Bourne Rural
PLANNING CONSULTANCY LTD

Our Ref: 9033/SS1

HAVANT BOROUGH COUNCIL
26 FEB 2020
RECEIVED

Havant Borough Council
Planning Department
Civic Centre Road
Havant
PO9 2AX

18 February 2020

Dear Sir/Madam

Site: **Westcroft Stables, 147 Havant Road, Hayling Island PO11 0LF**

Proposal: **Certificate of Lawful Development in relation to two mobile homes referred to as Caravan A (sited to the eastern boundary of the land holding) and Caravan B (sited to the southern boundary of the land holding) to continue to be sited at Westcroft Stables and used for purposes ancillary to the existing commercial equestrian use**

Bourne Rural act as agent to the applicant, Ms Sabine Schaefer, in relation to the above matter.

Westcroft Livery Yard is an equestrian establishment which has been in commercial operation since the 1970's. The property was recently purchased by Ms Schaefer (October 2019).

During the conveyancing of the property, it was unclear whether the two mobile homes sited in the yard area benefit from planning permission and Ms Schaefer is keen to regularise any unauthorised development. To this end, she instructed Bourne Rural to undertake a comprehensive assessment of the planning history to the site and to identify the planning permissions in place.

A site visit was undertaken when the author viewed the land, buildings and discussed the existing and historic uses in operation. Although only having recently purchased the site, Ms Schaefer is familiar with the yard as she has kept horses at Westcroft Stables for more than nine years. In addition to the verbal information provided at the meeting, the author was also given access to the historic management files for the yard, which were made available to Ms Schaefer prior to purchase.

The following paragraphs are numbered for ease of reference.

T: (0) 1264 737324 M: (0) 7824 810784
Leyswood, Wildhern, Andover, SP11 0JE

www.bournerural.co.uk

Planning and Enforcement History

1 The planning and enforcement history to the site is as follows (with reference to the specific caravans inserted where known);

2 **Ref: 21706/07** a renewal permission for one caravan (no details of the original permission are available). Approved 4 November 1977;

3 **Ref: 21706/11** a renewal permission for one caravan. Approved 2 November 1979;

4 **Ref: 21706/12** for the renewal of the residential mobile home. Approved 11 January 1983;

5 **Ref: 21706/14** for the renewal of permission for person to live in existing caravan for the wellbeing and safety of the horses. Approved 30 October 1986;

6 **Ref: 89/53394** for a caravan to be used as an office/restroom [**Caravan A**] and re-siting of residential caravan [**Caravan B**] in the position approved under planning permission 21706/14. Approved 29 June 1989;

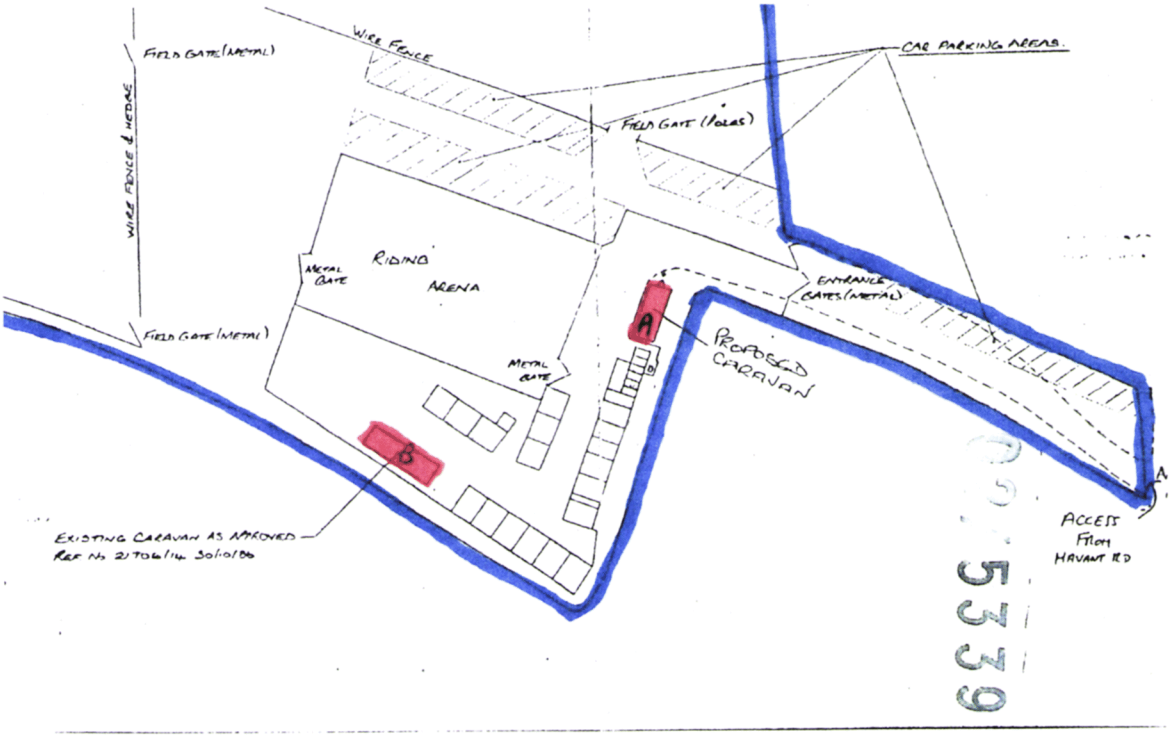
7 **Ref: 90/53394/002** for the retention of entrance to office/reception caravan [**Caravan A**]. Approved 7 January 1991;

8 **Ref: 91/53394/003** for the renewal of temporary permission ref: 89/53394 for retention of residential caravan [**Caravan B**]. Application refused 11 September 1991 and refusal appealed (no documents available online to establish the status of the appeal);

9 **Ref: 91/53394/004** Renewal of temporary planning permissions ref: 89/53394 and 90/53394/2 for retention of caravan used as office/restroom and retention of entrance [**Caravan A**]. Permission granted for a limited period (to 30 September 1996) on 11 September 1991;

10 **Ref: 97/53394/005** Retention of (1) caravan [**Caravan A**] and lean-to on eastern boundary of site used as office/ restroom, and (2) residential caravan [**Caravan B**] on southern boundary of site. Permission was granted on 24 March 1998 for a limited period only terminating on 31 March 2003;

