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Rebuttal 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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I produce this rebuttal proof in response to factual matters arising from the appellants' proofs of evidence. 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.

1. Mr Woods identifies 25 separate "yards" (his paragraph 3.6) which are identified on his sketch plan at his Appendix 5. This plan is derived from the plot layout the subject of planning permission 02/01022 (his paragraph 13.14), but he does not identify plot nominations, most of the plots on site are not numbered and I cannot identify 25 either on his plan or on site. I have identified 24, which I have sought to clarify at my Appendix NW1, NW2 and NW3. With the exception of Plot 4, the current owners shown on each of the plots, have not changed since the issue of the Notice. On 1 March 2022 Plot 4 was owned by Michael Stokes and Francis Casey who sold it on 10 May 2022.
2. When the notices were issued Plots could be characterised as:
 - a. Plots secured behind substantial walls and gates, housing a combination of modern park homes and touring caravans, with a day room facility, at low density, in accordance with good practice, occupied by family groups; and
 - b. Plots housing older static caravans at higher density, in breach of 6 metre distancing requirements, occupied by unrelated persons who are not travellers; and
 - c. A mix of a and b.
3. The LPA issued notices 3 and 4 because these were the most identifiable areas of character b where the planning balance is more one sided.
4. Notices 1 and 2 were issued because the LPA was concerned that the appeal site was not meeting a recognised need for TSP and Traveller provision was progressively being lost to non-traveller occupants. The LPA was not able to identify with precision who was occupying all the caravans and there had been

more than 10 years without enforcement action. Without enforcement action the permanent loss of TSP provision was inevitable.

5. The issue of a single notice covering the whole site enables the planning merits to be considered more comprehensively, the deemed application fee is not multiplied by the number of notices and one appeal ensures that planning merits are considered across the site. Selection of the largest area also enables consideration of the planning unit irrespective of how many planning units there are found to be.
6. The site is described on the land register and the planning permission as plots 1-9. Plot 7 is the only plot that remains recognizable as such. The remainder of the plots have been subdivided, some north/south, some east/west and some both ways and a number of new entrances have been formed. Some of those subdivisions have subsequently been amalgamated into a new plot, such as that the subject of EN4 which is formed from an amalgamation of parts of plots 4 and 5. Some of the caravans are occupied by a single person or household, living in isolation, some are arranged into groups living communally and some households occupy a combination of caravans or a caravan and day room. Some households have a defined space within a plot others share the plot and facilities across the site.
7. LPA 6 contains the land registry entries for the site on 1 March 2022 (the day of issue of the enforcement notices). On that date the site comprised 10 registered titles, which I have marked on the Planning permission base plan at my Appendix NW1 and on the LPA 18 22 November 2021 aerial photograph of the appeal site at my Appendix NW2.
8. The land register plot names and ownership coincide with the 9 plots the subject of the planning permission except the southern section of plot 1 which has been transferred to Linda Black the owner of Plot 2 under a new title HP648953. That new plot is identified as "land on the south west side of plot 1". This is reflected in the

proof of Mr. Freddie Loveridge who identifies the new title as Plot 1A (paragraph 2.1).

9. Mr Woods says there were 50+ static caravans on site (his paragraph 3.6). On 1 March 2022 I counted 62. Planning permission 02/01022 permits 27 static caravans. The witnesses identify 26 static caravans occupied by travellers and an unspecified number (3 on Plot 9B) by non- travellers (Patrick Crumlsh paragraph 2.10 and Freddie Loveridge paragraph 2.3). At least 24 of the static caravans that I saw were occupied by non-travellers. Occupiers of the 24 static caravans on the EN 3 and EN4 areas and plot 6 North all identified themselves and/or their immediate neighbours as non-travellers. On this basis the split is 26 travellers, 27 non-travellers, 2 TSP and 7 not known.
10. At my Appendix NW3 I have annotated my photographs of the appeal site to reflect 24 plots that I have identified by reference to Mr. Woods plan and the land register. I have adopted Mr. Loveridge's nomination of the "land on the south west side of plot 1" as Plot 1A. I have identified subdivisions within the land register plots by their positions north, south, east and west.
11. Mr Woods says that a failure to serve the notices is evidenced by the absence of appeals on plots 3, 4, 5A, 5B, 5C and 7. I would refute this because I handed the notices to occupiers of Plots 3, 4 and 7 on 1 March 2022 and I placed notices on the doorsteps of caravans where there was no response. I explained the purpose of the notices and most of the occupiers said they would pass the notices on to their landlords. An occupier of Plot 3 telephoned the Council on the day of service to discuss the notice. Mr George Doran of Plot 3C, Mr. James Flynn of Plot 3A and Mr. Patrick Hegerty of 5C have given evidence and Mr. Patrick Stokes has appealed. For completeness, I also refer to Mr Tom Wicks' rebuttal proof since he accompanied me on the site visit of 1 March 2022.
12. Plot 4 South housed no caravans on 1 March 2023 so I displayed the notices at the entrance post (NW3 photograph 10).
13. The notices I served were addressed to owner/occupier and were marked "important this communication affects your property". I did not reach every person on site, but I left the notices at caravans or fixed them conspicuously to

objects on the site to effect service in accordance with section 329 of the Town and Country Planning Act 1990.

