

Under section 66 of the Land Registration Act 2002 most documents (including this form) kept by the registrar relating to an application to the registrar or referred to in the register are open to public inspection and copying. If you believe a document contains prejudicial information, you may apply for that part of the document to be made exempt using Form EX1, under rule 136 of the Land Registration Rules 2003.

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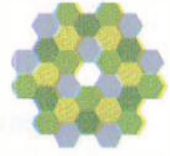
**These are the notes referred to on the following official copy**

The electronic official copy of the title plan follows this message.

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I, Mr. Maurice Cole, of [REDACTED] do solemnly and sincerely declare and say as follows:-

1. I am was the Legal Owner of Title HP648956 Plot 5, Drivers Diner, Old Basingstoke Road, Micheldever ("the Land") prior to 20<sup>th</sup> February 2022
2. On The 20<sup>th</sup> February 2022 I transferred part of the Land shown edged red on the attached plan to Patrick Stokes. Now know as Plot 5A Drivers Diner, Old Basingstoke Road, Micheldever
3. At all material times, Mr. Patrick Stokes was the owner of the area of land and has had a right to occupy the land.
4. I have now instructed our new solicitors, to deal with the registration of the Transfer.

Signature [REDACTED]

Print Name..... MAURICE COLE .....

Witness [REDACTED]  
Signature .....

Print Name..... Brogan Property Lawyers .....

Address ..... 54 High Street, Frintley Surrey, GU16 7JE .....

..... www.broganlaw.co.uk .....

..... enquiries@broganlaw.co.uk .....

THIS 27 DAY OF April 2022

**From:** Charlotte Quinn <[REDACTED]@WINCHESTER.GOV.UK>  
**Sent:** 05 May 2022 13:50  
**To:** Julie Pinnock <[REDACTED]@winchester.gov.uk>; Karen Thorburn <[REDACTED]@winchester.gov.uk>  
**Subject:** RE: Agenda - Carousel Park - Multi-Agency meeting 13th April 2022 3pm - on Teams

Hi Julie

Yes I had been meaning to send you over a update following my visit to Carousel Park.

Myself and Lucy Relf (Housing Options Officer) visited on 20<sup>th</sup> April. We visited the site with Officers from the local NPT.

The Police advised us that a local business man, known locally as [REDACTED] who owns the car wash at Kingsworthy has informed Police that he has been given permission by 'the owners of the land' to construct a Car Wash, Plant/Machinery Hire/Storage and Care Sale/hire (sorry exact details are not entirely clear) from the flattened land at the front of the site. I advised that I didn't think WCC were aware of this and that I would pass on.

Unfortunately once the Police arrived many of the families left. It is clear to see from the set ups the households who have set up long term homes at the site. Of the few that we spoke to all said they were appealing the notice and had no intentions of leaving the land and the council were aware of this and had them registered as being at the site. We didn't really pursue talking to many more households from the more settled pitches.

As we moved further back towards the left-hand corner of the site we could clearly see the mobile home set-ups across approx. 4/5 sectioned off areas of the site which had 8-10 caravans on each area, although it was hard to see if they were all occupied and some of the residents had told us that some of the mobile homes were being disposed of etc.

We knocked on each door and although some of the residents engaged with us most did not. We explained we were from the housing team at the council to offer support with sort and long term housing options. I gave out leaflets to maybe 7 households. Those who did engage were very reluctant to give any info as to who their current landlord was, did they have tenancy agreements, how much rent etc. they were paying and although they took the information being offered no one wanted to actively engage in looking at rehousing options whilst we were there.

We explained about the action being taken, some were aware and had been told by their landlord there was 'nothing to worry about' and they didn't need to move.

I spoke to [REDACTED] and I was aware from previous dealings of another couple of individuals on the site. There were quite a few dogs on the site and of course many individuals mentioned the barriers to accessing accommodation with pets, which can be a barrier, especially with [REDACTED]. A couple of households mentioned that they just wanted to be left alone (politely). Apparently there were a number of single gentlemen who live alone on the site who were out at work at the time of our visit.

That's it in summary. It was useful to visit and did give me an overview of what we will potentially be dealing with when the time comes, however, until it reaches the critical point I do not think we will be getting households engaging with us for housing options. Happy to visit again in maybe 6 months' time and see if we can engage anyone new, see if anything on the site has changed etc., it was certainly useful from an intelligence point of view but I can't tell you that we have all the information to rehouse anyone unfortunately.