11 **Ref: 02/53394/006** retention of one caravan and lean to on eastern boundary to use as office/restroom [**Caravan A**] and one as residential caravan [**Caravan B**] on southern boundary of site. Temporary consent was granted 10 February 2003 and expired 31 January 2004. Below is an extract of the approved plan which clearly identifies two caravans, and all stables buildings and stores, as remain on site today;



12 **Ref: 03/53394/007** for the retention of one caravan and lean-to on eastern boundary to use as office/ restroom [**Caravan A**] and one residential caravan on southern boundary of site [**Caravan B**] – split decision made on 19 March 2004 with a further grant of a permission for Caravan A for a limited period expiring on 28 February 2007 and refusal for the retention of Caravan B;

13 Subsequently, an Enforcement Notice was issued on 14 July 2004, reference 04/0006/ENF, which alleged:

> *"without planning permission, change of use of the land from a mixed use comprising livery stable/riding school to a mixed use comprising the existing use and the siting of a residential caravan in the approximately position shown shaded black on the plan attached to the notice."*

14 The notice was quashed at appeal (APP/X1735/C/04/1160307 attached at **Appendix 1**) on 30 June 2005 and temporary permission was granted for the development already carried out limited to a period of 3 years from the date of the decision on or before which dated the residential caravan shall be permanently removed from the site.

15 **Ref: 07/53394/008** for the retention of stable block to south-west of riding school (retrospective). Permission granted 6 November 2007.

Basis for Assessment

16 Advice in the Planning Practice Guidance March 2014 sets out the necessary test for burden of proof and evidence required. It states that in the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there

is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

Claim for continued siting of the two mobile homes (Caravan A and Caravan B)

17 In order to claim immunity from enforcement action by virtue of s171B of the Town and Country Planning Act 1990 the applicants must satisfy the time limits as set out below.

*"**s171B Time limits***

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

*(3) **In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.***

(4) The preceding subsections do not prevent—

(a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or

(b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach." [emphasis added]

18 The following evidence demonstrates that the mobile homes have been in situ for a period of longer than ten years.

19 The mobile homes/caravans have been used for purposes ancillary to the existing commercial equestrian use of the land.

Authorised Use of the Land and Stable Buildings/Stores

20 At the outset, it is considered prudent to deal with the authorised use of the land at Westcroft Stables.

21 It would appear that there is no explicit planning permission in relation to the commercial equestrian use of the site or in relation to the manège or various stables and stores which are located within the yard area (except the block of stables (permitted under application 07/53394/008) sited to the south of the manège).

22 However, from all of the information available it is evident that there has been a commercial equestrian use/riding school in operation on the land from the 1970s.

23 It is evident that the commercial equestrian use of the land and buildings at Westcroft Stables is well-established and has been agreed on a number of occasions in the past by Havant Borough Council in relation to other applications. Indeed, it is relevant to note that the supporting documents and decision notice relating to 07/53394/008 specifically refer to a commercial equestrian use.

24 As further examples, in relation to planning application 02/053394/006 (for the retention of one caravan and lean-to on eastern boundary to use as office/restroom and one as residential caravan on southern boundary of site), the decision letter clearly identifies (see decision at **Appendix 2**) that the:

- Caravan A was permitted *"solely for office/restroom purposes ancillary to the use of the site as a livery stables/riding school...."*: and
- the use of Caravan B, the residential caravan, was *"limited to a person who has a binding contract with the owner of the site to provide an overnight presence for the stables for security purposes."*

25 Furthermore, a Committee Report was prepared by the planning officer in relation to application 03/53394/007 (attached at **Appendix 3**). In that report, the officer provides a site description at Section 2, which states:

> *"147 Havant Road comprises a livery stables and riding school set in a countryside location. The development accommodates an enclosed sand menage* [sic], *4 blocks of stables and 2 caravans.*
>
> *One caravan is located adjacent to the eastern boundary of the site at the top of the entrance drive leading to Havant Road and west of a residential property known as 146 Havant Road. The other caravan is located adjacent to the southern boundary of the site and is currently vacant."*

26 Importantly, the officer states at the last paragraph to Section 3, that:

> *"**There is evidence of a livery and riding stables** at this site since 1976. The residential caravan has been periodically approved since the 1970's and the office/restroom since 1989."* [emphasis added]

27 The decision issued (see **Appendix 4**) clearly identifies at Condition 2:

> *"The caravan and lean-to hereby approved shall only be used for office/restroom purposes ancillary to the use of the site as a livery stables/riding school...."*

28 The need advanced by the applicant, and accepted by the local planning authority, at that time was related to the needs of the commercial livery yard and riding school. It was that activity which generated the need and for which planning permission was granted.

29 In consideration of the 2005 appeal, the Inspector clearly identified at paragraph 5, that:

> *"An equine use has apparently been established at the site for many years and the mobile home the subject of the notice has received a number of temporary permissions."*

30 For ease of assessment, the exact number of stables and stores was identified on a plan attached to a letter dated 27 June 2006 from Mr P Dent, Office Manager at St Hermans

Estate (owner of Westcroft Livery Yard at that time) to Mrs T Gifford, the then tenant of the stables (letter and plan attached at **Appendix 5**).

Google Earth Images

31 The Google Earth images below clearly identify that the mobile homes, stables and stores have all been in situ for more than ten years:

Google image from 2015 - below



Google Earth image from 2007 - below



Google Earth image from 2005 - below



32 In light of the fact that, over the years, various officers have visited the site, identified the various structures and ongoing commercial uses, it is evident that the use and buildings are now lawful through the passage of time.

Evidence in relation to the Caravans/Mobile Homes

33 The last planning permissions in place on the two mobile homes expired:

- Caravan A (under application 03/53394/007) on 28 February 2007; and
- Caravan B (permitted at appeal APP/X1735/C/04/1160307) on 22 May 2008.

34 The planning permissions expired on the dates as detailed above and since that time, the mobile homes have remained on site without the benefit of any formal planning permission.

35 Caravan A has continued to be used be used to provide restroom and office facilities to support the ongoing equestrian enterprise in operation.

36 Whilst Caravan B was permitted, albeit temporarily, to provide residential accommodation for a worker, that residential use ceased many years ago. However Caravan B has remained on site and continues to be used for purposes ancillary to the ongoing equestrian use as a restroom and occasional (emergency) overnight accommodation.

