

# **APPEALS BY OWNERS AND OCCUPIERS OF CAROUSEL PARK**

## **PROOF OF EVIDENCE**

**Of Mr. Freddie Loveridge Plot 1, Carousel Park**

**regarding three Enforcement Notices served by Winchester City  
Council**

**at Carousel Park, Basingstoke Road, Micheldever, Winchester**

**August 2023**

WS Ref:	J004151
LPA Ref:	None
PINS Ref:	APP/L1765/C/22/3296767

## 1.0 **INTRODUCTION**

1.1 To summarise the information in the statement, it relates to matters of personal circumstance. The following matters should be taken into account in the overall planning balance,

- a) **the personal need for accommodation of the applicant**
- b) **the availability (or lack) of alternative accommodation for the applicant**
- c) **the medical and/or welfare considerations of the applicant**
- d) **the best interests of children**

1.2 Case law is clear that there is a duty on both the LPA and Secretary of State to treat the best interests of the child (including unborn children) as a primary consideration, and that no other consideration is inherently more important. This was established in the case of *AZ v SSCLG & South Gloucestershire Council [2012]* and *Collins v SSCLG [2013]*. **As such, the best interests of the children occupying the site are a paramount consideration which must be taken into account by the Decision Maker.**

1.3 The Best interests of the children arise from the duty set out under Article 3.1 of the United Nations convention on the right of the child. The Court of appeal in the case of *Collins v Secretary of State for Communities and local Government and Fylde Borough Council 2013 EWCA 1193* confirmed that inspectors must apply the principles set out by Mr Justice Hickinbottom out at paragraph 69 of *Stevens v SSCLG and Guildford [2013] EWHC 792* which states as follows:-

*“69. From these authorities, in respect of the approach of a planning decision-maker, the following propositions can be derived.*

- i) Given the scope of planning decisions and the nature of the right to respect for family and private life, planning decision-making will often engage article 8. In those circumstances, relevant article 8 rights will be a material consideration which the decision-maker must take into account.*

- ii) *Where the article 8 rights are those of children, they must be seen in the context of article 3 of the UNCRC, which requires a child's best interests to be a primary consideration.*
- iii) *This requires the decision-maker, first, to identify what the child's best interests are. In a planning context, they are likely to be consistent with those of his parent or other carer who is involved in the planning decision-making process; and, unless circumstances indicate to the contrary, the decision-maker can assume that that carer will properly represent the child's best interests, and properly represent and evidence the potential adverse impact of any decision upon that child's best interests.*
- iv) *Once identified, although a primary consideration, the best interests of the child are not determinative of the planning issue. Nor does respect for the best interests of a relevant child mean that the planning exercise necessarily involves merely assessing whether the public interest in ensuring planning controls is maintained outweighs the best interests of the child. Most planning cases will have too many competing rights and interests, and will be too factually complex, to allow such an exercise.*
- v) *However, no other consideration must be regarded as more important or given greater weight than the best interests of any child, merely by virtue of its inherent nature apart from the context of the individual case. Further, the best interests of any child must be kept at the forefront of the decision-maker's mind as he examines all material considerations and performs the exercise of planning judgment on the basis of them; and, when considering any decision he might make (and, of course, the eventual decision he does make), he needs to assess whether the adverse impact of such a decision on the interests of the child is proportionate.*

- vi) *Whether the decision-maker has properly performed this exercise is a question of substance, not form. However, if an inspector on an appeal sets out his reasoning with regard to any child's interests in play, even briefly, that will be helpful not only to those involved in the application but also to the court in any later challenge, in understanding how the decision-maker reached the decision that the adverse impact to the interests of the child to which the decision gives rise is proportionate. It will be particularly helpful if the reasoning shows that the inspector has brought his mind to bear upon the adverse impact of the decision he has reached on the best interests of the child, and has concluded that that impact is in all the circumstances proportionate. I deal with this further in considering article 8 in the context of court challenges to planning decisions, below."*

- 1.4 It is now the case that the Decision-Maker has a duty to ask themselves what the best interests of the children are, and to keep that at the forefront of their mind. The best interests of the children must carry at least as much weight as any other material consideration and that the balancing exercise must be an exercise of substance rather than form.