Kind regards  
**Charlotte Quinn**  
Housing Options Manager

Winchester City Council  
Colebrook Street  
Winchester, SO23 9LJ

Tel: [REDACTED]  
Ext: [REDACTED]

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR  
PROPERTY**

TOWN AND COUNTRY PLANNING ACT 1990  
(as amended by the Planning and Compensation Act 1991)

WINCHESTER CITY COUNCIL

**PLANNING CONTRAVENTION NOTICE**

To: Darren Loveridge, 

1. **THIS NOTICE** is served by the Council because it appears to them that there may have been a breach of planning control, within section 171A(1) of the above Act, at the land described below. It is served on you as a person who appears to be the owner or occupier of the land or has another interest in it, or who is carrying out operations in, on, over or under the land or is using it for any purpose. The Council require you, in exercise of their powers under section 171C(2) and (3), so far as you are able, to provide certain information about interest in, and activities on, the land.

**2. THE LAND TO WHICH THE NOTICE RELATES**

Land at Carousel Park, Basingstoke Road, Micheldever, Winchester, Hampshire,  
SO21 3BW

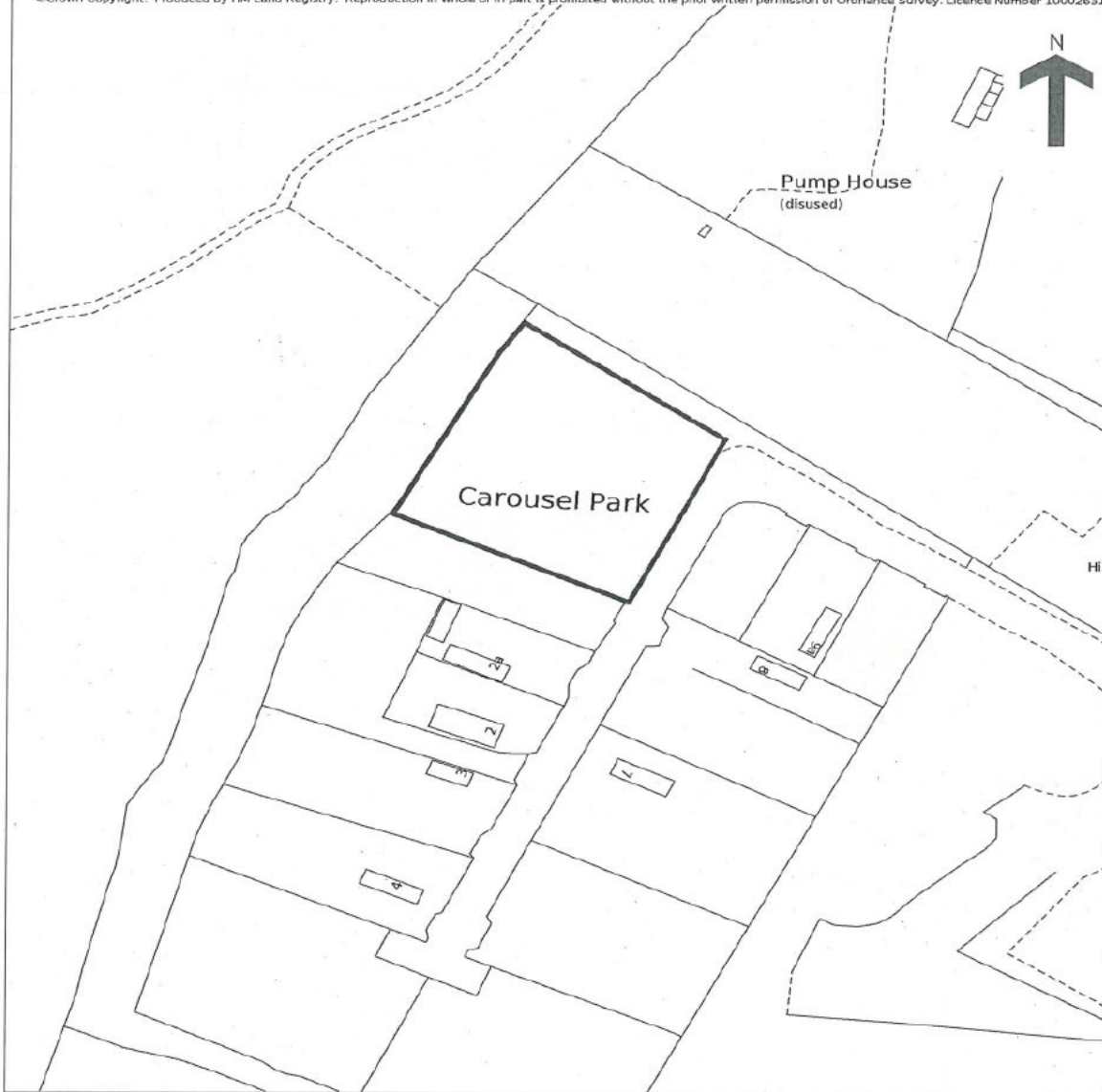
Shown edged bold and/or red on the plan below.