37 It is noted that, although an application for stabling was assessed by officers in 2007, no action was taken by the LPA in relation to the unauthorised mobile home (Caravan A) which remained on site at that time, as identified in the Google Earth image of 2007, below:



38 That the mobile homes have both remained on site for more than ten years has been confirmed in the statutory declaration of Ms Ann Rogers (see **Appendix 6**) who worked for St Hermans Estate since 1993. She confirms that the two mobile homes have been in situ for more than ten years.

39 This evidence is further supported by the statutory declaration of Dr Charlotte Day (see **Appendix 7**), another livery client at Westcroft stables. Dr Day first visited the site at or

around 2006, when she started having riding lessons at Westcroft Stables. She has confirmed that the two mobile homes currently in situ have been in these exact locations, on site, since she first visited the site.

40 The evidence of Ms Rogers and Dr Day is consistent with the Goggle Earth images identified herein.

41 In summary, it is confirmed that this application seeks permission only for the structures to be used ancillary to the authorised and established use of the land for commercial equestrian purposes.

I trust that sufficient, robust evidence has been submitted to demonstrate that, on the balance of probabilities, the two mobile homes (Caravan A and Caravan B) have been in situ at Westcroft Stables for more than ten years and have been used for purposes ancillary to the authorised use of the land as a commercial equestrian activity.

Should you have any further questions or queries please do not hesitate to contact me.

Yours sincerely

Jill Scrivener

Appendix 1

Appeal: PINS REF: APP/X1735/C/04/1160307

Appeal Decision

Site visit made on 22 May 2005

by A K Bragg FRICS MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date

Appeal Ref: APP/X1735/C/04/1166367
Westcroft Riding Stables, 147 Havant Road, Hayling Island, Hampshire PO11 0LF

- 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 St Hermans Estate Company Limited against an enforcement notice issued by the Havant Borough Council.
- The Council's reference is 53394/ENF.
- The notice was issued on 14 July 2004.
- The breach of planning control as alleged in the notice is, without planning permission, change of use of the land from a mixed use comprising livery stable/riding school to a mixed use comprising the existing use and the siting of a residential caravan in the approximate position shown shaded black on the plan attached to the notice.
- The requirements of the notice are to permanently remove the caravan from the land.
- The period for compliance with the requirements is 28 days.
- The appeal is proceeding solely on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

1. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, I am required to determine the appeal in accordance with the development plan, unless material considerations indicate otherwise. In this regard, the Council draw particular attention to Policies C1 and C2 of the Hampshire Structure Plan 1996-2011 (Review) and to Policies C1 and C6 of the Havant Borough District-Wide Local Plan 1996-2011.

2. The main issue in this case is whether the residential mobile home is an acceptable form of development in this area of countryside.

3. The first matter to address is the principle of residential development. National and local policy seeks to restrict residential development in the countryside. However there is provision for exceptions to be made. Planning Policy Statement 7 (which replaces Planning Policy Guidance Note PPG7) sets out the general approach to the exceptional provision of residential accommodation in support of agriculture and other rural-based enterprises.

4. I note that the Council say that they have been supportive of the Westcroft Riding stables and I believe that this tourism and leisure based activity can properly be regarded as a rural-based enterprise. I next turn to the all important question of whether or not there is a genuine need for accommodation and in this connection I have paid particular regard to the advice at paragraph 15 of Annex A to Planning Policy Statement 7.

5. An equine use has apparently been established at the site for many years and the mobile home the subject of the notice has received a number of temporary permissions. The last permission for the mobile home was for a duration of 12 months and was accompanied by a letter from the Council advising that a further renewal was unlikely unless justification was forthcoming.

6. From the submitted papers, it would appear that the riding stables was closed for a period and was re-opened during 2003, since when Mrs Gifford appears to have made a significant investment in the enterprise. Moreover, it is explained that the process of rebuilding the business is likely to require 12-24 months before returning to profit. In all the circumstances, it seems to me to be more appropriate to treat the enterprise as a new activity for the purposes of assessing the need for a temporary dwelling.

7. I am aware of the Council's observations relating to the prior occupation, and indeed non-occupation, of the mobile home, but I do not see that as having any significant bearing on the current or likely future pattern of occupation. It is, however, clear that there has been a history of support for residential accommodation at the site in connection with an equine enterprise.

8. Be that as it may, there would appear to be no dispute in the current case over the detailed evidence submitted in the grounds of appeal in relation to the need and justification for the mobile home, including the unsuitability of a night watchman. Moreover, I have no reason to doubt that those submissions, which, in my opinion, satisfy the thrust of the criteria at paragraph 12 of Annex A of Planning Policy Statement 7, insofar as they are relevant to the enterprise in question. I therefore conclude, on the balance of probability, that the principle of temporary accommodation to support the enterprise has been established.

9. As I saw on my site visit, the mobile home is visible from the Billy Leisure Trail, although this is a limited, fairly distant view. From that vantage point I do not consider the visual impact to be unduly pronounced and I also believe that it is capable of being effectively screened. In this connection, I note that some tree planting has already been undertaken on the adjacent boundary, to replace the trees lost to Dutch Elm disease.

10. Nevertheless, in terms of the general visual impact, I do not find the mobile home itself to be an attractive form of development in this rural area, but in its existing position, seen in the context of the existing buildings and structures it is not unduly prominent. Consequently, in a circumstance where a mobile home is justified by the enterprise, it is my conclusion that it does not have a unacceptable effect upon the appearance of the locality.

11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed on ground (a) and planning permission will be granted, subject to the imposition of conditions.

12. Conditions are required to limit the permission to a period of 3 years to provide adequate time to demonstrate the success of the current enterprise and the continuing need for an on-site presence; to ensure that the accommodation is used for the benefit of the equestrian enterprise; and to prevent the mobile home being moved from its present position without obtaining permission from the local planning authority.

Formal Decision

13. I allow the appeal, and direct that the enforcement notice be quashed. I grant planning permission on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the use of the land at Westcroft Riding Stable, 147 Havant Road, Hayling Island, as shown on the plan attached to the notice, for a mixed use comprising livery stable, riding school and the siting of a residential caravan, subject to the following conditions:

1) Permission for the residential caravan shall be for a limited period expiring 3 years from the date of this decision, on or before which date the residential caravan hereby permitted shall be permanently removed from the site.

