

APPEAL BY MR. R. BLACK

Joint Statement of Personal Circumstances

Redacted Version

Regarding the service of enforcement notice by West Berkshire District Council alleging,

Without planning permission, the material change of use of the Land from agriculture to use as a Gypsy and Traveller Site comprising five pitches with touring caravans, mobile welfare / storage units, skips, and dog kennels, together with the laying of hardstanding and the erection of fencing associated with the change of use of the site (the “Unauthorised Development”).

at Land adjoining Sandhill, Hampstead, Norreys Road, Hermitage, Thatcham, RG18 9XU

March 2025

Our Ref:	J005247
PINS Ref:	TBC
LPA Ref:	23/00211/15UNAU

NOTE ON REDACTIONS

Where applicable, all dates of birth have been redacted.

Where applicable, specific locations of Schools currently attended, or Doctors Surgeries currently attended have been redacted.

Medical circumstances and mental health matters have been redacted as appropriate where necessary to do so to protect identities.

Children have been anonymised, to protect their identities.

1.0 **INTRODUCTION**

1.1 This statement has been prepared by WS Planning & Architecture on behalf of the occupiers regarding the land which is subject of this appeal.

1.2 To summarise the information in the statement, it relates to matters of personal circumstance as given by the occupiers. The following matters should be taken into account in the overall planning balance,

- a) **the personal need for accommodation of the applicant**
- b) **the availability (or lack) of alternative accommodation for the applicant**
- c) **the medical and/or welfare considerations of the applicant**
- d) **the best interests of the child**

1.3 Case law is clear that there is a duty on both the LPA and Secretary of State to treat the best interests of the child (including unborn children) as a primary consideration, and that no other consideration is inherently more important. This was established in the case of *AZ v SSCLG & South Gloucestershire Council [2012]* and *Collins v SSCLG [2013]*. **As such, the best interests of the children occupying the site are a paramount consideration which must be taken into account by the Decision Maker.**

1.4 The Best interests of the children arise from the duty set out under Article 3.1 of the United Nations convention on the right of the child. The Court of appeal in the case of *Collins v Secretary of State for Communities and local Government and Fylde Borough Council 2013 EWCA 1193* confirmed that inspectors must apply the principles set out by Mr Justice Hickinbottom out at paragraph 69 of *Stevens v SSCLG and Guildford [2013] EWHC 792* which states as follows:-

“69. *From these authorities, in respect of the approach of a planning decision-maker, the following propositions can be derived.*

- i) *Given the scope of planning decisions and the nature of the right to respect for family and private life, planning decision-making will often engage article 8. In those circumstances,*

relevant article 8 rights will be a material consideration which the decision-maker must take into account.

- ii) Where the article 8 rights are those of children, they must be seen in the context of article 3 of the UNCRC, which requires a child's best interests to be a primary consideration.*
- iii) This requires the decision-maker, first, to identify what the child's best interests are. In a planning context, they are likely to be consistent with those of his parent or other carer who is involved in the planning decision-making process; and, unless circumstances indicate to the contrary, the decision-maker can assume that that carer will properly represent the child's best interests, and properly represent and evidence the potential adverse impact of any decision upon that child's best interests.*
- iv) Once identified, although a primary consideration, the best interests of the child are not determinative of the planning issue. Nor does respect for the best interests of a relevant child mean that the planning exercise necessarily involves merely assessing whether the public interest in ensuring planning controls is maintained outweighs the best interests of the child. Most planning cases will have too many competing rights and interests, and will be too factually complex, to allow such an exercise.*
- v) However, no other consideration must be regarded as more important or given greater weight than the best interests of any child, merely by virtue of its inherent nature apart from the context of the individual case. Further, the best interests of any child must be kept at the forefront of the decision-maker's mind as he examines all material considerations and performs the exercise of planning judgment on the basis of them; and, when considering any decision he might make (and, of course, the eventual decision he does make), he needs to*

assess whether the adverse impact of such a decision on the interests of the child is proportionate.