HM Land Registry  
Current title plan

Title number **HP722336**  
Ordnance Survey map reference **SU5441NW**  
Scale **1:1250 enlarged from 1:2500**  
Administrative area **Hampshire : Winchester**



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**3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, the material change of use of the land to a residential caravan site.

**4. WHAT YOU ARE REQUIRED TO DO**

Provide in writing, the following information:-

1. State your name and address:
  
2. State your interest in the Land (Carousel Park, Basingstoke Road, Micheldever, Winchester, Hampshire, SO21 3BW):
  
3. State when that interest began:
  
4. State any other person with an interest in the land and when their interest began:
  
5. State the current use of the Land and when that use began:
  
6. State any occupiers of the land:

7. If you occupy the Land as your main residence, state when that occupation began and any other occupiers of the land:
  
  
  
  
  
  
  
  
  
  
8. If you occupy the land as your main residence, state the type of accommodation you occupy e.g. *touring caravan / static caravan / building / house / bungalow*:
  
  
  
  
  
  
  
  
  
  
9. If you occupy the land as your main residence, state how many days per year you occupy the land as your main residence:
  
  
  
  
  
  
  
  
  
  
10. If you occupy the land and are not the owner of the land, state when that occupation began, the basis of that occupation e.g. tenant, who you pay rent to, and how much rent you pay:
  
  
  
  
  
  
  
  
  
  
11. State what services are on the land and when those services were installed e.g. electricity / water/ mains sewage:

12. State if you or anybody else who occupies the land is a Gypsy / Traveller or Travelling Showperson as defined below:

**Gypsy / Traveller:** *Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*

**Travelling Showpeople:** *Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above*

13. State the number of caravans that are on the land, the type of caravan, when they were brought onto the land, and what they are used for:

14. State how many separate pitches are on the land:

15. State how many separate plots are on the land:

16. State any buildings that are on the land, when they were built, and what they are used for:

17. State how much Council Tax you pay for the land and who to:

18. State and identify if you own or occupy other land on the attached plan:

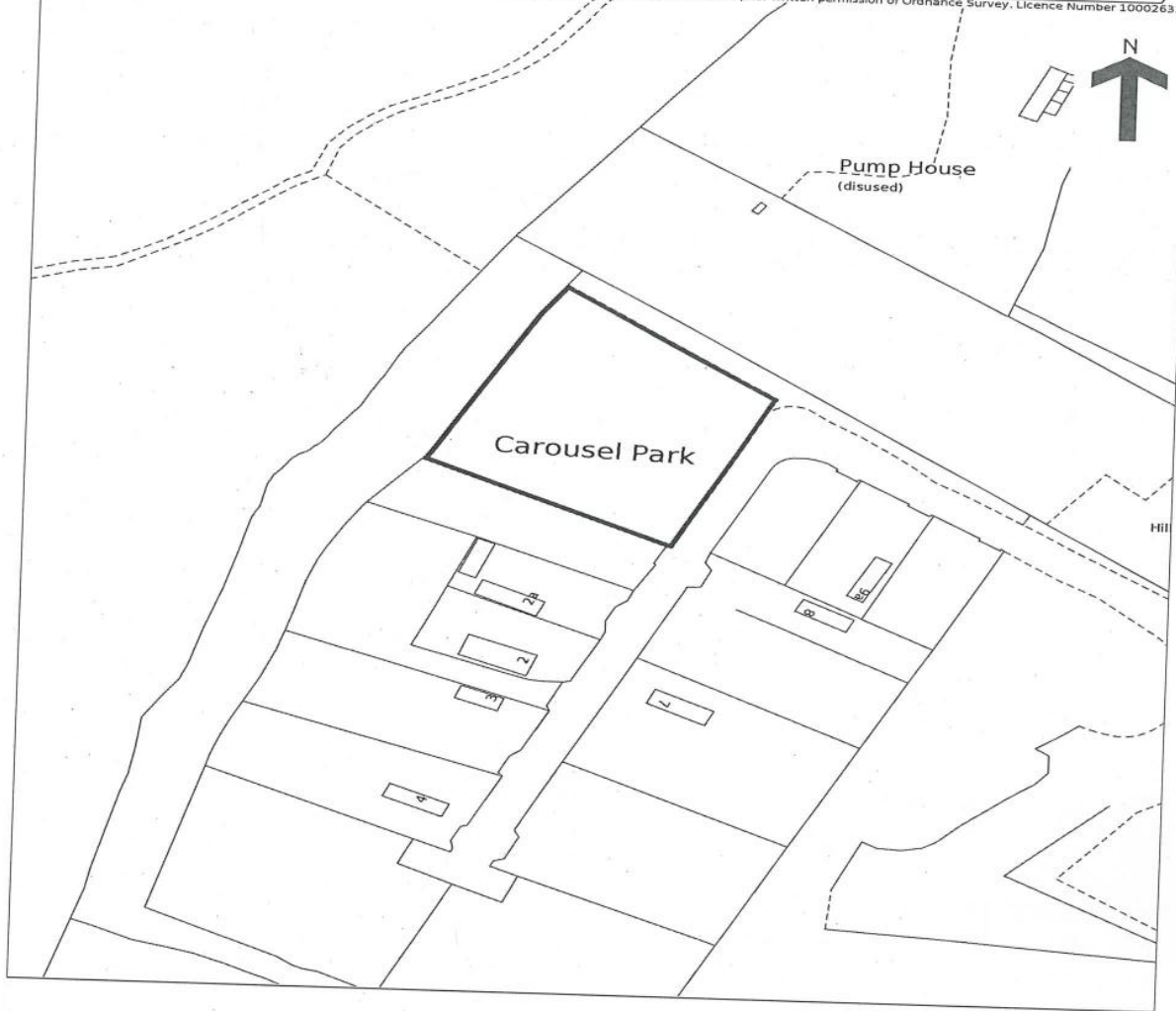


HM Land Registry  
Current title plan

Title number **HP722336**  
Ordnance Survey map reference **SU5441NW**  
Scale **1:1250 enlarged from 1:2500**  
Administrative area **Hampshire : Winchester**



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I hereby state that the responses above comprise a true and correct statement of all the information required, so far as it is within my knowledge.

Signed:

Print Name:

Date:

**The notice must be returned within twenty-one (21) days to:**

Planning Enforcement Department  
Winchester City Council  
City Offices  
Colebrook Street  
Winchester  
Hampshire  
SO23 9LJ

[enf@winchester.gov.uk](mailto:enf@winchester.gov.uk)

**5. OPPORTUNITY TO MAKE REPRESENTATIONS IN RESPONSE TO THIS NOTICE**

If you wish to make an offer to apply for planning permission, or to refrain from carrying out any operations or activities, or to undertake remedial works; or to make any representations about this notice, the Council, or representatives of the Council, please contact the Council within 14 days of the date of this Notice.

**6. WARNING**

It is an offence to fail, without reasonable excuse, to comply with any requirements of this notice within twenty-one (21) days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of £1,000. Continuing failure to comply following a conviction will constitute a further offence.

It is also an offence knowingly or recklessly to give information, in response to this notice, which is false or misleading in a material particular. The maximum penalty on conviction of this offence is a fine of £5,000.

## 7. ADDITIONAL INFORMATION

If you fail to respond to this notice, the Council may take further action in respect of the suspected breach of planning control. In particular, they may issue an enforcement notice, under section 172 of the 1990 Act, requiring the breach, or any injury to amenity caused by it, to be remedied.



If the Council serve a stop notice, under section 183 of the 1990 Act, section 186(5)(b) of the 1990 Act provides that should you otherwise become entitled (under section 186) to compensation for loss or damage attributable to that notice, no such compensation will be payable in respect of any loss or damage which could have been avoided had you given the Council the information required by this notice, or had you otherwise co-operated with the Council when responding to it.

Date: 12/10/2021

Signed: 

Madelaine Clavey

On behalf of: **WINCHESTER CITY COUNCIL, CITY OFFICES, COLEBROOK STREET, WINCHESTER, HAMPSHIRE, SO23 9LJ**

**From:** enf@winchester.gov.uk    
**Subject:** FW: FAO Madelaine Clavey You Reference: 19/00187/CARAVN  
**Date:** 26 January 2022 at 10:43  
**To:** [REDACTED]@enforcementservices.net  
**Cc:** [REDACTED]@winchester.gov.uk



Hi Tom,

We have received this update from GPS below.

Thanks,  
Gaby

**Gabriella Bowe-Peckham**  
Planning Technician - Enforcement

Winchester City Council  
Colebrook Street  
Winchester  
SO23 9LJ



[www.winchester.gov.uk](http://www.winchester.gov.uk)  
[www.visitwinchester.co.uk](http://www.visitwinchester.co.uk)

---

**From:** [REDACTED]@gpsltd.co.uk>  
**Sent:** 25 January 2022 11:41  
**To:** Enforcement Enquiries <enf@winchester.gov.uk>  
**Cc:** gps appeals [REDACTED]@gpsltd.co.uk>  
**Subject:** Re: FAO Madelaine Clavey You Reference: 19/00187/CARAVN

Dear Gabriella

Green Planning Studio sincerely apologise for the delay in responding to your email. However, we are struggling to make contact with Mr Loveridge. We have not received full instruction from Mr Loveridge, having only received partial instruction. We are continuing to seek to re-establish contact with him.

