
Appeal Decision

Inquiry held on 3 - 5 June 2013 and 6 - 8 August 2013

Site visits made on 4 June 2013 and 5 and 7 August 2013

by Katie Peerless Dip Arch RIBA

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

Decision date: 2 September 2013

Appeal Ref: APP/X1735/C/13/2190213

Land east of 13 The Kench, Ferry Road, Hayling Island, PO11 0DF

- 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 Mrs Jane Shipp against an enforcement notice issued by Havant Borough Council.
 - The Council's reference is 10/00225/CMP.
 - The notice was issued on 30 November 2012.
 - The breach of planning control as alleged in the notice is: a houseboat mooring is being used for the siting of a barge and for the undertaking of works to modify and convert the vessel to a houseboat.
 - The requirements of the notice are: 1) Cease the use of the mooring for the siting, modification and conversion of the barge and; 2) Permanently remove the barge from the site.
 - The period for compliance with the requirements is 7 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (b), (c), (d), (e), (f) and (g) of the Town and Country Planning Act 1990 as amended.
 - All the evidence at the Inquiry, apart from that of Mrs Organ, Mr Nash and Miss Crane was given under oath.
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Decision

1. The appeal is partially allowed on grounds (b), (c) and (f) and the enforcement notice is varied: by the deletion of the allegations in paragraph 3 and the substitution of the following allegation: *'Without the benefit of planning permission, making a material change of use of a houseboat mooring for the siting of a vessel whilst undertaking substantial external modifications to the vessel.'* The requirements of the enforcement notice are varied by the deletion of those set out in paragraph 5 and the substitution of the following requirement: *'1). Cease the use of the houseboat mooring for the stationing of a vessel whilst carrying out substantial external modifications to the vessel.'* Subject to these variations the enforcement notice is upheld.

Procedural matter

2. The appeal originally made under ground (e) was withdrawn at the Inquiry.

Application for costs

3. At the Inquiry an application for costs was made by the appellant against Havant Borough Council. This application is the subject of a separate Decision.

Main Issues

4. I consider that the main issue in this case are:

On ground (b): whether the works that constitute the alleged breach of planning control have taken place as a matter of fact and, if they have, then:

On ground (c): whether the development that has been carried out (that is the replacement of the previous houseboat and the undertaking of conversion works) is a material change of use that requires the grant of planning permission to authorise it and, if so

On ground (d): whether the development is immune from enforcement action due to the passage of time and, if not,

On Ground (a) and the deemed planning application: the effect of the development on: a) the character and appearance of the surrounding area and b) the ecological value of the site.

If all the above grounds of appeal fail then:

On ground (f): whether lesser steps than those specified in the enforcement notice would overcome the breach or any injury to amenity and

On ground (g): whether the time for compliance is reasonable.

The Site and its surroundings and planning history

5. The appeal site is a houseboat mooring on a spit of shingle within land known as The Kench on the south western tip of Hayling Island. The Kench borders Langstone Harbour which is a Site of Special Scientific Interest (SSSI). The freehold owner of The Kench is a friendly society, The Hayling Health Society (HHS), which has sold leases/licences for chalets and houseboat moorings (known as 'the properties') to individuals for holiday use. These individuals are also members of the HHS and each has an equal share in it. The HHS has a degree of control over the appearance, management and maintenance of the properties and the regulations of the society call for permission to be obtained for any change of ownership or alteration or extension of the properties.
6. Before the Second World War, there were a considerable number of houseboats moored around The Kench and chalets positioned on the land, but the boats had to move out when the site was requisitioned by the Navy. I am also told that all the chalets on the land at that time were cleared during the war years. The houseboats began to return when The Kench was handed back to the HHS after the war and it was suggested that many owners of plots on The Kench chose to moor a boat there rather than rebuild a chalet, because of the post-war shortage of building materials. However, in later years, many of the boats began to be replaced by chalets on shore.
7. The planning history of the site is set out in the Statement of Common Ground and includes details of the Certificates of Lawful Use (CLUs) applied for by the appellant and granted by the Council in relation to her mooring. It also gives details of the planning permission granted in 1970¹ relating to the boats and chalets on The Kench which allowed the construction of additional chalets and also gave retrospective consent for those that had already been erected. The terms of the permission envisaged the removal of the existing houseboats by 1981.