- vi) *Whether the decision-maker has properly performed this exercise is a question of substance, not form. However, if an inspector on an appeal sets out his reasoning with regard to any child's interests in play, even briefly, that will be helpful not only to those involved in the application but also to the court in any later challenge, in understanding how the decision-maker reached the decision that the adverse impact to the interests of the child to which the decision gives rise is proportionate. It will be particularly helpful if the reasoning shows that the inspector has brought his mind to bear upon the adverse impact of the decision he has reached on the best interests of the child, and has concluded that that impact is in all the circumstances proportionate. I deal with this further in considering article 8 in the context of court challenges to planning decisions, below."*

- 1.5 It is now the case that the Decision-Maker has a duty to ask themselves what the best interests of the children are, and to keep that at the forefront of their mind. The best interests of the children must carry at least as much weight as any other material consideration and that the balancing exercise must be an exercise of substance rather than form.

2.0 PLOT 1

2.1 Plot 1 of the appeal site is occupied by:

John Sam Black [REDACTED]

Grace Tillie Georgina Black [REDACTED]

Plot 1 Child A [REDACTED]

2.2 The family have not raised any medical circumstances of note, and are understood to all be in good health.

2.3 The family are all registered at [REDACTED].

2.4 The intention is for Child A to attend the local Nursery and Hermitage Primary School when he is of age to. The family are eager for this opportunity to be provided to him to ensure he gets a full education, whilst being an entirely suitable school in walking distance from the site.

2.5 John (snr) was brought up in Tadley, Newbury, although born in Basingstoke. He has spent his entire life in this area, and considers it home. Grace has been in this area for the last 10-15 years, and before that was brought up in Kent when young. Child A has spent his entire life on this site.

2.6 They have significant family ties to this area, and are extended family (siblings/cousins) with all 4 other plots on this site. This, in combination with the services and suitability of Hermitage and its surroundings, results in the appeal site being a perfect location for them to bring up their young family.

2.7 Prior to moving on to this site nearly 2 years ago, they were doubling up on John's uncle's plot. However, they were evicted from that site as there were too many people living on it. They had no alternative sites, and this site became available and seemed like a dream place to call home.

2.8 The family are well settled into the site and its surroundings. They are wanting to enhance site for amenity / grassed areas, enhanced planting, access and drainage enhancements, but this cannot be done due to the injunction with effect on the

land. They are keen to work with their extended family who live on the other plots to ensure the site is suitable, and well-designed and maintained for all.

2.9 The family are of English Romani Traveller background. They have travelled to horse fairs and for work in the past, but in recent this years with their child this has slowed down. They are hoping to establish a permanent settled base for which they can bring up their family on.

2.10 Without this site they would be forced into a roadside existence as they have no alternatives. This would have a catastrophic impact on the young family who are settled in well and have plans for their child to attend the local school. They have spent their life savings on this site and the planning process, do not know of any alternatives, and therefore finding any hypothetical plot of land would be extremely difficult and require time and money to be saved.

3.0 PLOT 2

3.1 Plot 2 of the appeal site is occupied by:

- Sam Nathan Ayres [REDACTED]
- Sarah Rose Ayres [REDACTED]
- Sophie Elizabeth Ayres [REDACTED]
- Plot 2 Child A [REDACTED]
- Plot 2 Child B [REDACTED]
- Plot 2 Child C [REDACTED]

3.2 Sophie Elizabeth is due to have a child in August who will also be brought up on this plot.

3.3 They have significant family ties to this area, and are extended family (siblings/cousins) with all 4 other plots on this site. This, in combination with the services and suitability of Hermitage and its surroundings, results in the appeal site being a perfect location for them to bring up their young family.

3.4 All of the children were home schooled, and those still being home schooled are in their final year as they are now 16 years old.