Kind regards

[REDACTED]  
**Appeals Assistant and Researcher**

**Green Planning Studio Ltd**  
Unit D Lunesdale  
Upton Magna Business Park  
Upton Magna  
Shrewsbury  
SY4 4TT

[REDACTED]

[www.greenplanning.co.uk](http://www.greenplanning.co.uk)

On Thu, 18 Nov 2021 at 08:49, <[enf@winchester.gov.uk](mailto:enf@winchester.gov.uk)> wrote:

Dear [REDACTED]

The Council are yet to receive a response to the PCN. Can you confirm if a response has been sent and if so to where, when, and by who?

Kind regards,

**Gabriella Bowe-Peckham**  
Planning Technician - Enforcement

Winchester City Council  
Colebrook Street  
Winchester  
SO23 9LJ



[www.winchester.gov.uk](http://www.winchester.gov.uk)  
[www.visitwinchester.co.uk](http://www.visitwinchester.co.uk)

---

**From:** Enforcement Enquiries  
**Sent:** 29 October 2021 09:16  
**To:** [REDACTED] <[\[REDACTED\]@gpsltd.co.uk](mailto:[REDACTED]@gpsltd.co.uk)>  
**Cc:** gps appeals [REDACTED] <[\[REDACTED\]@gpsltd.co.uk](mailto:[REDACTED]@gpsltd.co.uk)>  
**Subject:** RE: FAO Madelaine Clavey You Reference: 19/00187/CARAVN

Dear [REDACTED]

Thank you for your email.

Please find attached copy of the PCN and plan.

The Council are content to receive your response by 9th November 2021.

Kind regards,

**Gabriella Bowe-Peckham**  
Planning Technician - Enforcement



Planning Contravention - Enforcement

Winchester City Council  
Colebrook Street  
Winchester  
SO23 9LJ

<image001.png>

[www.winchester.gov.uk](http://www.winchester.gov.uk)  
[www.visitwinchester.co.uk](http://www.visitwinchester.co.uk)

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**From:** [REDACTED] <[REDACTED]@gpsltd.co.uk>  
**Sent:** 26 October 2021 11:45  
**To:** Enforcement Enquiries <enf@winchester.gov.uk>  
**Cc:** gps appeals <[REDACTED]@gpsltd.co.uk>  
**Subject:** FAO Madelaine Clavey You Reference: 19/00187/CARAVN

Dear Madelaine

We have received a copy of the Planning Contravention Notice issued by the Council to Mr Loveridge on 12th October 2021.

We are currently taking instruction and reviewing the PCN. Please could we kindly request an extension of 7 days on this PCN until 9th November 2021?

Please could you also send us a clean copy of the PCN and plan.

We look forward to hearing from you.

Kind regards

[REDACTED]  
**Appeals Assistant and Researcher**

**Green Planning Studio Ltd**  
Unit D Lunesdale  
Upton Magna Business Park  
Upton Magna  
Shrewsbury  
SY4 4TT

[REDACTED]  
[www.greenplanning.co.uk](http://www.greenplanning.co.uk)

---

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<Carousel Park PCN.pdf><PCN Plot 1.docx>

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## Appeal Decisions

Hearing Held on 24 March 2021

Site visit made on 25 March 2021

**by Simon Hand MA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 09 April 2021**

---

### **Appeal A: APP/L1765/C/20/3254261**

#### **Land at Lower Paddock, Bent Lane, Hambledon, Hampshire, PO7 4QP**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Thomas Maloney against an enforcement notice issued by Winchester City Council.
  - The enforcement notice was issued on 5 May 2020.
  - The breach of planning control as alleged in the notice is without planning permission the material change of use of the land to a residential caravan site for gypsies and travellers (which includes creation of an access and engineering works to create a hardstanding).
  - The requirements of the notice are (i)- cease the use of the land as a caravan site for gypsies and travellers; (ii)- remove the hardstanding and access and take the material off the site; (iii)- reinstate the field to the condition it was in before the development commenced; (iv) replace the hedgerow which was removed to create the access.
  - The period for compliance with the requirements is (i) 1 day; (ii) 2 months; (iii) 3 months; (iv) 4 months.
  - The appeal is proceeding on the grounds set out in section 174(2) (b) and (f) of the Town and Country Planning Act 1990 as amended.
- 

### **Appeal B: APP/L1765/W/20/3253413**

#### **Land at Lower Paddock, Bent Lane, Hambledon, Hampshire, PO7 4QP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Thomas Maloney against the decision of Winchester City Council.
  - The application Ref 20/00739/FUL, dated 8 April 2020, was refused by notice dated 6 May 2020.
  - The development proposed is change of use of land to use as residential caravan site for two gypsy/traveller families, each with two caravans including no more than one static caravan/mobile home, together with laying of hardstanding, construction of new access and erection of two ancillary amenity buildings.
- 

## Decisions

### **Appeal A - 3254261**

1. It is directed that the enforcement notice be corrected by deleting the allegation and replacing it with "without planning permission the creation of an access and engineering works to create a hardstanding" and varied by deleting requirement (i), adding to requirement (iv) the words "save for a 3m gap that

shall be filled with a wooden five bar field gate” and by deleting time for compliance (i). Subject to these corrections and variations the appeal is dismissed and the enforcement notice is upheld.