2) The occupation of the residential caravan hereby permitted shall be limited to a person employed in conjunction with the normal operation of the Westcroft Riding Stables.

3) The residential caravan herby permitted shall not be moved to a different location within the site without first obtaining the written approval of the local planning authority.

Inspector

Appendix 2

Application 02/053394/006 Decision Letter

Havant
BOROUGH COUNCIL

Directorate of
Environmental Services
Civic Offices
Havant
Hampshire PO9 2AX

Director of Environmental Services
Frank Campbell BA(Hons) MRTPI

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DX50005 Havant
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To:
M J Camp
St. Hermans Estate Co. Limited
Lower Tye Farm
Copse Lane
Hayling Island
Hampshire
PO110RQ

THE TOWN AND COUNTRY PLANNING ACT 1990
Grant of Planning Permission for a Limited Period

Application Number:02/53394/006
Site Address:Westcroft Riding Stables, 147 Havant Road, Hayling Island, PO11 0LE
Proposal:**Retention of one caravan & lean to on eastern boundary to use as office / restroom and one as residential caravan on southern boundary of site.**

Further to your application received on 04 October 2002 Havant Borough Council, as Local Planning Authority, **Grants Planning Permission for a limited period expiring 31 January 2004** for the above proposal in accordance with the submitted plans and particulars as detailed below.

In reaching its decision the Council has had regard to the policies and proposals C1 and C2 of the Hampshire County Structure Plan (Review) and policies and proposals C1, C10, C11, C12, C19, C2, C3, C4, C5, C6, C7, C8 and C9 of the Havant Borough Local Plan.

This permission is subject to compliance with:

(i) The plans and other documents submitted with your application as supplemented by additional information received on 18 December 2002 and;

(ii) The following conditions:

Conditions:

1 This permission shall be for a limited period expiring on 31 January 2004, on or before which date both caravans and the lean-to shall be permanently removed from the site unless the prior written consent of the Local Planning Authority has been obtained in writing for a further period.
Reason: The caravans and lean-to are of a type not considered suitable for permanent retention given the countryside location

Our Ref: 02/53394/006

2 The caravan marked 'A' on the plans hereby approved shall be used solely for office/restroom purposes ancillary to the use of the site as a livery stables/riding school, and shall at no time be used for the purpose of human habitation.
Reason: To avoid an over-intensive use of the site, inappropriate and unjustified given its countryside setting.

3 Occupation of the residential caravan marked 'B' on the plans hereby approved shall be limited to a person who has a binding contract with the owner of the site to provide an overnight presence for the stables for security purposes.
Reason: The site is in an area defined as countryside and as such new dwellings are not normally permitted except where there is a proven overriding need.

Other Important Information:

(1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Town and Country Planning Act, Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6573.

(2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Department for Transport Local Government and the Regions, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council.

(3) Any failure to adhere to the details of the approved plans, and other documents or to comply with any conditions listed above may lead to enforcement action being taken by the Council. If you wish to depart from the approved details or conditions in any way you should contact the Planning and Development Service at the Civic Offices or by telephoning 023 9244 6581/2.

D Weaver

for Mrs J A Batchelor
Head of Development Control

10 February 2003

Our Ref: 02/53394/006

Appendix 3

Application 03/53394/007 Committee Report

COPY

Schedule Part 3 - All other applications

03 Application Number 03/53394/007 Ward: Hayling West

Site Address: Westcroft Riding Stables,147 Havant Road, Hayling Island
Applicant: St Hermans Estate Co Ltd Team 2
Agent: None Case Officer: Miss A Potts
8 week Date: 19/01/2004

Reason for Committee Consideration: AHPD Referral

Proposal: Retention of one caravan and lean-to on eastern boundary to use as office/ restroom and one residential caravan on southern boundary of site.

AHPD Recommendation: **(A) GRANT PERMISSION FOR RETENTION OF CARAVAN AND LEAN-TO ON EASTERN BOUNDARY FOR USE AS OFFICE/RESTROOM**
(B) REFUSE PLANNING PERMISSION FOR RESIDENTIAL CARAVAN ON SOUTHERN BOUNDARY
(C) RECOMMEND ENFORCEMENT ACTION WITH RESPECT TO (B) ABOVE

1 Introduction

1 Determination of this application was deferred by the Development Control Committee at its meeting on 26 February 2004 to allow proper consideration of the late submission of additional information by the applicant which was received on 25 February 2004. The additional information is contained within Appendix H of this report, the content of which is discussed in paragraph 7.2 and also within paragraphs 8.4 and 8.5 of the 'Planning Considerations' section.

2 Site Description

2.1 147 Havant Road comprises a livery stables and riding school set in a countryside location. The development accommodates an enclosed sand menage, 4 blocks of stables and 2 caravans.

2.2 One caravan is located adjacent to the eastern boundary of the site at the top of the entrance drive leading from Havant Road and west of a residential property known as 145 Havant Road. The other caravan is located adjacent to the southern boundary of the site and is currently vacant.

3 Planning History

02/53394/006 - Retention of one caravan and lean-to on eastern boundary for use as office/restroom and one as residential caravan on southern boundary of site - temporary consent granted 10/2/2003, expired 31/1/2004.

Appendix 4

Application 03/53394/007 Decision Letter

Havant
BOROUGH COUNCIL

Civic Offices
Havant
Hampshire PO9 2AX

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To:
Mr M J Camp
St Hermans Estate Co Ltd
Lower Tye Farm
Copse Lane
Hayling Island
Hants
PO110RQ

THE TOWN AND COUNTRY PLANNING ACT 1990
Split Decision

Application Number: 03/53394/007
Site Address: Westcroft Riding Stables,147 Havant Road, Hayling Island, PO110LF
Proposal: Retention of one caravan and lean-to on eastern boundary for use as office/ restroom and one residential caravan on southern boundary of site.

Further to your application received on 24 November 2003 Havant Borough Council, as Local Planning Authority,

(A) Grants Planning Permission for only the following part of the above proposal as described:

For retention of caravan and lean-to on eastern boundary for use as office/restroom.

In reaching its decision the Council has had regard to the policies and proposals C1 and C2 of the Hampshire County Structure Plan 1996-2011 (Review) and C1, C6 and C19 of the Havant Borough Local Plan 1994.