¹ Ref: 18636/4

8. Nevertheless, some of the boats did not get replaced and, in 1985, the Langstone Harbour Revision Order confirmed the legality of the remaining 8 houseboat moorings on land owned by the HHS, so that their owners did not have to apply to the Langstone Harbour Board for permission to 'moor, place, keep or maintain in the harbour any houseboat' on those moorings. 3 of the moorings, including that owned by the appellant, are on the spit and 5 are on the opposite side of the inlet of water that separates the spit from Ferry Road, which gives vehicular access to The Kench.
9. The vessel that is the subject of the enforcement notice, the 'Ellen', is a former munitions barge that the appellant purchased as a replacement for the previous houseboat on the mooring, the 'Viking'. The mooring has been in the appellant's family for many years and the 'Ellen' is the third boat that they have owned and kept at The Kench. The 'Viking' was taken off her mooring after the 'Ellen' had been placed in a temporary position alongside her and taken across the water to Ferry Road, from where she was broken up and taken away.
10. The 'Ellen' is larger than the 'Viking', measuring about 70' x 18' compared to about 42' x 13' and originally had two compartments at bow and stern, one used as crew accommodation and the other as storage space. In between was a large open space used as the hold, over which tarpaulins would be stretched to cover the cargo. The vessel was only ever used as a towed barge and had no engine or other means of self propulsion. The mooring on which the 'Ellen' sits dries out at low tide and she rests on the spit at these times, without side supports as found on some of the other vessels on The Kench. However, the 'Ellen' floats clear of the ground on the high tide.
11. Prior to her arrival at The Kench, the 'Ellen' had the winch gear on her deck removed and the metal floor of the hold taken out. Since she was moored at The Kench, sections of her superstructure at the bow and stern have been cut away and this has meant that the previous crew and storage areas are no longer in their previous form. The living accommodation of the vessel is now within the former hold, over which a new deck has been constructed, and in a new structure on that deck. The interior of the 'Ellen' still requires a considerable amount of work to bring it to a condition that could be described as complete.

Reasons

12. The submissions on the grounds of appeal overlap to a certain extent and I will therefore deal with them under one heading. For the appellant, it is submitted that the wording of the allegation does not represent what has occurred on site and that it is consequently incorrect as a matter of fact. She states that the 'Ellen' should not be described as a 'barge' as she was, from the time she was purchased and modified prior to being brought to the site, intended for use as a houseboat.
13. However, whilst the interpretation of what can be considered to be a 'houseboat' will be discussed in subsequent paragraphs, there is no dispute that the 'Ellen' was once a barge and that she has been brought onto the mooring where the works enforced against were carried out. Whether these works were to 'convert the vessel to a houseboat' will also be discussed under the other grounds of appeal; nevertheless, the external modifications to the 'Ellen' had been carried out by the time the enforcement notice was issued.

14. Consequently, there can be no dispute that a barge (whether or not it is a houseboat) has been brought onto the mooring in an incomplete state and that on-going modification works have been in progress. In this respect, the allegation is correct as a matter of fact and the appeal on ground (b) fails in respect of them. I will consider under the appeal on ground (c) whether the positioning of the barge and the works carried out to it amount to a material change of use or operational development for which planning permission is required.
15. At the Inquiry, evidence was produced to support the contention that the houseboats had returned to The Kench by late 1947. If this was the case, then the moorings were established and in use before the provisions of the Town and Country Planning Act 1947 came into force on 1 July 1948 (the Appointed Day). Providing there has been no intervening change in circumstance, this would mean that the use was lawful and did not require a grant of planning permission to authorise it.
16. This evidence is in the form of extracts from the accounts of the HHS and from minutes of its meetings, showing that rent was paid by the appellant's grandfather (it was confirmed that he never owned a chalet so the rent must have been for his boat) at the end of 1947 and that, on 18 June 1948, the HHS was being requested to provide an electricity supply to the houseboats. The evidence was corroborated by one of the interested parties at the Inquiry, who had personal knowledge of the boats on The Kench at the time. I consider that this evidence shows, on the balance of probabilities, that the berth on which the 'Ellen' is now situated was in use as a residential mooring on the Appointed Day.
17. The Council submits that the 1970 planning permission started a new chapter in the planning history of the site. However, although the condition that required the removal of all the houseboats was not complied with, the local planning authority has not enforced against the 8 moorings that are there today and it is not disputed that the lawful use of the appeal site allows the mooring of a houseboat. Consequently, the residential use of the mooring which 'Ellen' is presently occupying at The Kench had not changed from before the Appointed Day at least up until the time that she was brought to the site. I consider it will only have changed since then if the 'Ellen', or the mooring, is found to be, or have been, in something other than a residential use.
18. There had been no limitation on the type or size of the boat that could be moored at The Kench until the issue of the CLUs granted by the Council in 2011 and 2012, which specified the dimensions of the 'Viking' that was previously kept there. However, whilst this is conclusive in confirming that the mooring of a residential boat of up to these dimensions on the site is lawful, it does not, in my view, establish that a larger boat would necessarily be unauthorised.
19. Significantly, the enforcement notice does not allege that the 'Ellen' is too big to be accommodated on the appeal site, which is agreed to be the ground covered by the mooring as defined by the anchorage points to which she is secured. This is the same area as defined on the second and most relevant CLU. The size is referred to in the reasons for issuing the notice and it is the impact of this size on the appearance of the surroundings that the Council believes should weigh against any planning permission being granted under the appeal on ground (a).