14. When I served the notices on 1 March 2022 I placed them on the doorsteps of 4 static caravans at Plot 1. Plot 1 was divided in two with each section having a separate access from the main throughfare and housing 2 static caravans shown in my photographs 1 and 2 at Appendix NW3.
15. Both Mr. Christy Stokes and Mr Freddie Loveridge say in their statements that they and their families occupy Plot 1, which they say is divided into Plot 1 and Plot 1A. It is not clear to me if they are referring to one of the two sections of Plot 1, which each contained 2 static caravans, or Plot 1A which, when I served the notices, housed 4 static caravans as shown in my photograph 3 at Appendix NW3. I also placed notices on the doorsteps of those 4 caravans.
16. Some of the caravans were in gated compounds with children playing, dogs running loose or the gates were secured and I could get no response. In those instances I posted notices on the gates.
17. Some people told me to leave the notices at their gate. Where I entered compounds, I shouted hello to announce my presence and handed notices to any adult that would accept them. Where there was no response, I left the notices on the doorsteps of caravans. I also posted notices in prominent places at the entrance and throughout the site as illustrated at LPA 25.
18. Mr. Wood's Plan at his Appendix 5 does not reflect the transfer of the southern section of Plot 1 to form Plot 1A (NW3 photograph 3), but otherwise largely reflects what I saw on my visits of 21 September 2021 and 1 March 2022.
19. Plot 2 was divided into 2 sections, a smaller section from a gate to the North housing 6 touring caravans (NW3 photograph 4) and the larger section from a gate to the south housing 5 static and 2 touring caravans (NW3 photograph 5).
20. Plot 3 was divided into 3 sections the northern section housing 1 static and 1 touring caravan (NW3 photograph 6), the middle section housing 4 static caravans (NW3

photographs 7 and 8) and the southern section housing 1 static and 5 touring caravans (NW3 photograph 6).

21. Plot 4 was divided into 3 sections north Housing 4 static and 1 touring caravan (NW3 photograph 9), south was empty (NW3 photograph 10) and the area of Enforcement Notice 3 which housed 9 static and 1 touring caravan (NW3 photograph 11).
22. Part of Plot 4 has been combined with a section of Plot 5 to form the area covered by Enforcement Notice 4 which housed 10 static caravans (NW3 photograph 12). This new plot is reflected in Mr Wood's plan at his Appendix 5.
23. The remainder of Plot 5 was divided into 3 sections, south housing 2 static and 2 touring caravans, middle housing 1 static and 3 touring caravans and north housing 1 static and 1 touring caravan (NW3 photographs 13, 14 and 15).
24. Plot 6 was divided into 2 sections, south housing 4 touring caravans (NW3 photograph 16) and north housing 4 static caravans (NW3 photograph 17).
25. Plot 7 housed 1 static and 1 touring caravan (NW3 photograph 18).
26. Plot 8 was divided into 3 sections, west Housing 3 touring caravans (NW3 photograph 19), middle housing 1 static and 1 touring caravan (NW3 photograph 20) and north housing 1 static and 1 touring caravan (NW3 photograph 21).
27. Plot 9 was divided into 3 sections, west housing 2 static and 1 touring caravan (NW3 photograph 22), middle housing 4 static caravans (NW3 photograph 23) and east housing 1 static caravan (NW3 photograph 24).

NW2



9

8

7

6

5

1

1A

2

3

4

e



1. Plot 1 North



2. Plot 1 South



3. Plot 1A



4. Plot 2 North



5. Plot 2 South



6. Plot 3 North and South (Park Home behind static)



7. Plot 3 middle



8. Plot 3 middle



9. Plot 4 North



10. Plot 4 South



11. Notice 3 area (plot 4 south)



12. Notice 4 area (parts of former plots 4 and 5)



13. Plot 5 South



14. Plot 5 Middle



15. Plot 5 North



16. Plot 6 South



17. Plot 6 North



18. Plot 7



19. Plot 8 South



20. Plot 8 Middle



21. Plot 8 North



22. Plot 9 West



23. Plot 9 Middle



24. Plot 9 East