This permission is subject to compliance with:

(i) That part of the plans and other documents submitted with your application, which relate to the development as described at **(A)** above only and;

(ii) The following conditions:

Our Ref: 03/53394/007

Conditions:

1 This permission shall be for a limited period expiring on 28/02/2007, on or before which date the caravan and lean-to shall be permanently removed from the site unless the prior written consent of the Local Planning Authority has been obtained in writing for a further period.
Reason: The caravan and lean-to are of a type not considered suitable for permanent retention given the countryside location and having due regard to policies and proposals C1 and C2 of the Hampshire County Structure Plan 1996-2011 (Review) and C1 and C19 of the Havant Borough Local Plan 1994.

2 The caravan and lean-to hereby approved shall only be used for office/restroom purposes ancillary to the use of the site as a livery stables/riding school, and shall at no time be used for the purpose of human habitation.
Reason: To avoid an over-intensive use of the site and an inappropriate and unjustified use given its countryside setting and having due regard to policies and proposals C1 and C2 of the Hampshire County Structure Plan 1996-2011 (Review), C1, C6 and C19 of the Havant Borough Local Plan 1994 and PPG7.

(B) Refuses Planning Permission with respect to the remaining part as described .

For residential caravan on southern boundary.

for the following reasons:

1 The proposal is contrary to Policies C1 and C2 of the Hampshire County Structure Plan 1996-2011 (Review), Policies C1 and C6 of the Havant Borough Local Plan and Policy C1, D2 and D4 of the Havant Borough District-Wide Local Plan 1996-2011 in that it represents the undesirable addition of a residential caravan in an area of countryside for which no overriding justification has been demonstrated.

In coming to it's decision the Council considered the plans and other documents submitted with your application, as amended by plans and documents received on 25 February 2004.

for Mrs J A Batchelor
Acting Head of Planning and Development

19 March 2004

Our Ref: 03/53394/007

Appendix 5

letter from Mr P Dent with Plan

Mrs T Gifford
Westcroft Riding School
10 Victoria Avenue
Hayling Island
PO11 9AJ

27 June 2006

Dear Mrs Gifford

I am writing, further to your conversation with Michael Camp, to confirm that as from 1 July your monthly rent will be £628.66 comprising:

Caravan	Caravan only	216.66
Stable 1	Stable only	43.00
Stable 3	Stable (small) only	21.50
Stable 4	Stable only	43.00
Stable 5	Stable (small) only	21.50
Stable 6	Stable only	43.00
Stable 7	Stable & grazing	80.00
Stable 8	Stable & grazing	80.00
Stable 9	Stable & grazing	80.00
Total		**£628.66**

Grazing
We understand that from time to time you use the grazing afforded to the horses in stables 7 to 9 for your other horses. We will therefore maintain the charges as shown above unless you start using any other fields owned by us.

Stables 18 & 19
As agreed, we will take ownership of these stables and will grant you free rent on them until 30 June 2007 in lieu of the money that you spent buying and transporting them to the yard. We will commence charging you rent for them with effect from 1 July 2007 at the prevalent rate applicable to our other stables.

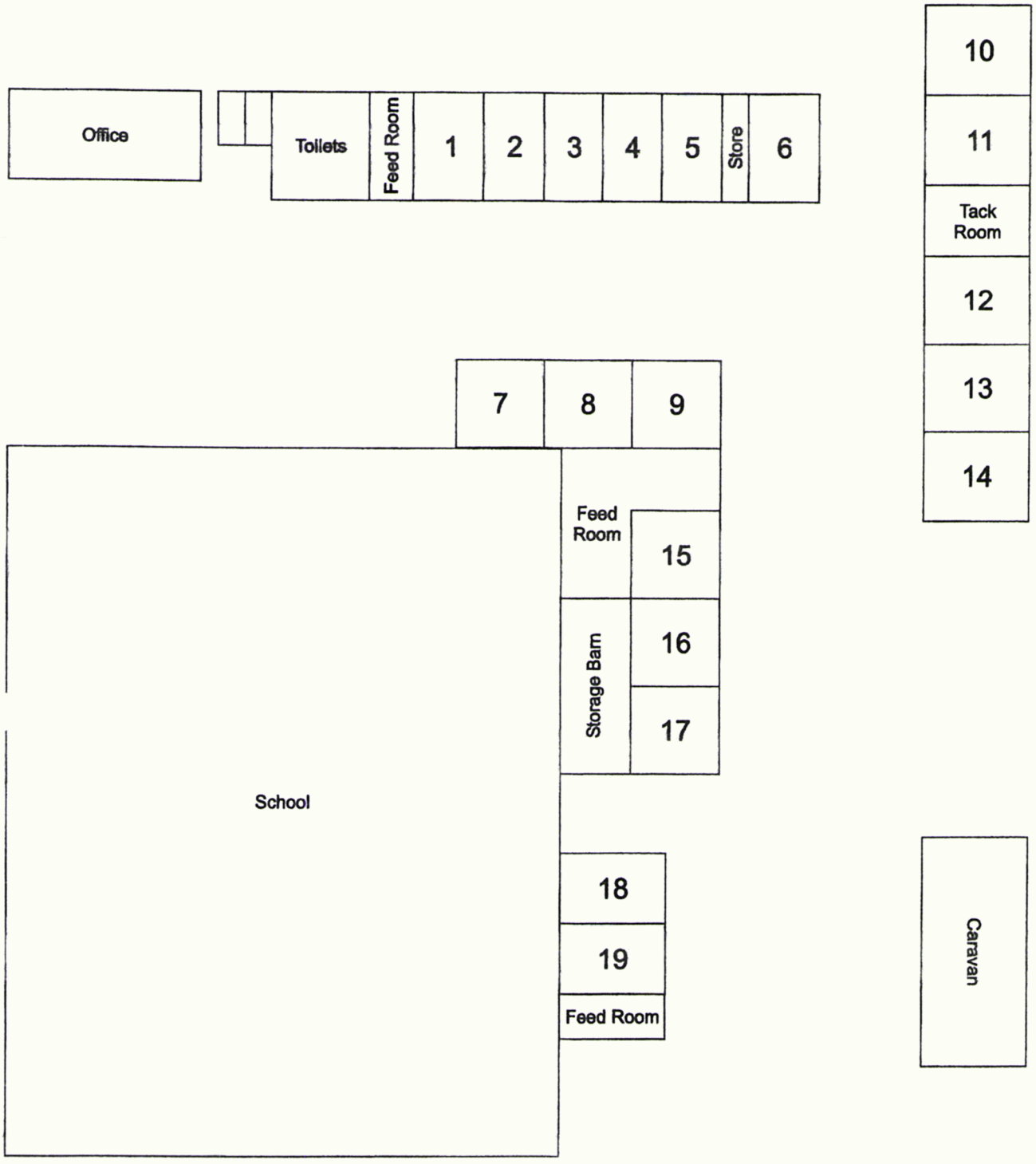
School
We will continue to allow you the use of this area rent-free until 30 June 2007 when we will review the situation.