20. It therefore seems to me that a straightforward interpretation of the enforcement notice suggests that it is the stationing of a commercial barge, and the subsequent works to it, that have brought about the alleged material change of use, not the fact that the barge is bigger than the previous boat on the site.
21. Nevertheless, the Council also sought to suggest at the Inquiry that it is the additional size that has brought about a material change of use and cite a previous appeal Decision relating to floating structures used as living accommodation that were lawfully moored at Taggs Island in the Thames, for which considerably larger replacements had been substituted. I do not dispute that, in certain circumstances, operational development could bring about a material change of use such as at Taggs Island, but each situation needs to be considered on its own merits and as a matter of fact and degree. It is clear from photographs of the 'houseboats' at Taggs Island that they resemble 3 storey houses and the Inspector amended the enforcement notice to refer to them as '3 storey floating structures for the purposes of residential occupation'.
22. There was much discussion on what constitutes a 'houseboat' at the Inquiry, as there is no established definition in planning legislation, such as there is for a caravan. It was eventually submitted for the appellant that the term is a colloquial one and the only relevant description should be '*any vessel used primarily for human habitation*'. The Oxford Dictionary definition of a vessel is '*a ship or boat, especially a large one*'.
23. A definition contained in the Langstone Harbour Order 1982 and carried forward into the Langstone Harbour Revision Order 1985 defines a houseboat as '*any vessel lying in the water or on the foreshore of the harbour which is used or capable of being used as a place of habitation and if so used, whether such use be temporary intermittent or permanent or as a place for accommodating or receiving persons for purposes of shelter, recreation, entertainment or refreshment or as club premises or as offices but shall not include - (i) a vessel normally engaged in the transport of persons or goods; or (ii) any pleasure yacht used in navigation; or (iii) any lightship or watch barge; or (iv) any canal boat or other boat registered under Part X of the Public Health Act 1936; or (v) any vessel used by a bona fide fisherman in fishing as a means of livelihood*'. I see no reason to disagree with these definitions which together give a sensible and reasonable understanding of what a houseboat comprises and the limitations on its use.
24. Consequently, the structures at Taggs Island were clearly not 'houseboats' in any conventional sense, as evidenced by their continued description as 'structures' in the Decision, rather than 'vessels'. Similarly in *Sussex Investments Ltd v SoS for Environment & Spelthorne Borough Council [1997] EWCA Civ 2049* it was found that the floating structure enforced against was not a houseboat. In any event, I note that the requirements of the Taggs Island enforcement notices included the option of reducing the height of the structures and were clearly intended to enforce against their size, whereas there is no similar requirement in the case of the 'Ellen'. I consequently find that these examples do not provide any useful comparisons for this appeal.
25. I shall therefore consider whether, apart from the change in size, there is any reason why the stationing of the barge has brought about a change of use to the mooring or amounts to operational development. For the appellant, it is suggested that the residential use of the mooring, which as noted above is well established, does not limit the use but rather expands it.

