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## Appeal Decision

Inquiry Held on 12 February, 1 – 3 October and 18 December 2019

Site visit made on 12 February 2019

**by J A Murray LLB (Hons), Dip. Plan Env, DMS, Solicitor**

**an Inspector appointed by the Secretary of State**

**Decision date: 9<sup>th</sup> January 2020**

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**Appeal Ref: APP/X5210/X/17/3198526**

**North Fairground Site, Vale of Health, London, NW3 1AU**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a failure to give notice within the prescribed period of a decision on an application for a certificate of lawful use or development (LDC).
  - The appeal is made by Knightsbridge Parks LLP against the Council of the London Borough of Camden.
  - The application (Ref. 2017/436/P) is dated 31 July 2017.
  - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
  - The use for which a certificate of lawful use or development is sought is use of the land as a caravan site for the stationing of seven static caravans for the purposes of human habitation.
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. The inquiry opened on 12 February 2019 but was adjourned the same day for personal reasons affecting one of the witnesses. I carried out an accompanied site inspection that day then resumed the inquiry on 1 October 2019. I sat on 1, 2 and 3 October, but adjourned early on 3 October, as one of the advocates was taken ill. I resumed on 18 December 2019 and concluded the inquiry that day. All witnesses gave evidence under oath or affirmation.
3. Although the original LDC application described the proposed use as “use of the land as a caravan site with 12 caravans”, this was corrected by the applicant/appellant in October 2017. The correct description is as per the heading to this decision.

### Main Issue

4. The main issue is, whether refusal of the LDC application would have been well-founded. To succeed, the appellant will need to prove on the balance of probability that use of land as a site for the stationing of seven static caravans for the purposes of human habitation would not have involved a material change of use, if begun on 31 July 2017 (the date of the application). This necessitates consideration of the existing lawful use at that date.

## Reasons

5. Dealing first with the lawful use of the site as at 31 July 2017, there has never been any planning permission for the site. The Statement of Common Ground, agreed by all parties to the appeal, records that: the site has been owned and used by the Abbott family since the 1950s; they live in caravans and use the site for their business as 'showpeople' in connection with travelling fairs; there are also other caravans on the site, but the extent to which those caravans have been occupied, for how long and by whom is not agreed. The appellant wishes me to assess the question of whether the proposed use would involve a material change of use on the basis that the existing lawful use is a mixed use comprising a 'showpersons site' use and a residential caravan site use.
6. The appeal is against the Council's failure to determine the LDC application. However, after the appeal was lodged, the Council issued a putative decision letter<sup>1</sup>, indicating that it would have refused the application. The stated reason was that the proposed use would constitute a material change of use "from the current use of the site comprising "a 'showpersons site' use and a residential caravan site use." The City of London Corporation, the Heath and Hampstead Society and the Vale of Health Society (the Rule 6 parties) do not accept that use as a residential caravan site is a lawful primary use of the land.
7. The Council's putative decision was based on an officer's delegated report<sup>2</sup> (the officer's report). That report stated that in addition to the use of the site by the Abbotts in connection with their business as 'showpeople' there were "also other caravans used by unrelated residents and other fairground workers." It went on to say the site "contains a number of different caravans, mobile homes, car and lorry parking, trailer and equipment storage, plus some toilet and store sheds, in varying degrees of occupation throughout the year."
8. Describing it as "a useful starting point", the officer's report cited a 1998 appeal decision Ref T/APP/X5210/A/97/283311/P4<sup>3</sup> (the 1998 appeal decision). It concerned an appeal against the Council's failure to determine a planning application for the development of the site with 15 apartment residential units, with ancillary basement car parking and the creation of an area of public open space. The Inspector said:

*"The site... is currently used for the storage and maintenance of fairground equipment. It also contains a number of residential caravans and several small structures. A small fair is held on the site several times per year.*

*...I share the Council's view that the evidence of the history of the site would appear to indicate that the lawful use is probably as winter quarters, as described in Circular 22/91 on traveling showpeople. This is a "sui generis use" which does not fall within any particular Use Class as defined in the Town and Country Planning (Use Classes) Order 1987."*

9. At paragraph 4, Circular 22/91<sup>4</sup> said:

*"The nature of showpeople's sites is unusual in planning terms. The sites illustrate the showpeople's characteristic self-sufficiency by combining*

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<sup>1</sup> Mr Thuairé's appendix 2.

<sup>2</sup> Mr Thuairé's appendix 3.

<sup>3</sup> Mr Thuairé's appendix 5.

<sup>4</sup> Inquiry document 16.

