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Chief Planning Officer
Havant Borough Council
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For the attention of S Weaver Esq.

LARCOMES
LLP
SOLICITORS

Your Ref: APP/16/00021

Our Ref: AT/Mason

Date: 4 April 2016

Dear Sir,

re: APP/16/00021 Change of use from private equestrian yard to a mixed use comprising private equestrian yard and two pitch, private gypsy and traveller site (including amenity block and two touring caravan pitches). Land - Stables adjacent to Hollybank Cottage, Long Copse Lane, Emsworth

We refer to this matter. We act for Mr and Mrs Mason of Hollybank Cottage and other residents.

This letter addresses a single issue to do with the current use of the property the subject of the current application and is not intended as a comprehensive objection.

The background to that use is comprised in two permissions relating to applications numbered 10/74070/000 and APP/14/00381. We have considered both of those. In our view both the applications were incorrect insofar as they showed within the application sites land not controlled by the applicant. It follows therefore that certificates A completed in both cases were wrongly submitted. We attach copies of both application plans. It will be noted that the extent of the land within red lines on these is the same. We also attach a copy of the plan from



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Mark Toolay • Richard Hoggood • Lisa Moore
David Sumner

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Associate Member: Amanda-Jane Shackleton

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Fellows of the Institute of Legal Executives

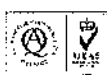
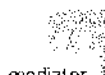
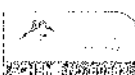
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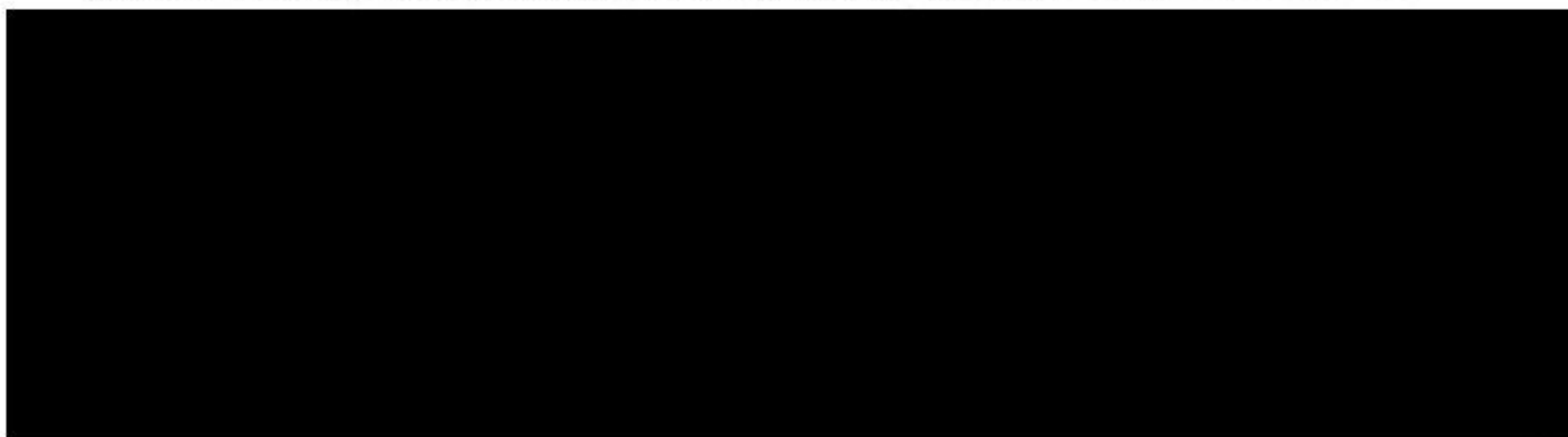
the current application showing the red line in a different place and we have highlighted in yellow the area of land that was included in the 2010 and 2014 applications but which is not in the current one. From a perusal of the Land Registry plans and titles it does not seem that land ownership extents have changed in the relevant period.

We believe that the most likely explanation for this discrepancy is that when the 2010 and 2014 applications were prepared the plans used were drawn following the OS field boundary lines rather than the actual title boundary. If that is the case given the fact that certificate A's would be incorrect, in our view these errors make the permissions unlawful.