### **Appeal B - 3253413**

2. The appeal is dismissed.

#### **3254261 – The Appeal on Ground (b)**

3. This ground is that the matters alleged have not happened. The allegation is in two parts, a material change of use to a gypsy caravan site and the operations to form that site such as the creation of the access and laying of a hardstanding. There is no dispute the access has been formed and the hardstanding been laid, but the appellant points out no caravans have ever been placed on the site and there has been no material change of use. The Council accept this but argue that the access and hardstanding were works carried out in pursuant of the intended material change of use.
4. This was undoubtedly true, but nevertheless, there has been no material change of use of the land and an enforcement notice cannot anticipate an unlawful action, no matter how firmly held the view is that it will happen. As a matter of fact there has been no material change of use to a gypsy caravan site and so the appeal succeeds on ground (b).
5. It was agreed at the hearing that I could reword the allegation to deal only with the operations and delete the first requirement and the period for compliance relating to the material change of use. There would be no prejudice to either party were I to do so.

#### **3253413 – the Planning Appeal**

6. This appeal is for the material change of use of the land to a gypsy caravan site for two gypsy families and to regularise the creation of the access and hardstanding referred to above.
7. The Council have an up to date Traveller DPD, adopted in 2019. This covers the whole area of the district outside of the South Downs National Park. Between 2016 and 2031 19 pitches are required. However, since 2016 18 pitches have been granted planning permission, there are 7 vacant pitches and a further 10 pitches are expected to come forward through the DPD process, providing a surplus of 16 pitches. In addition, 10 permanent and 6 temporary pitches have been granted planning permission since 2019, so supply has significantly exceeded demand.
8. The appellants attacked these figures in a number of ways. I agree, that in March 2021, we fall between the first and second 5 year tranches, so it is best to look at total requirements to be 16 (that is 9 for 2016-21 and 3 for 2021-26 and 4 for Berkeley Farm, identified as post GTAA demand). There is some dispute about the availability of a site at Tynefield which supplied 10 pitches in the original GTAA<sup>1</sup> on which the DPD is based. The Council accepted Tynefield was not currently available and had become overgrown. They therefore have reduced its supply to 7 and discounted it for the time being. It is, however hoped to become available in the future.

---

<sup>1</sup> Gypsy and Traveller Accommodation Assessment

9. The GTAA also dealt with the issue of the revised definition of gypsies for policy purposes in the PPTS<sup>2</sup>. While the appellants are policy gypsies in that they still travel for work, the revised policy means that some ethnic gypsies in the District are discounted for policy purposes. In the GTAA there were a number of gypsy families whose status was unknown, and the appellant argued, reasonably it seems to me, the GTAA had underestimated their contribution to the need for policy compliant gypsy pitches. The GTAA took a national average figure to make an assumption as to how many unknowns were policy compliant. Had they taken the Winchester specific average it would have resulted in 11 further unknowns being counted as policy compliant. The result of this is that 18 (11 unknowns plus 7 from Tynefield) needs to be subtracted from any theoretical oversupply of 16, leaving a shortfall of 2.
10. However, this seems to me also to be an over-simplification. The shortfall of 2 is based on the whole plan period, 2016-31. It is unreasonable to subtract the 7 from Tynefield from long term supply figures as it remains potentially available in the future, thus giving an oversupply of 5. Alternatively, if we look only at the 2016-26 period, and include the 4 from Berkeley Farm, and all the 11 unknowns (although in reality some of these should actually be counted in the future), then demand is 27 and supply is 18 from the DPD and 10 from the latest figures, giving an oversupply of 1. There are also 6 temporary pitches to be counted, so on balance it seems to me the Council does not have a shortfall of pitches.
11. This is important as the DPD has only two policies for new sites, TR5 which allows for intensification or expansion of existing sites and TR6 which allows new, windfall sites. Because the DPD is designed to provide for all the Council's requirements, and at the moment it seems to be working, there seems to be no reason not to consider these two policies as fully up to date. There is nothing to suggest that the DPD and policies TR5 and TR6 should not continue to provide for the identified and possible future need for gypsy sites in the district.
12. TR6 allows new sites within settlements or through infilling. It also allows rural pitches subject to certain caveats. The caveats are that the gypsies should be policy compliant and they should have a "*personal or cultural need to be located in the area*". The appellant argued that effectively this meant that no new gypsy families could move into the district, which is entirely contrary to the purposes of a gypsy policy as gypsies, are by definition (literally in the case of PPTS), nomadic.
13. I do not agree with this assessment. Firstly, it is not the case that no gypsy sites can be found within settlement boundaries, in my experience this is far from true. There is plenty of debatable land that Gypsies occupy that is not suitable or available for general housing. Whether that is reasonable or not is a different argument, but it remains the case. Secondly, also in my experience, while gypsies travel for work, they often have strong local ties that see them wanting to settle within an area. Consequently, it doesn't seem unreasonable to me for a policy to only allow new sites in the countryside as an exception, where there are compelling personal reason to do so. I also note it is in accord with Policy D of PPTS which allows for rural exception sites only