3.5 Sarah is diagnosed with [REDACTED] and [REDACTED] and suffers with [REDACTED]. Sarah is registered at her previous doctors in Tadley area, where they used to live, as they have dealt with her medical concerns for a significant period. The rest of the family are registered at [REDACTED].

3.6 [REDACTED]
[REDACTED].

3.7 [REDACTED]
[REDACTED].

3.8 Their medical conditions have been negatively affected by the planning process, and this has been an additional stress and significant concern for them.

- 3.9 Before this site, they lived on a site in Tadley for around 20 years with their mother and father. Their mother and father had to move out because of health conditions, and the rest of the family were subsequently evicted.
- 3.10 The family had no alternative, and know of no alternatives, and so this plot became a great option for them to secure their own settled base for their family.
- 3.11 Without this site, the family would be forced into a roadside existence. They cannot imagine the impact of this on the family, especially noting their medical concerns, children, and soon to be grandchild. Continuing to bring up their family, and welcoming another child, whilst living roadside would be extremely difficult.
- 3.12 The family are of English Romani Traveller background. They actively travel to horse fairs within summer months, however, Sarah struggles with this due to her medical condition so often is not able to.
- 3.13 The family are well settled into the site and its surroundings. They are wanting to enhance site for amenity / grassed areas, enhanced planting, access and drainage enhancements, but this cannot be done due to the injunction with effect on the land. They are keen to work with their extended family who live on the other plots to ensure the site is suitable, and well-designed and maintained for all.

4.0 PLOT 3

4.1 Plot 3 of the appeal site is occupied by:

Andrew Stevens

[REDACTED]

Scarlett Golia Stevens

[REDACTED]

Plot 3 Child A

[REDACTED]

Plot 3 Child B

(new child – d.o.b. at time of update not recorded)

4.2 The family have not raised any medical circumstances of note, and are understood to all be in good health. The family are all registered at [REDACTED]

[REDACTED].

4.3 The intention is for Child A and Child B to attend the local Nursery and Hermitage Primary School when they are of age to. The family are eager for this opportunity to be provided to them to ensure they get a full education, whilst being an entirely suitable school in walking distance from the site.

4.4 They have significant family ties to this area, and are extended family (siblings/cousins) with all 4 other plots on this site. This, in combination with the services and suitability of Hermitage and its surroundings, results in the appeal site being a perfect location for them to bring up their young family.

4.5 Before this site the family were doubling up unlawfully on other plots, finding a place of stay wherever they could.

4.6 The family have said to be settling in extremely well, and are eager for this to be their permanent settled base to bring their family up at.

4.7 The family had no alternatives, and know of no alternatives, and so this plot became a great option for them to secure their own settled base for their family.

4.8 Without this site, the family would be forced into a roadside existence or doubling up wherever they can unlawfully. Bringing up their young family in this way would be extremely difficult.

- 4.9 The family are of English Romani Traveller background. They actively travel to horse fairs within summer months as a family.
- 4.10 The family are well settled into the site and its surroundings. They are wanting to enhance site for amenity / grassed areas, enhanced planting, access and drainage enhancements, but this cannot be done due to the injunction with effect on the land. They are keen to work with their extended family who live on the other plots to ensure the site is suitable, and well-designed and maintained for all.

5.0 PLOT 4

5.1 Plot 4 of the appeal site is occupied by:

- Edward Wall [REDACTED]
- Shannon Connors [REDACTED]
- Plot 4 Child A [REDACTED]
- Plot 4 Child B [REDACTED]
- Plot 4 Child C [REDACTED]
- Plot 4 Child D [REDACTED]
- Plot 4 Child E [REDACTED]

5.2 Child A and Child B currently attend [REDACTED] school as their family doubled up on their parents pitch in this area. They intend to relocate their children to the local Primary School when planning permission would be granted.

5.3 The family are all enrolled at [REDACTED] in Basingstoke for similar reasons, and are awaiting planning permission to be granted to register at the local doctors surgery which is their intention.