26. It is the case that planning permission is normally required to station a boat that is primarily used for human habitation on a mooring and those at The Kench have been established as being for houseboats for many years. However, I consider that, in this case, the lawful use would not necessarily extend to allow the mooring of any boat on the berth, particularly if it was used for a purpose other than a residential one. This is in accordance with the definition cited above and, for example, I consider that the use of a houseboat mooring as a berth for a commercial fishing vessel or for a barge that was being loaded and unloaded on a regular basis would not be authorised.
27. Neither, in my view, would use of the mooring be authorised for the primary purpose of converting, adapting or carrying out other works on a vessel that would normally be carried out in a boatyard.
28. However, I consider that, by the time 'Ellen' was brought onto the site, enough modifications, such as the removal of the winch gear and the floor of the hold, had been undertaken to indicate that she was not in a condition to be used commercially. Therefore, even before the enforcement notice was issued, she was no longer being used as a commercial vessel. She had living accommodation before the appellant brought her to site and she still has, although now in a different form. The appellant gave evidence that she stayed on board 'Ellen' on occasions during the summers of 2011 and 2012 and I have no reason to doubt that this was the case. She was intended to replace the existing houseboat 'Viking' and, albeit incomplete, the only use to which she was being put was for human habitation on an occasional basis. This use is consistent with the authorised use of the mooring.
29. The findings of another appeal Decision² support the contention that the stationing of a replacement vessel on a lawful houseboat mooring did not amount to operational development within the terms of s.55 of the Town and Country Planning Act 1990 (as amended). This view was upheld by the Secretary of State, who confirmed that, because towing the vessel to the site, positioning it and mooring it to the bank on a lawful houseboat mooring had not brought about any material physical change to the land, no breach of planning control had taken place. In that case, the replacement vessel, the 'Fische', was considerably larger than the houseboat it replaced. Although this is not a legal authority, it gives guidance on how a similar situation to the replacement of the 'Viking' by the larger 'Ellen' has previously been considered.
30. In the case of the 'Ellen' there has been no significant physical change to the land that comprises the mooring. It seems that a revetment at the seaward end of the 'Viking', which was intended to help the vessel stand upright when the tide was out, was removed before 'Ellen' was moved into position. However, photographs show that this revetment consisted of a relatively small, pile of stones stacked in the mud and I do not consider that relocating them onto a nearby groin using a digger (which interested parties claim has occurred) amounts to an engineering operation for which planning permission would be required. The 'Ellen' lies within the boundaries of the authorised mooring and does not move out of this area with the tide; consequently, she is not too large to be safely berthed on the site, which has not otherwise had to be altered or expanded to accommodate her.

² Ref: APP/Y3805/C/04/1146607

31. It could however, as noted above, be claimed that the works that were carried out to the 'Ellen' have changed the use of the mooring from a residential one to something akin to a commercial boatyard. The cutting off of the stern and bow sections and the construction of the superstructure were carried out by specialists, not the appellant and, in my view, go well beyond what would normally be considered to be maintenance works to an established houseboat. I accept the premise that planning permission would be needed to use the mooring to facilitate such works and I shall return to this in later paragraphs.
32. However, whether the alterations that were carried out to the vessel were operational development that need planning permission were agreed between the main parties to depend on whether the 'Ellen' is considered to be a 'structure' as defined in s.55 of the Town and Country Planning Act 1990 (as amended) or whether she is a chattel which can be physically altered without planning permission. It has generally been held that houseboats are chattels and are so defined in the case of *Chelsea Yacht and Boat Co. Ltd v Pope* [2000] EWCA Civ 425. Although this was a case considered with reference to the Housing Act 1988, I find no reason to conclude its findings should not apply in this case. This definition has also been accepted by a former Deputy Prime Minister in reply to a parliamentary question in relation to the 'Fische' case.
33. I therefore conclude that the 'Ellen', whether a barge or a houseboat, is also a chattel and, whilst the siting of such a chattel can be controlled through the planning process, the works to her, in themselves, did not require a grant of planning permission to authorise them. The appeal on ground (c) succeeds to this extent. The question then arises as to whether she was not a houseboat at the time she was brought onto The Kench, as alleged in the enforcement notice. When considered against the definitions set out in previous paragraphs, I consider that the enforcement notice is inaccurate in this respect. Although very basic, the 'Ellen' contained space that could be used as sleeping accommodation and was in a residential use, albeit an occasional one.
34. Another characteristic, although perhaps less easy to define, is the view the owner of the vessel has of its status. If the boat does not fall into any commercial category, the fact that the owner considers it to be a houseboat is a reason to believe that it is. It was explained at the Inquiry that houseboat owners often see their boats as ongoing 'works in progress' and are prepared to live on board in fairly Spartan conditions whilst conversion and maintenance works are being carried out. It would not be practical or financially viable to move the boat to a yard to have all such works carried out and many owners enjoy undertaking the works themselves, whilst the boats are on their moorings.
35. In fact, the Council confirmed that it did not consider that on-going maintenance on the mooring was being enforced against, or that the works to the interior of the 'Ellen' should be subject to planning control. It is the external works that have been carried out that have, in part, led to the issue of the enforcement notice. On balance therefore, I conclude that the 'Ellen' was a houseboat before she was brought onto the site and before the enforcement notice was issued. The appeal on ground (b) succeeds to this extent.
36. However, as noted previously, the works carried out after the 'Ellen' was brought to The Kench, in particular the cutting away of the metal sections of the stern and bow and the construction of the superstructure, did, in my opinion, bring about a material change of use of the mooring and were not authorised on the grounds of being ancillary to the primary residential use.

