



ENFORCEMENT SERVICES

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Proof of Evidence

Nigel Wicks BTP, Dip Law, MRTPI

On Behalf of



Winchester
City Council

Land at Carousel Park, Basingstoke Road, Micheldever, Winchester, Hampshire, SO21 3BW ("the Land")

Appeals by Mr Patrick Stokes, Mr Bernie Stokes, Mr Freddie Loveridge, Mr Anthony O'Donnell, Mr Patrick Flynn, Mr Hughie Stokes, Mr Danny Carter, and Mr Oliver Crumlish

Carousel Park, Basingstoke Road, Winchester, SO21 3BW

APP/L1765/C/22/3296503, 3296504, 3296767, 3296768, 3296771, 3296772, 3296773, 3296774, 3296776, 3296777, 3296778, 3296779, 3296781, 3296782; 3296783 and 3296784



RTPI

mediation of space · making of place



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QUALIFICATIONS AND EXPERIENCE

I am a director of Enforcement Services Ltd, a planning consultancy specialising in the enforcement of planning control, instructed by Winchester City Council (“the LPA”) to investigate breaches of planning control. I have a bachelor’s degree in town planning, I was elected to membership of the RTPI in 1992. Before becoming a director of Enforcement Services Ltd in 2003, I worked for 18 years in local authority planning departments for North Wiltshire District, Bristol City, Buckinghamshire County and the London Borough of Brent Councils.

Since 2003 I have worked as a planning consultant to around 60 Local Planning Authorities, including the LPA, in the conduct of planning enforcement matters. The LPA asked Enforcement Services to investigate these matters in June 2021.

In this proof, I refer to facts and matters that I believe to be true, unless I have stated otherwise, and I have expressed my true opinions. I understand my duty in giving evidence is to help the Inquiry and that duty overrides any obligation to the LPA. I confirm that I will continue to act, in accordance with the Code of Conduct of the Royal Town Planning Institute.

I am instructed to address matters of fact arising from my visits to the Appeal site and the service of notices. My colleague Tom Wicks, is instructed to address planning merits and Steven Opacic addresses planning policy.

1. I visited the appeal site on 21 September 2021 there was one gated vehicular access marked "Carousel Park – Private Property Caravan Site". Those gates contained 16 mailboxes marked with names and numbers (LPA 26 pg341).
2. I counted 103 caravans or mobile homes. Most of these were static caravans and touring caravans, some were park homes and there were a few motor homes. Most of the caravans and mobile homes appeared to be occupied for residential purposes.
3. I spoke to 28 people on site. Most described their occupation and some described the wider use of the site. Most told me that they had found their accommodation through advertisements online, in local shops or through friends. Most told me that they were not aware of the status of the site for TSP and they were there because they liked the site, the accommodation was affordable or it was convenient for their work locally. One told me that he was a gypsy and 1 told me that he was a traveller and they believed the site had planning. 3 people told me that they were TSP.
4. There were a number of buildings including stables, sheds, brick buildings, and a steel frame barn. which appeared to be in used ancillary to the residential use of the caravan site as day rooms, for housing animals or storage. I saw no evidence of travelling shows or any other activity that might distinguish the use as a TSP site or for any other purpose.
5. With the exception of the areas excluded from EN1, occupied by TSP, it appeared to me that the site was no longer being used in accordance with planning permission 02/01022. The words travelling showpeople's site in that permission has a functional significance and serves a planning purpose in distinguishing it from other uses such as an unrestricted residential caravan site. As the Inspector found at paragraph 114 pg230 of LPA 15 TSP is a distinct and narrower use.
6. I saw no evidence of the movement, maintenance, repair and testing of fairground equipment that might normally be expected on a TSP site and most occupiers were not TSP. There has been a significant increase in the number of caravans and

people on site and increase in activity with a consequent urbanising effect contrary to Policies TR1 and TR3.

7. Much of the site was laid out and occupied such that it could no longer serve as a TSP site because there was insufficient space left over for the mobile living accommodation, vehicles and equipment needed for such use. It appeared to me there had been a material change of use to a residential caravan site and other activities were ancillary to that use. That change of use was evident when I viewed the site as a whole and when I viewed the individual parcels of ownership (LPA 6 pg67). Having regard to the planning purpose of TSP provision, safeguarded by development plan policy, the occupation of each caravan by non-TSP is a material change of use.
8. The areas of EN3 and EN4 were the most densely occupied, each by 10 caravans, occupied for residential purposes. None of the occupiers were TSP and occupiers told me that they paid between £500 and £650 in rent either to a man who visited the site each month or to a man who lived on another part of the site.
9. During my visit one man driving a pick-up truck approached me from the direction that some occupiers pointed to where they pay their rent. He said it was his land and did not want me there. He told me to leave. I explained the purpose of my visit and offered to show him my letter of authority from the Council. He refused to answer my questions and he drove off.
10. Photographs taken during my visit are at LPA 17 pg243.
11. The 2013 aerial photograph at LPA 32 shows the plot layout and occupation of the site consistent with planning permission 02/01022. The 2021 aerial photograph at LPA 18 page 267 shows the plot layout and occupation consistent with what I saw on my site visit, inconsistent with the permission. Between those dates the numbers of caravans and occupants has grown to around 100 and 200 respectively in breach of conditions 10, 11 and 15 of the Permission. 60 mobile homes and around 30 caravans have been introduced to the site.

12. With the exception of those parts excluded from EN1, all of the 9 pitches the subject of the permission are occupied by more than 3 caravans or mobile homes occupied for residential purposes.
13. Caravans and mobile homes, hardstanding, hard surfacing, fencing, walls, gates, services, storage containers, sheds, porta-loos, animal enclosures, vehicles, machinery, trailers, waste, construction materials, buildings, structures, lighting had been introduced to the site to facilitate the unlawful use.
14. Caravans and mobile homes have been introduced to the site to facilitate breaches of conditions 10, 11 and 15.
15. 12 October 2021 I posted Planning Contravention Notices to owners and occupiers of the Land (LPA 22 pg311).
16. 1 March 2022 I visited the site and spoke to a number of occupiers. The use was not materially different to that which I had seen on 21 September 2021. I served the enforcement notices the subject of these appeals with my colleague Tom Wicks and posted copies of the enforcement notices to those listed in the Certificate of Service at LPA 25 pg336.
17. I affixed the notices conspicuously to objects on the Land, including entrance gates to the Land and means of enclosure within the Land. I handed the Notices to 12 people I was able to speak to on the Land and explained what they were. I posted the Notices in letter boxes on the Land and I left the Notices on the doorsteps to caravans on the Land. I also posted copies of the notices by recorded delivery to the addresses on the land register.
18. Photographs taken during my visit are at LPA 26 pg341.
19. The aerial photograph at LPA 30 pg356 shows the condition of the Land on 26 April 2022. The layout and occupation of the site is consistent with what I saw on my visits.