Please find enclosed a plan of Westcroft showing the stables and their new numbers for your future reference.

Yours sincerely

PETE DENT
Office Manager

WESTCROFT STABLES



Appendix 6

Statutory Declaration of Ms Ann Rogers

I **ANN ROGERS** of Lower Tye Farm, Copse Lane Hayling Island PO11 0RQ DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. Since the year 1993 I have been employed by St. Hermans Estate Co Limited ("the Company") originally as the stables manager and more recently as Director and as part of my role I have managed the land acquired by the Company and have knowledge of the rents collected and other income in respect of the said land and also the use of the land.

2. The Company is the owner of the freehold property known as Westcroft Stables, 147 Havant Road, Hayling Island PO11 0LF ("the Property") the current layout and buildings situated on the Property being shown on the plan now produced to me and marked 'AR1'.

3. I have examined the unregistered title deeds to the property and from this examination I am able to confirm that the Company acquired the land on the 25th January 1947.

4. During the time that I have been employed by the Company I have been well acquainted with the Property and have had considerable involvement with its management. I have also assisted the Company Secretary with ensuring that the rents and other income from the Company's land is collected, arranging lettings, negotiating surrenders, rent reviews and the terms of carrying out any improvement and negotiating sales of part of the Company's land, arranging regular inspections and generally acting in the management of the Company's business.

5. From my review of the Company's records I can confirm that a number of planning permissions have been granted to authorise the use and development of the Property, as follows:

    a. Temporary planning permission reference 97/53394/5 granted on 24 March 1998 for the retention of 1 caravan and lean-to on eastern boundary of site used as an office/restroom and a residential caravan on southern boundary of site;

    b. Temporary planning permission reference 02/53394/006 granted on 10 February 2003 for the retention of 1 caravan and lean-to on eastern boundary of site used as an office/restroom and a residential caravan on southern boundary of site;

    c. Planning permission was also granted after the enforcement notice issued on 14 July 2004 was quashed on 30 June 2005 and planning permission was granted on the deemed application for the development already carried out, namely a mixed use comprising livery stable, riding school and the siting of a residential caravan; and

d. Planning permission reference 07/53394/008 granted on 6 November 2007 for the retention of a stable block to south-west of the riding school.

6. I have read and reviewed the Company's records regarding the use of the Property and can confirm that the Property has always been operated as a commercial equestrian activity together with stables and ancillary stores. From such inspection I am able to confirm that the Property was let in August 1983 for the purposes of stables and a riding school using the ménage to Neil Brown who disposed of the riding school business during the middle part of 1985 to Dale Norman. I am also able to confirm that from 1985 to the early part of the year 1997 Mrs. Norman ran the business of a riding school and a livery yard both using the ménage and stables and paid rent to the Company. During that period from my knowledge of the Company's records and the Property I am able to confirm that she owned around six horses which were used for lessons and that she also accommodated within the stables situated on the Property around twelve horses belonging to individual customers. She was eventually evicted from the property for substantial rent arrears.

7. From early 1997 to date the Company has let the stables to individual livery customers who have also been able to use the outdoor school/ménage if they so wish. Each customer has been allocated an area of grazing for their horses. I am aware that for a briefly during the period 2006 to 2007 the outdoor school/ménage was used for lessons by a lady known as Theresa Gifford who kept around five or six horses at the stables for that purpose. During that period the Company continued to let the remaining stables to private livery customers. The Company's records have copies of stable rent invoices addressed to many different individuals from the early part of this century a few of which are now produced to me and marked 'AR2'.

8. The Company does not have precise records of when the caravans were first sited on the land but from my knowledge of the Property I recall that one of the caravans was first sited around the end of the year 2005 or the beginning of the year 2006 and the other a few years before that. I am therefore able to confirm that both caravans have been sited on the Property for over 10 years and remain sited on the Property.

9. I can confirm that from the Company's records that the Company has paid business rates since the year 1997 in respect of the Property, it being described in the rate demands as 'Riding School and premises'.

10. To the best of my knowledge, information and belief no correspondence or enforcement action has been received or taken since the year 2008.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835

DECLARED at 63 Station Road Hayling Island, Hayling Island Hampshire

This 23rd day of September 2019

Before me

MICHAEL ALEXANDER WILSON
SOLICITOR

.....

A ~~Commissioner for Oaths~~/Solicitor employed to administer Oaths

Wilson Wakefield Solicitors
63 Station Road
Hayling Island
Hampshire
PO11 0EB

We certify this to be a true copy of the original

Dated this 5th day of December 2019

.....

