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Attn. L. Oliver Esq.



Your Ref: APP/16/01234
Our Ref: AT/Mason
Date: 2 June 2017

Dear Sir,

**Our Clients: Dr and Mrs D Mason, of Hollybank Cottage, Long Copse Lane, Emsworth,
Hampshire Re Land Adjoining Hollybank Cottage Long Copse Lane Emsworth Hampshire
Re Planning Application APP/16/01234**

You will be aware that we act for Dr and Mrs Mason. Our clients have carefully considered the reports from the Gypsy Liaison Officer (GLO). We are instructed as follows:

As to the document dated 24th March 2017:

Paragraph 6 –

i our clients restate that the previous planning permissions have not been correctly implemented and that although this was addressed by us on their behalf in detail in respect of the previous application no effort has been made by the applicant to rebut what has been said.

ii our clients have seen no evidence of James Madgwick (JM) living on the site with Pasha Green (PG), at least in the commonly accepted sense of the word "living" implying a degree of permanence. Our clients own visual evidence is that Mr L Madgwick (LM) is living at the property most of the time. If that is the case it follows that JM and PG cannot be homeless since they must be living elsewhere.



Lawyer Members: Andrew Turner, Julian Quartermain, Mark Tosley, Richard Haggood, Lisa Moore, David Sumner

Non-Lawyer Member: Janice Ward (Practice Director)

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Our clients' evidence is that JM may be staying about once each week. PG has been seen by our clients hardly at all although they say it was noticeable that she was present at about the time of the GLO's visit – 20th March. Assuming this is correct then neither JM nor PG can be homeless since they must be living elsewhere. Our client evidence is supported by observation by the owners of 54 Longcopse Lane (Mr and Mrs Poirrier) the next nearest property to our clients'.

Paragraph 7 – the GLO has not seen or at least has not produced any evidence of applications to other sites and seems to have accepted the statements made as firm evidence. There are traveller sites in Westbourne and at Funtingdon which are close to the application site. There is no reason why JM and PG should not apply there. See also the conclusion as to West Sussex affinity in paragraph 10.

Paragraph 12 – the fact that the stables are occupied by a horse is not evidence of horse trading. Our clients' visual evidence however is that there is trading (which is in any event a commercial activity in breach of planning). Principally though the horse(s) is/are used for recreational trotting.

Paragraph 19 – our clients have established that JM lives in a house in Portsmouth. See previous evidence supplied. They cannot understand why there is now an imperative to live in a mobile home in Longcopse Lane. Their view is that this is an opportunistic attempt to establish a residential site entirely contrary to established planning policy.

Paragraph 21 – no such evidence has ever been produced

Paragraph 22 – our clients do not understand this conclusion. It is clear that the family has an established home in Portsmouth.

As to the document dated 11th April 2017:

Paragraph 2A and reply to question A in paragraph 4 – why has no attempt been made to ascertain why a site in West Sussex would not be available. As stated sites in both Westbourne and Funtingdon are within the 2 to 4 mile radius referred to and would not involve a breach of planning policy. Our clients do not understand why this obvious point has not been explored. The travelling community are presumably not hindered by County boundaries in their search for sites.

Paragraph 2B and reply to question B in paragraph 4 – our clients cannot understand why the GLO has come to a conclusion about living at the side of the road.

Paragraph 2C and reply to question C in paragraph 4 – our clients are unable to understand the logic of what is said here. On the one hand LM is the owner of a house in Portsmouth. If LM is able to surrender the cultural tradition and live in that house the question arises as to why JM should not do exactly the same? The details of the occupiers are inconsistent with the evidence already provided to the Council. The Council should have strict proof of who is in occupation of the property and of their relationship to the owner.

Paragraph 5 – for the reasons set out above our clients' view is that the conclusion here is both emotive and unjustified.

Further our clients suggest that the GLO and or the Council should at the least have expected to see:

- 1 medical confirmation of pregnancy
- 2 evidence of where PG is living
- 3 evidence of JM's suggested nomadic lifestyle beyond a simple conversation with the GLO.

If he is presently living in bricks and mortar accommodation why should he be entitled to move into a mobile home in contravention of existing planning policies?

Our clients remain deeply concerned about this application and by the lack of any enforcement action taken by the Council to deal with the patent breaches that have existed at the subject site now for years.

Our clients are saddened that their human rights seem to be being overlooked and on their behalf we re-emphasise what is said as to these starting on page 6 of our letter of the 29th March 2017.

Yours f

Larcomes LLP