## **2.0 PERSONAL**

2.1 I am Mr. Freddie Loveridge and I am giving this statement on behalf of my family who reside on Plot 1 Carousel Park. Plot 1 is a part of the former Plot 1, which now comprises Plot 1A and Plot 1, after part of the plot was sold to Plot 2.

2.2 Whilst I am a named appellant, I was not aware of the Notices actually being served. It was brought to my attention by others on the site, who had found an envelope filled with copies left at the front of the site. At the time of this supposed service the Notices, I had 4 static caravans on my site.

2.3 I have resided on Plot 1 since 2013, when my children were all quite young. We have now settled in to life here very much, and consider ourselves a part of the community. Particularly on site, given that we are all related in some form, barring those who live down the bottom of the site, and are more recent arrivals.

2.4 My children, having lived at the site, went to local schools, and grew up in the area. They have now grown up, married, and some have children of their own.

2.5 I reside on plot 1 with my wife Rosemary, and 3 of our six children, in what I shall refer to as "Static 1" which is a chalet unit. My children living with me are,

- Child A (17 years old)
- Child B (16 years old)
- Child C (15 years old)

2.6 In Static 2, also a chalet, is my son Freddie Loveridge, and his wife Kelly, alongside their 2 children,

- Child D (7)
- Child E (4)

Freddie and Kelly are also expecting their third child.

2.7 In Static 3, is my daughter Eileen Loveridge. She is due to be married in a few weeks from my giving this statement.

2.8 In Static 4 is my son Martin Loveridge, and his wife Rosa Marie. They have no children, but are actively seeking to start a family.

- 2.9 When I originally purchased the site, I spent a sum of money to determine that I would have consent for 2 statics. It was already sub-divided, and a single static was stationed on Plot 1A. I was not advised at that time that the site could only be used by one part of the community, Showpeople.
- 2.10 Nevertheless, whilst I do not identify solely as a showmen, i do carry that heritage. As with Romany Gypsy heritage. My father was a Romany Gypsy, whilst my mother was from a Showmen's family. I was raised to have a bit of both, and I have raised my children the same. My wife Rosemary is a traditional fairground traveller, having come from a family in Ireland.
- 2.11 I, like my sons, undertake work in landscaping, garden, and trees. We source work often through door to door knocking, and will occasionally work as general handy men, doing odd jobs and household repairs. But, I will also occasionally travel to the shows with a burger van. It depends on what work I have, and how well it is going. As such, I don't consider myself to firmly fit in one "definition" or the other, but I have heritage on both sides.
- 2.12 I do consider that I meet the planning definition of a Traveller given that I typically travel along the south coast for work for a few months of the year. I will also travel to the horse fairs with my family.
- 2.13 Prior to the site, my wife and I, and our children, led a roadside existence. We frequently passed through, and stopped, doubling up where we could, in Winchester, Basingstoke, Camberley, and Southampton.
- 2.14 On site at the moment, I have 3 statics and a dayroom. One of the statics has been removed, and is due to be replaced. The dayroom has been on site since I purchased the land in 2013. I have done it up, and repaired it, but the building has always been there.
- 2.15 I have no prospects of undertaking further works on the site, as much of what we have done has been there since we moved on. We have been there for so long that I just want to get on with our lives. I do not want to keep moving around, nor do I want my children to have to. We have a good base here, we know our neighbours, and we know the area. In just want to carry on as we are.

- 2.16 I am diagnosed with Type 1 diabetes. My son Freddie is also prescribed medication for blood clotting in his legs, and he has regular visits with his GP to monitor this. Otherwise our family are well and as healthy as can be.
- 2.17 Our two grandchildren are enrolled in a local school in Micheldever, and are performing well. It would be nice for us to be able to stay, and for our children's children to be able to have stability growing up, as our youngest children were able, albeit they spent most of their early life before this site on the roadside.
- 2.18 If the appeals were dismissed, we would be left with nowhere to go, particularly if we were told that we couldn't stay. The consequence is, that after 10 years at this site, we would be forced back on the roadside. It would be devastating for us to have to uproot our families and move. I know it would also be difficult for the other families on site as well, as we all get along very well. I know that the Council would be completely unable to help all of us, and I suppose the end result would be that all of the families on site, if forced to go, would have nowhere else to go but the village greens and public car parks in the area. We don't want that, we just want to get on with life.