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<sup>2</sup> Planning Policy for Traveller Sites



where there is a lack of land to meet travellers needs and should be for people with existing local connections.

14. There is no dispute the two families involved in this appeal do not have any local ties and have no personal or cultural need to be located in the area. The definition of the 'area' was also discussed, but the conclusion remains the same whether I consider the whole of the DPD area or, as the Council prefer, just the immediate locality. The two families attend horse fairs around the country and do building work along the south coast, especially in the Southampton and Portsmouth area, but none of this suggests they need to live in Winchester, let alone near to Hambledon. The proposal is thus contrary to TR6.
15. Had the appellants been in accord with TR6 the appeal site would also have had to be in a sustainable location and in accord with TR7, which sets of site-specific criteria to do with, amongst other things, access, boundaries, landscaping, biodiversity and, from CP5, to respect local landscape character.
16. There was some dispute about the relationship of the site to local services. In my measurements it is just over 3km along the roads to Denmead where there is a school and other facilities and 6.5km to Waterlooville. A number of appeal decisions were referred to and I am aware that 5km is considered a reasonable travelling distance as a rough rule of thumb for Gypsies. I agree that rural Gypsy sites are often not going to be within walking distance of services and facilities and short car journeys are generally to be expected. However, in my experience, that is usually in areas where there is already a serious shortfall in gypsy sites. In this case there is no such shortfall, and the Council's policies are an attempt to direct such windfall sites as are necessary to the most sustainably located places. There is no suggestion the appellants would be cycling, so they would have to drive everywhere from the site which is not therefore in a sustainable location.
17. The Council were concerned at the proximity of the site to two local SINCS<sup>3</sup>, Hoe Common to the west and Mill Plain to the south. There was some confusion as the blue line on the application was incorrect and should have extended around the field to the west which lies adjacent to Hoe Common and directly across the road from Mill Plain. However, in my view any measurements should be taken from the red line, which is where any activity that might have an impact on a SINC will take place. The site is thus more than 50m from Hoe Common, but just within 50m of Mill Plain. However, the latter is across the road and separated further by the access drive to large farming unit. It is difficult to see how the appeal site could have an impact on Mill Plain. The Council require an ecology report for any development within 50m of a SINC, but in this case I agree with the appellant that none is required.
18. The access has been created in a hedgerow consisting of mostly trees and shrubs and is about 10m wide. Visibility can be provided up to 43m to the north-east and 50m to the south-west, as long as the hedgerows alongside the site are kept trimmed. The Council point out that Bent Lane is a rural lane with no specific speed limit and so is subject to the 60mph national limit. This would require visibility splays considerably in excess of those possible. The Highway authority view is that without a speed survey it cannot be assumed that speeds are less than 60mph. In this case I agree with the appellant this is

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<sup>3</sup> Site of Importance for Nature Conservation

a nonsense. Bent Lane, as its name suggests, is full of bends and is narrow, with few passing places. I drove it several times and it would be reckless in the extreme to exceed 30mph, particularly in the vicinity of the appeal site. It was also the evidence of local people, both in writing and at the Hearing, that the lane was slow and heavily used by riders and cyclists and that a long distance footpath runs along the lane outside the site. In my view a speed survey is not necessary to establish that it is a reasonable assumption traffic speeds would be slow and the splays that could be provided would be sufficient for highway safety purposes.