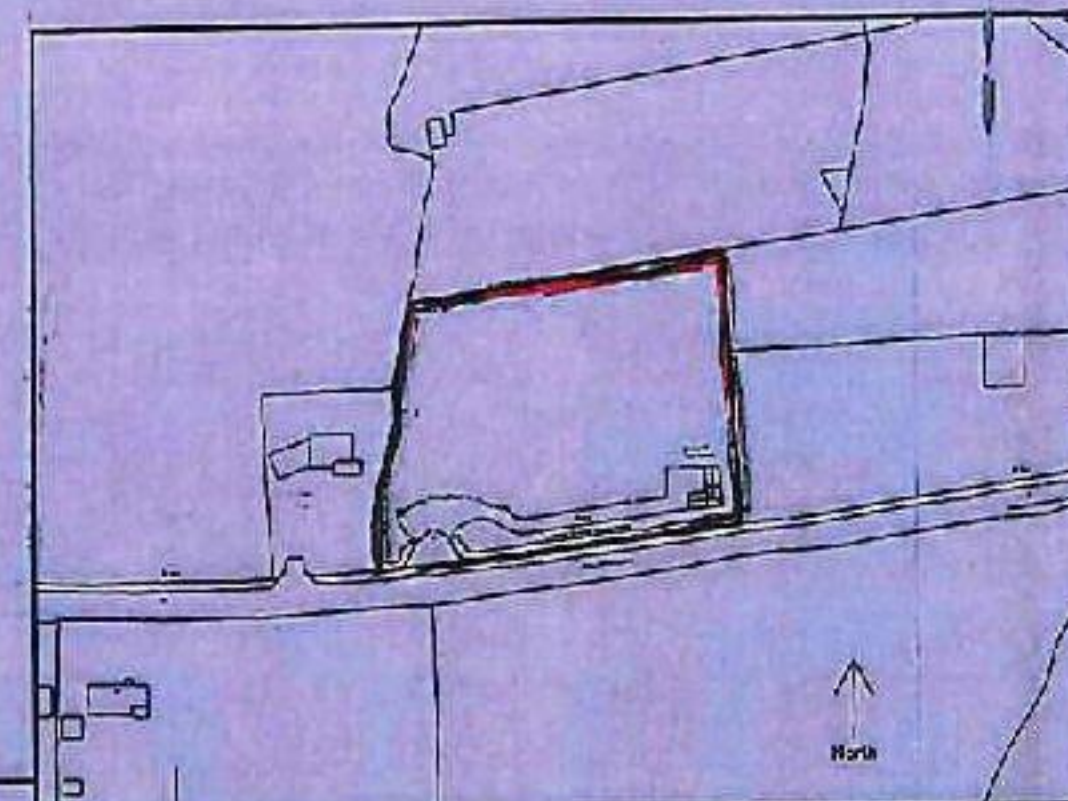
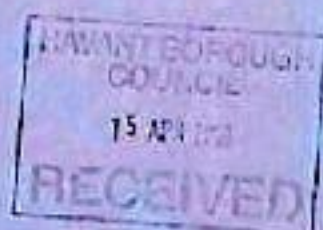
More importantly perhaps the consequence of the incorrect mapping is that the actual physical position of the permitted stables and extension on the ground now is not where it should be (as shown on the permitted drawings) but considerably to the west and therefore nearer to Hollybank Cottage. The relative positions can be clearly seen on the three plans.

Assuming what we have said above is correct the Council cannot countenance an approval of a further application to extend the use of the site as submitted in the current application and must consider both the lawfulness of the two current permissions and the action that needs to be taken to ensure that the present buildings are correctly sited as they were permitted at the correct distance from Hollybank Cottage.

To assist the Council we also attach a copy of the relevant extract from the Land Registry records to show the various titles and a photo which illustrates the present position clearly and which is consistent with what we have said above.



PERMIT



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Location Plan 1:1250

Important Notes

It is the sole responsibility of the building owner to develop legal agreements with adjoining property owners to cover the owner's hanging of any balconies, porches, foundations or any part of the building. The owner cannot be held responsible in any way whatsoever for any legal costs or other costs incurred through any neighborhood disputes.

It is the responsibility of the building owner to comply with the party wall act 1994 and design can not be held responsible in any way if non compliance is indicated.

U.S. Imperial Dimensions of V.V.

all dimensions in millimeters only unless stated otherwise

all clients and feedback is essential to drawing and to visually communicating ideas prior to field sketching. Any client needs in dimensions or boundary locations are to be brought to the attention of field design immediately before any field sketching is made on site.

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reviokom



PROPOSED
- LANDSCAPING TO
RE-INFORCE EXISTING
MATURE HEDGE.

MIX OF HAWTHORN, SLUGTHERON
AND FIELD MAPLE, TWO ROWS
AT STAGGERED 45cm INTERVALS

PLANTING HEIGHT - 1-1.5M
- 3 LITRE POTS

T.P.O. x 2 - NO DEVELOPMENT
WITHIN ROOT
PROTECTION AREA

CONTACT

Proposed Field Shelters
Long Copse Lane
Westbourne
Hampshire
PO10 7UR

45

Mr L Madgwick

drawing

Proposed Shelters

1105

Planning Application

—

1:500 GAI

43

October 2009

lot no.