37. They were substantial undertakings that were carried out within the sensitive surroundings of a SSSI. Large pieces of metal were cut from the boat by contractors working externally to the vessel and dropped onto the shore and the addition of the superstructure must also have involved a considerable amount of external work to significantly alter the form of the vessel. Although I have found that these works did not amount to 'conversion. . . to a houseboat' as described in the allegations of the enforcement notice, they went beyond the ancillary modification works to a houseboat on a residential mooring that would not have required planning permission.
38. I consider that the terms of S16 (7) (b) of the Langstone Harbour Revision Order 1985 safeguards the rights of the owners of the houseboats on the HHS moorings to replace them when necessary. Nevertheless, the facts that the Harbour Board cannot refuse permission for a replacement boat and that the HHS did not refuse the appellant's request to bring the 'Ellen' onto the mooring in place of the 'Viking' does not override the need to obtain planning permission for any operational development, if it is found to have taken place.
39. I therefore consider that the major changes to the shape of the hull and the addition of the superstructure were works that should have been carried out in a boatyard rather than on a residential mooring and in this respect the Council were entitled to enforce against them. The appeal on ground (c) consequently fails in respect of the use of the mooring for the carrying out of these works.
40. Also, whilst boats have been converted on their berths at The Kench in the past, and these works may have been similar to those carried out to the 'Ellen' and undertaken without planning permission, they have not gained immunity through the passage of time, as they have been infrequent and intermittent. The appeal on ground (d) consequently fails.
41. Although the major external alteration works are now complete, to grant planning permission for them retrospectively could set a precedent for other such substantial works to be carried out in the future, or on other moorings, to the detriment of the SSSI. This would be in conflict with the aims and objectives of policies CS11 and DM9 of the Havant Borough Core Strategy 2011 which, among other things, aim to protect the ecological value of the SSSI. These policies are consistent with those in Chapter 11 of the National Planning Policy Framework. Although Natural England have accepted that any harm to the SSSI caused by the works is now historic, I nevertheless consider that it is important to ensure that any further such significant works could be regulated through conditions to control the method and timing of the works. Consequently, the appeal on ground (a), for those parts of the work that I have found need planning permission, does not succeed.
42. Nevertheless, had the works referred to above been carried out before 'Ellen' was brought to The Kench, there would have been no breach of planning control brought about by mooring her in her current position. The great majority of the remaining matters that are needed to complete her are fitting out works that can be carried out internally and are consequently ancillary to the residential siting of the vessel. They will not involve any change of use of the land or water on which it is sited and do not therefore need planning permission. The requirement to remove the 'Ellen' from the mooring would not, therefore, serve to remedy the identified breach of planning control; the most that can be required is that the works that have brought about the change of use should cease and not be resumed. The appeal on ground (f) succeeds to this extent and the enforcement notice will be varied accordingly.

Other matters

43. The other houseboat owners on The Kench are concerned that the outcome of this appeal could limit their rights to replace their boats as and when necessary. They already need to gain permission for what they propose to do from the HHS and this will not be affected by this appeal. It will still be for the HHS to consider whether they find the proposals acceptable as freeholders of the land and their conclusions will no doubt be influenced by the appearance of the boat and whether it would fit onto its mooring. The means by which a vessel is brought to the site and an old boat removed will also be controlled by the Langstone Harbour Board.
44. However, I consider that the evidence before the Inquiry has established that the only time that planning permission would be needed in respect of a replacement houseboat within the existing boundary of an established residential mooring would be if the mooring was to be used for the siting of a vessel on which substantial external works are to be undertaken. This will, or course, be a matter of fact and degree in each particular case.