19. It also seems that the boundaries of the site could be strengthened by additional planting which would help screen the site without appearing to deliberately isolate it from its surroundings.
20. The local landscape character is described in the Council's LCA<sup>4</sup> as ancient, with a network of winding, narrow lanes and a distinctive pattern of irregular fields with hedged boundaries interspersed with small woods and copses. This very much seems to describe the area of the appeal site. One of the key issues identified with this landscape is its increasing suburbanisation. The appellant argues the area, unlike much of the district, is not specifically protected, which is true, but that does not mean that anything is acceptable. The Council's policies DM15 and DM23 are specifically concerned with protecting local character and this is brought into CP5 where gypsy sites should not be unduly intrusive and, once landscaped, should respect local landscape character.
21. To the north and east of the site is Shirmal Farm which comprises a number of agricultural buildings and a mobile home. To the immediate east is Ydal Acres, which has planning permission for a new barn that is under construction. Several caravans are on the site and the Council allege the owners are living there unlawfully. There was some dispute as to whether they are gypsies or not, but whatever, there is an ongoing enforcement investigation on the land. Ydal Acres is somewhat scruffy and forms the backdrop to the appeal site, when seen from Hoe Common and the footpaths in that area and along Bent Lane. Of course, if successful enforcement action is taken against Ydal Acres that land might well improve, but in any event, the introduction of a two pitch site in front of it, with 4 caravans and two amenity buildings, along with vehicles and all the usual domestic paraphernalia would introduce a suburbanising effect that would simply add to the impact of Ydal Acres as it currently stands, or look further out of place if the next door site were to be improved. The proposed landscaping would not completely hide the site and it would not be reasonable to assume it would, so the site would not sit comfortably in the landscape.
22. The impact of the site is reinforced by the large access that has been cut in the hedgerow. I accept that from aerial photographs it seems there was already a section of hedgerow that had been reduced in height, possibly to accommodate electrical cables that cross the land, but nevertheless there does not seem to have been an access onto the field from the road before the works the subject of the notice took place. The access and necessary splays, even for 30mph speeds would open up the site and reduce the sense of enclosure that still persists along Bent Lane.

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<sup>4</sup> Landscape Character Assessment

23. The two families have 8 children between them, and one who is now over 18 so there is definitely a realistic potential for a demand for further caravans on the site. Although TR5 allows for intensification, in this case it would further consolidate the urbanising impact of the proposal and harm the landscape.
24. Conditions could deal with issues of waste and the Solent SPA nitrates strategy as well as lighting. There is no harm to highway safety nor to the SINCs, nevertheless the suburbanisation of the site would be exactly what the LCA warns against and would be contrary to CP5 and TR7.
25. As noted above there are two families proposed on the site with 8 children of school age or younger. There is no dispute that even if the Council has fulfilled its policy obligations towards gypsies and travellers there is still no-where else for these two families to go in the District. The Council argues that is the whole point of their site strategy. Had the two families had a pressing need to locate here they would be catered for by TR6. That may be true, but it remains the case the alternative, as far as the evidence before me suggests, is they would be forced back onto the road. That would not be in the best interests of the children, who would benefit from a settled base to pursue the educational and medical opportunities that arise from a permanent address. This is a significant factor that weighs in favour of the appeal.
26. However, I also note that for the last 18 years, from when the first children came along, the families have pursued a nomadic life and I heard no evidence of any attempt to school the children, either in this District or elsewhere. There is no suggestion they have been trying to get a site in the area in the past or are on any waiting lists locally.
27. I am also aware that refusing to allow the appellants to live here will leave them without a fixed home which would be an interference with their human rights and this also needs to be weighed in the balance.
28. It seems to me that the balance in this case weighs against allowing the appeal. Set against the best interests of the children there are significant harms to the local landscape character and the site is not in a particularly sustainable location. It is also contrary to Council policy, which is up to date and demonstrates the Council have been taking their obligations towards the traveller community seriously. This outweighs the best interests of the children and would represent a proportionate interference with the human rights of the two families.
29. The possibility of a temporary permission was discussed at the Hearing, but it would not seem that anything would be likely to change in the next few years and there is no reason to allow a trial run. I do not consider that condition come overcome the problems I have identified and the planning appeal should be refused.

### **3254261 - The Appeal on Ground (f)**

30. This ground is that the matters alleged are excessive. Following the corrections I shall make as a result of the ground (b) appeal, the requirements are reduced to removing the hardstanding, reinstating the field and replanting the hedgerow. This ground turns on the issue of the access. Originally there was no access to the field from Bent Lane. I was shown the original gate into the back of the field from the farm beyond. Now that ownership of the field

has been severed from the farm, the appellant will need to access the land from the lane. A typical 5 bar field gate would be more than ample to allow access for the grazing of horses, which I assume would be the appellant's primary use of the field. The problem is ensuring this through the requirement, which cannot simply require a scheme to be submitted to the Council. A typical farm gate is 3m wide so I shall add to the fourth requirement "save for a 3m gap that shall be filled with a wooden five bar field gate".

### **Conclusions**

31. I shall dismiss the planning appeal and uphold the enforcement notice following the corrections and variations described above.

*Simon Hand*

Inspector

## **APPEARANCES**

### FOR THE APPELLANT:

Phillip Brown – planning agent

### FOR THE LOCAL PLANNING AUTHORITY:

Rose Lister – planning  
Neil March – enforcement  
Stuart Dunbar-Dempsey – landscape  
Steve Opacic – planning policy

### INTERESTED PERSONS:

Christine Mayhew  
Anne Evans