HARRISON CLARK RICKERBYS
inc. SHAWCROSS
Ross On Wye HR9 7US

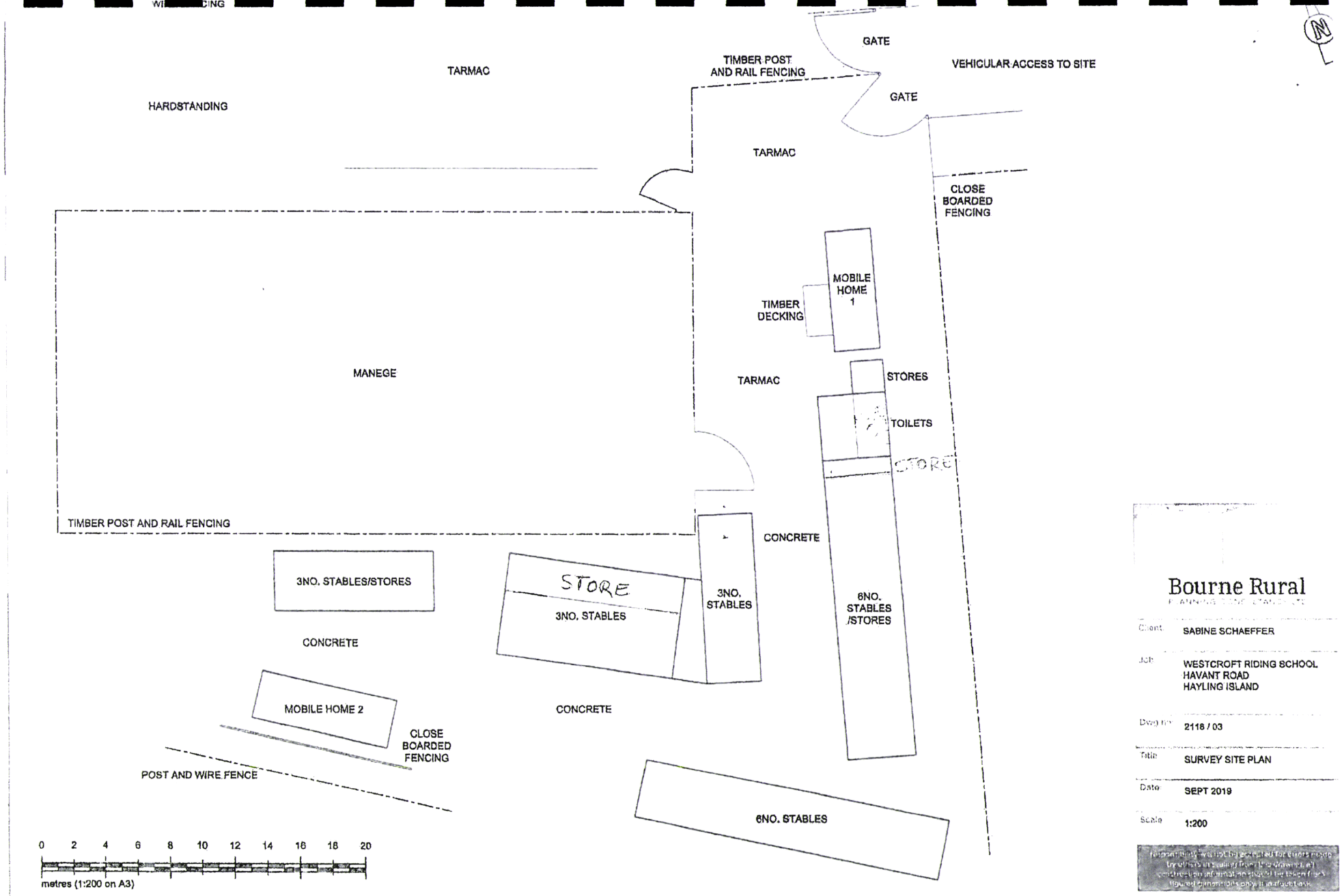
THIS IS THE EXHIBIT MARKED 'AR1' REFERRED TO IN THE STATUTORY DECLARATION OF ANN ROGERS SWORN BEFORE ME THIS 23rd DAY OF September 2019

SIGNED .....

MICHAEL ALEXANDER WILSON
SOLICITOR

Solicitor/Commissioner for Oaths

Wilson Wakefield Solicitors
63 Station Road
Hayling Island
Hampshire
PO11 0EB



Bourne Rural

PLANNING CONSULTANTS

Client:	SABINE SCHAEFFER
Job:	WESTCROFT RIDING SCHOOL HAVANT ROAD HAYLING ISLAND
Dwg no:	2118 / 03
Title:	SURVEY SITE PLAN
Date:	SEPT 2019
Scale:	1:200

Important: This drawing is to be read only for the purposes stated. Any other use, including reproduction, is prohibited. Do not scale from this drawing. All dimensions are to be checked on site before any work is commenced. Any discrepancies are to be reported immediately.

THIS IS THE EXHIBIT MARKED 'AR2' REFERRED TO IN THE STATUTORY DECLARATION OF ANN ROGERS SWORN BEFORE ME THIS 23rd DAY OF September 2019

SIGNED .....

Solicitor/~~Commissioner for Oaths~~

MICHAEL ALEXANDER WILSON
SOLICITOR

Wilson Wakefield Solicitors
63 Station Road
Hayling Island
Hampshire
PO11 0EB

ST HERMANS ESTATE CO LIMITED

Lower Tye Farm Copse Lane Hayling Island Hampshire PO11 0RQ

Telephone 023 9246 7843 Answerphone 023 9246 4276 Facsimile 023 9246 9283

VAT Registration Number 543 8133 49

To: Ms K Isaac
27 Mengham Road
Hayling Island
Hampshire
PO11 9BG

INVOICE

Date: 01/09/06
Document No: 26464
Account No: SS-W01ISA

Stable Rent - Westcroft

scription	Net	VAT	Total
	£	£	£
Rent of one stable at Westcroft for the month of September 2006	80.00	0.00	80.00

NET	80.00
VAT	0.00
TOTAL	80.00

ST HERMANS ESTATE CO LIMITED

Lower Tye Farm Copse Lane Hayling Island Hampshire PO11 ORQ

Telephone 023 9246 7843 Answerphone 023 9246 4276 Facsimile 023 9246 9283

VAT Registration Number 543 8133 49

To: Mrs S Musselwhite
Warrendyke
244 Havant Road
Hayling Island
Hampshire
PO11 OLN

INVOICE

Date: 01/09/05
Document No: 24373
Account No: SS-W17MUS

Stable Rent - Westcroft

scription	Net	VAT	Total
	£	£	£
Rent of one stable at Westcroft for the month of September 2005	80.00	0.00	80.00

NET	80.00
VAT	0.00
TOTAL	80.00

ST HERMANS ESTATE CO LIMITED

Lower Tye Farm Copse Lane Hayling Island Hampshire PO11 ORQ

Telephone 023 9246 7843 Answerphone 023 9246 4276 Facsimile 023 9246 9283

VAT Registration Number 543 8133 49

To: Mr T Stocker
66 East Street
Havant
Hampshire
PO9 1QT

INVOICE

Date: 01/09/04
Document No: 22536
Account No: SS-W16STO

Stable Rent - Westcroft

scription	Net	VAT	Total
	£	£	£
Rent of one stable at Westcroft for the month of September 2004 (standing order)	80.00	0.00	80.00