Conclusions

45. In summary, for the reasons set out above, I have found that the 'Ellen' was a houseboat when she was brought to the mooring and that there has been no change of use brought about through the process of siting her at The Kench, replacing the previous vessel. Planning permission is not needed for the works that have been carried out to her as she is a chattel to which planning controls over such alterations do not apply. The enforcement notice will be varied to reflect these conclusions.
46. However, using a residential mooring for undertaking these works of major alteration is a material change for which planning permission should have been obtained. I have also found that planning permission should not be granted retrospectively for these works and that the enforcement notice should remain in place to prevent any similar works from taking place on the mooring in the future without planning permission. Nevertheless, given the foregoing findings, the requirement to permanently remove the vessel from the mooring is excessive and will be deleted and the other requirements will also be varied to relate to the revised allegation.
47. For the reasons given above I conclude that the appeal should partly succeed on grounds (b), (c) and (f) but fails on grounds (d) and (a). Accordingly the enforcement notice will be varied to remove the references to the siting of a barge and its conversion to a houseboat and the requirements will also be varied as noted above. In these circumstances the appeal under ground (g), which related to the time needed to remove the 'Ellen' from the mooring, does not need to be considered.

Katie Peerless

Inspector

APPEARANCES

FOR THE APPELLANT:

Alan Masters	of Counsel
He called	
Jane Shipp	Appellant
Kevin Harvey	Marine Engineer
Richard Butler	Houseboat Owner and member of HHS
Philip Grant	Chalet owner, former chair and member of HHS
Jessica Aidley	Houseboat owner in Adur
Julia Jacs	Residential Boat Owners' Association
Sue Organ BA (Hons) DipTP MSc MRTPI	Appellant's agent

FOR THE LOCAL PLANNING AUTHORITY:

Gary Grant	of Counsel
He called	
Hilary Crane BSc Msc CMarSci MIMarEST	Natural England
Richard Nash MRTPI	Senior Planning Officer, Havant Borough Council

INTERESTED PERSONS:

Mark Pullen	Chair, HHS
Derek Butler	Houseboat Owner, former chair and member of HHS
Keilah Towers	Chalet owner and member of HHS
Dorothy Pullen	Chalet owner and member of HHS
John Cooper	Houseboat Owner and member of HHS
Liz Tester	Houseboat Owner and member of HHS
David West BEng CEng MICE	Chalet owner, former chair and member of HHS
Martin Ward	Barge Opposition Group, chalet owner and former treasurer of HHS

DOCUMENTS

- 1 Draft Statement of Common Ground
- 2 Notes of Mr Master's opening statement and costs application for the appellant
- 3 E-mails between appellant and Langstone Harbourmaster
- 4 Appellant's response to Requisition for Information
- 5 Appendices to Mr Harvey's statement
- 6 Rules of HHS 1994
- 7 Requisition for Information from appellant issued by the Council
- 8 Requisition for Information from HHS issued by the Council
- 9 HHS response to Requisition for Information
- 10 Notes from Mr Ward on planning permission for houseboats
- 11 HHS Chairman's report to AGM 2011 & Minutes of HHS Committee Meeting 22/10/2010
- 12 Letter from HHS Chair to members dated 28/10/2010
- 13 Planning permission ref: 90/55399

- 14 Planning permission dated 8/11/1948
- 15 Extracts from Good Practice Guide for Houseboats 2007, Adur District Council
- 16 Supplementary ecological report and mitigation measures
- 17 Letter to appellant from National RN Museum dated 10/6/2013
- 18 Natural England Statement of Common Ground
- 19 Notes of Mr West's statement and appendices
- 20 Final Statement of Common Ground
- 21 Mrs Towers' statement and appendix
- 22 Mrs Pullen's statement and appendices
- 23 Notes of Mr Ward's statement and appendices
- 24 Notes of Mr D Butler's statement
- 25 Notes of Mrs Tester's statement and appendices
- 26 E-mail from Havant Borough Council to Mr Cooper dated 30/3/2011
- 27 E-mail from Mr West dated 5/5/2009
- 28 Notes of Mr Cooper's statement
- 29 Notes of Mr Grant's closing submissions and legal authorities
- 30 Notes of Mr Master's closing submissions and legal authorities
- 31 Notes of Mr Grant's response to appellant's costs application

PHOTOGRAPHS

- Photo Set 1 Photographs submitted by appellant
- Photo Set 2 Photographs submitted by Dr Aidley
- Photo set 3 Photographs of Taggs Island structures after adaptation