5.4 The family have not raised any medical circumstances of note asides from in relation to Child C. Child C has been struggling with speaking and displayed other symptoms of Autism and is currently undergoing tests for this. [REDACTED]
[REDACTED].

5.5 As mentioned, the family used to double up on their parents plot in [REDACTED]. They have always had connections to the Basingstoke and Berkshire area, and became aware of the site at Hermitage and thought it would be a place they could call home and bring up their young family on.

5.6 They are extended family (siblings/cousins) with all 4 other plots on this site. This, in combination with the services and suitability of Hermitage and its surroundings, results in the appeal site being a perfect location for them to bring up their young family.

- 5.7 The family are of English Romani Traveller background. They actively travel to horse fairs within summer months as a family but this has slowed down in recent years.
- 5.8 The family are well settled into the site and its surroundings. They are wanting to enhance site for amenity / grassed areas, enhanced planting, access and drainage enhancements, but this cannot be done due to the injunction with effect on the land. They are keen to work with their extended family who live on the other plots to ensure the site is suitable, and well-designed and maintained for all.
- 5.9 They have spent their life savings on this site and the planning process, do not know of any alternatives, and therefore finding any hypothetical plot of land would be extremely difficult and require time and money to be saved.

6.0 PLOT 5

6.1 Plot 5 of the appeal site is occupied by:

- Michael Wall [REDACTED]
- Kathleen Connors [REDACTED]
- Bridget (Bridy) Connors [REDACTED]
- Mary Connors [REDACTED]
- Plot 5 Child A [REDACTED]
- Plot 5 Child B [REDACTED]

6.2 Mary is due to have a baby boy in the next week as of writing, due to be born at Basingstoke Hospital.

6.3 Michael also has 3 children of another marriage who stay over the weekends. These are Marie Wall [REDACTED], Margaret Wall [REDACTED], and Felix Wall [REDACTED]. [REDACTED], but has medical care provided where he stays on weekdays in Essex.

6.4 Child B is enrolled in [REDACTED], but the intention is for him to enrol at the local Primary School when planning permission is granted. Child A just left primary school and is now getting home tutored.

6.5 The family are registered at [REDACTED] in Winchester as they have been attending here for many years, but the intention is for them to be registered at Downland Practice in Chieveley when planning permission is granted.

6.6 The family doubled up on their parent's plot at [REDACTED], for around 10 years before moving on to this site around 2 years ago. Their parents plot at [REDACTED] was cramped and entirely unsuitable for their family, and at the same time did not benefit from planning permission for them.

6.7 They are extended family (siblings/cousins) with all 4 other plots on this site. This, in combination with the services and suitability of Hermitage and its surroundings, results in the appeal site being a perfect location for them to bring up their young family.

- 6.8 Kathleen suffers with [REDACTED], which is a diagnosed condition. Mary also suffers with [REDACTED], but this is not yet diagnosed. Child B is believed to have ADHD, which is currently being tested for, as is the situation with Mary.
- 6.9 Their medical circumstances mean that a settled base is all the more important to them, and the difficulty of the planning process and not having certainty regarding their home causes significant stress.
- 6.10 The family are of English Romani Traveller background. They all actively travel to horse fairs within summer months as a family.
- 6.11 The family are well settled into the site and its surroundings. They are wanting to enhance site for amenity / grassed areas, enhanced planting, access and drainage enhancements, but this cannot be done due to the injunction with effect on the land. They are keen to work with their extended family who live on the other plots to ensure the site is suitable, and well-designed and maintained for all.
- 6.12 Without the site at Hermitage, they consider they would likely end up roadside as they know of no available alternatives, nor have any money to buy any potentially available land. This would have a catastrophic impact on their young family, their medical concerns, as well as on Mary and her soon to be born child.
- 6.13 They have spent their life savings on this site and the planning process, do not know of any alternatives, and therefore finding any hypothetical plot of land would be extremely difficult and require time and money to be saved.