1206/09 01_

revision

(A) PHOTOS, TATINGS,
TPO'S, INFORMATION NOTED
APRIL 2010 - PR

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M D T
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architectural services

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Site Plan 1:500



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unless for planning purposes
use figured dimensions only



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DRAWN AT	CHESTER	OFFICE	DRAWN BY	WAC
SCALE	1:50000	DATE	CHECKED BY	WAC

CO-TRUST No	DRAWING No
9399	9399.3.A

Mr L Madgewick stable extension

4

DRG.No. 01297/2C



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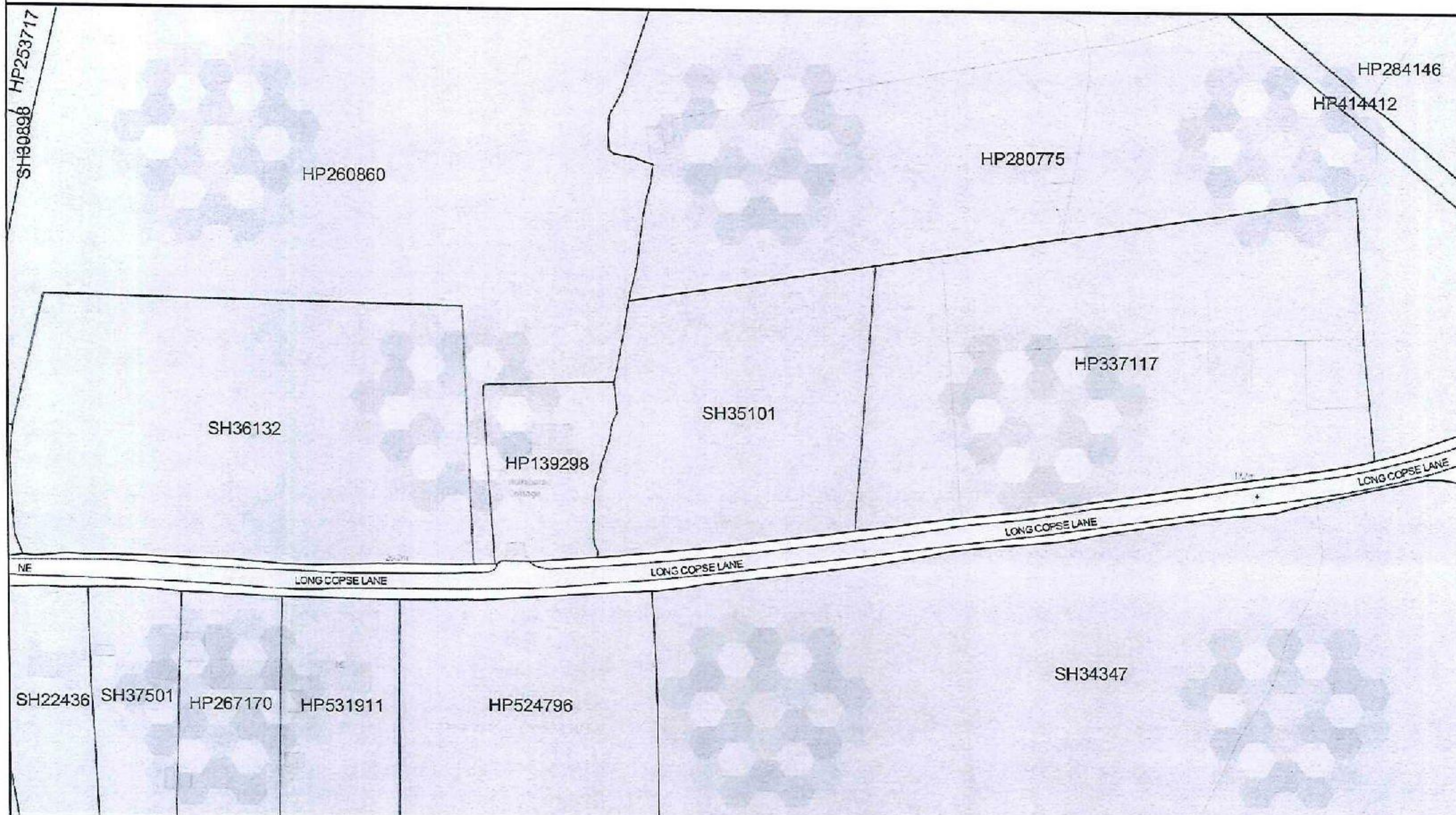
Rev	Date	Revision

TITLE
 PROVISION OF PITCHES ON LAND OFF LONG COPSE LANE,
 EMSWORTH, HAMPSHIRE.
PROPOSED LAYOUT & LEVELS

CLIENT
 Mr L MADGWICK

DRN. SAB
DATE 08.03.15
SCALE A3 1:500

DRG. No.
01297/2C
Rev: 1 (08.03.15)



0 5 10 15 20 25 30 35 40 50m

Map scale 1:1250

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Data last updated 10:00pm 28 MARCH, 2016

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Google Maps Photo of site with red edging added to show delineation



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