NET	80.00
VAT	0.00
TOTAL	80.00

ST HERMANS ESTATE CO LIMITED

Lower Tye Farm Copse Lane Hayling Island Hampshire PO11 0RQ

Telephone 023 9246 7843 Answerphone 023 9246 4276 Facsimile 023 9246 9283

VAT Registration Number 543 8133 49

To: Mrs T Gifford
10 Victoria Avenue
Hayling Island
Hampshire
PO11 9AJ

INVOICE

Date: 01/09/03
Document No: 20707
Account No: SS-W05GIF

Stable Rent - Westcroft

scription	Net	VAT	Total
	£	£	£
Rent of six stables (three without grazing) plus enclosure at Westcroft for the month of September 2003 (standing order)	412.00	0.00	412.00

NET	412.00
VAT	0.00
TOTAL	412.00

ST HERMANS ESTATE CO LIMITED

Lower Tye Farm Copse Lane Hayling Island Hampshire PO11 0RQ

Telephone 023 9246 7843 Answerphone 023 9246 4276 Facsimile 023 9246 9283

VAT Registration Number 543 8133 49

To: Mrs J Ward-Prowse
317 Havant Road
Farlington
Portsmouth
PO6 1DD

INVOICE

Date: 03/09/02
Document No: 18807
Account No: SS-W07TUR

Stable Rent - Westcroft

Description	Net	VAT	Total
	£	£	£
Rent of one stable at Westcroft for the month of September 2002 (standing order)	70.00	0.00	70.00

NET	70.00
VAT	0.00
TOTAL	70.00

ST HERMANS ESTATE CO LIMITED

Lower Tye Farm Copse Lane Hayling Island Hampshire PO11 0RQ

Telephone 023 9246 7843 Answerphone 023 9246 4276 Facsimile 023 9246 9283

VAT Registration Number 543 8133 49

To: Mrs E Bell
45 Holcot Lane
Anchorage Park
Portsmouth
PO3 5UQ

INVOICE

Date: 05/09/01
Document No: 16509
Account No: SS-W10BEL

Stable 10 - Westcroft

Description	Net	VAT	Total
	£	£	£
Rent of one stable at Westcroft for the month of September 2001 (standing order)	70.00	0.00	70.00

NET	70.00
VAT	0.00
TOTAL	70.00

St Hermans Estate Co Limited
Lower Tye Farm Copse Lane Hayling Island PO11 0RQ
Tel: 023 9246 4276 / 023 9246 7843 Email: info@sthermans.co.uk

SALES INVOICE

To Dr C Day
81 Sea Front
Hayling Island
PO11 0AW

Invoice Date	05/03/2014
Invoice Number	319
Account Number	DAY002
Park / Area Code	XW-004

Description	Vat %	Net	VAT	Total
Rent - stable March 14	0	£273.00		£273.00

Net	£273.00
VAT	£0.00
Total Due	**£273.00**

VAT Reg No: 543 8133 49

Payment Options

Bank Transfer — *Our account details are as follows (please use your Park / Area Code & Surname as the reference):*
*Account Name **St Hermans Estate Co Limited** Account Number **90889482** Sort Code **20-69-57***

Bank Cards — *There is no additional charge for debit or credit card payments.*

Cheque — *These should be payable to "St Hermans Estate Co Limited" (please write your Park / Area Code & Surname on the back).*

Appendix 7

Statutory Declaration of Dr Charlotte Day

APPLICATION FOR A CERTIFICATE OF LAWFUL DEVELOPMENT AT WESTCROFT STABLES, 147 HAVANT ROAD, HAYLING ISLAND PO11 0LF:

Pursuant to Section 191 of the Town and Country Planning Act 1990 as amended

MS SABINE SCHAEFER (Applicant)

-and-

HAVANT BOROUGH COUNCIL (Local Planning Authority)

STATUTORY DECLARATION OF DR CHARLOTTE DAY

I, Charlotte Day, of 81 Seafront, Hayling Island PO11 0AW, born 28 December 1968, **DO SOLEMNLY AND SINCERELY DECLARE** as follows:-

1. I make this Statutory Declaration in support of an application to Havant Borough Council ("the Council") for a Certificate of Lawfulness for an Existing Use Or Development pursuant to Section 191 of the Town and Country Planning Act 1990, relating to land at Westcroft Stables, 147 Havant Road, Hayling Island, PO11 0LF ("the Site"). The application relates to two mobile homes which are identified on the attached plan at **Exhibit CD1** as "Caravan A" and "Caravan B".

2. I first visited the Site at or around 2006, when I started to have riding lessons at Westcroft Stables.

3. In 2008 I purchased my first horse and kept it at livery at Westcroft Stables. Since that time, I have always kept my horses at Westcroft Stables and during that period, I have visited the stables almost daily (except during holidays and illness) to attend the needs of my horses.

4. At the time I first used the stables in 2006, the livery yard was owned by St. Hermans Estate and managed by Ms Ann Rogers. Ownership of the yard changed on 2 October 2019 when it was purchased by Ms Sabine Schaefer. I have continued to keep my horses at the yard under the new ownership.

5. Throughout the fourteen years that I have been using the stabling and riding facilities at Westcroft Stables, there have always been two mobile homes sited in the yard area (identified as Caravan A and Caravan B on the attached plan at Exhibit CD1).

6. The two mobile homes which are in situ now have been located at these two sites, identified as Caravan A and Caravan B at Exhibit CD1, since 2006. I specifically remember this date because when I first visited the site, Caravan A was used as an office for the riding school and Caravan B was used for accommodation by the children during the pony clubs which were organised by the riding school during that year.

I MAKE THIS SOLEMN DECLARATION conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835.

Declared at 5 SEAGROVE AVENUE)
HAYLING ISLAND
in the County of HAMPSHIRE)
PO11 9EU
this 7 day of FEBRUARY 2020)

Before me .....

Laura Woodward
Licensed Conveyancer/Commissioner for Oaths
Five Property Lawyers Limited
5 Seagrove Avenue
Hayling Island
Hampshire PO11 9EU

0 25 50 75 100 125 150

metres (1:1250 on A3)



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LOCATION PLAN **1:1250**

A 08.01.20 - ADDITIONAL INFORMATION

Bourne Rural

SABINE SCHAEFFER

WESTCROFT RIDING SCHOOL
HAVANT ROAD
HAYLING ISLAND

2110/01

SURVEY LOCATION PLAN

SEPT 2019

1:1250

[redacted]