*residential, storage and maintenance uses. Typically a site comprises areas set aside for showpeople's accommodation-usually caravans and mobile homes-and areas where vehicles and fairground equipment can be stored, repaired and tested. This means that the sites do not fit easily into existing land use categories."*

10. Given the nature of the appeal, the 1998 decision did not provide a binding determination of the lawful use of the site. However, the Inspector's description of the use of the site at that time has not been challenged by any of the appellant's evidence, nor by anyone else.
11. In the absence of a planning permission, a use of land will become lawful if it commences and then continues without significant interruption for a period of 10 years. Whether or not there is also an unrelated residential element, I am satisfied on the evidence that, whilst the intensity of the use fluctuated, the appeal site had been used for the accommodation of showpeople (including retired showpeople) in caravans and mobile homes and for the storage, maintenance, repair, cleaning and testing of fairground equipment and vehicles. For the appellant, Charles Abbott confirmed this pattern of use continued, at least on part of the site, up to 2017 when he left the site and so I am satisfied that this use of the site was lawful at the date of the LDC application.
12. As indicated, the appellant urges me to assess the materiality of a change to the proposed use on the basis that the existing lawful use is a mixed one, including use as a residential caravan site. However, the onus is on the appellant to prove, on the balance of probability, that such residential use commenced at least ten years before the date of the LDC application (i.e. on or before 31 July 2007) and then continued without significant interruption for ten years after that use commenced.
13. The officer's report referred to enforcement investigations in 2006. The Council's file notes<sup>5</sup> indicate that the investigation followed an initial complaint concerning use of the site by 'New Age Travellers'. However, they moved off the site in 2005 and the Council concluded that there had been no material change of use; the site "was a 'showpersons' site with fluctuating numbers of travelling showpeople or related to fairgrounds or part-time workers (eg. a mechanic)."
14. The officer's report then refers to one land use survey carried out in July 2010 (later revised in March 2011)<sup>6</sup> and another undertaken in 2017<sup>7</sup>. After analysing those surveys, the report said:

*"In conclusion, on the basis of the evidence from both 2011 and 2017, it is considered that the site still has a mixed use of (a) showpersons' site with some dependents and some fair workers and of (b) other unrelated residents, rather than a predominantly residential caravan site with ancillary showpersons' site as winter quarters with storage. It is also considered that it is reasonable to assume, without any clear evidence to prove the contrary, that this mixed use ('Sui Generis') has probably subsisted for over 10 years since 2006 (the time of the last enforcement investigation) and is thus now*

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<sup>5</sup> Mr O'Neill's proof paragraph 4.26

<sup>6</sup> Mr Thuaire's appendix 9.

<sup>7</sup> Mr Thuaire's appendix 12.

*lawful. The agent has agreed ...that 'the site has a mixed use and that this mixed use has been established for more than ten years'.*"

15. It is not for me to "assume" that the mixed use probably subsisted for 10 years; it is for the appellant to prove that it did. I must therefore consider the evidence, rather than simply adopting the Council's conclusion.
16. The response to a 2004 Planning Contravention Notice (PCN)<sup>8</sup> listed several people living on the site in caravans and paying rent, either personally, or through housing benefit. Some of their stated occupations appeared totally unrelated to showman/fairground work, such as: "promoter - looking for work"; "health therapist - seeking work"; "sports injuries therapist"; "gardener"; "carpenter/dancer"; "musician/repairs - seeking paid work"; and "welder." However, according to file notes<sup>9</sup>, of those people listed in the PCN response, only 2 were still on site when the Council visited on 7 October 2005, namely Henrik Clark and James McGuigan. Mr Clark was described as a "mechanic." Mr McGuigan was described as a "gatekeeper/Earth Circus/artist" but Charles Abbott said in evidence that Mr McGuigan passed away in 2006 and he could not be sure how long he had lived on the site anyway.
17. The 2011 land use survey also lists people living in caravans on the site, in addition to the Abbotts. The only residents who were also recorded as being there in 2004 were:
  - "Henrik Clarke - mechanic (maintains fair equipment)", though the PCN referred to "Henrik Clark, mechanic";
  - "Heather Gardner - helps out at fairs", though the PCN referred to "Heather Gardiner, sports injuries therapist";
  - possibly "Pedar Jensen- unemployed) U<sup>10</sup>", though the PCN referred to "Peter Jensen, musician/repairs - seeking paid work"; and
  - just possibly "Timi - U", though the PCN refers to "Tim, gardener."
18. However, of those individuals, only Henrik Clarke/Clark was also living on the site when the Council visited in October 2007 and Charles Abbott said he was not sure how long Heather Gardner had lived on site; indeed, he said he would not recognise her.
19. In addition to the Abbotts and the Hayes, who are also traveling showpeople, the 2017 land use survey listed just 3 people living in caravans on the site, namely:
  - "Robert Dark - U (but sometimes helps out)";
  - "John Edwards - fair helper"; and
  - "Henrik Clarke - U (but sometimes helps out)."
20. Each of these 3 people was also recorded as residing on the site in 2011. However, in that survey, Robert Dark's occupation was recorded as working in "sales at fairs and markets". Of John Edwards, it was said in the 2011 survey that he "works at London Zoo fairground and Madame Tussauds" and, as

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<sup>8</sup> Mr Thuaire's appendix 6.

<sup>9</sup> Ibid.

<sup>10</sup> According to the survey key, U = unrelated resident.

indicated above, Henrik Clarke was described as a "mechanic (maintains fair equipment)."

21. Assuming occupation of the site by these cannot properly be regarded as part of or related to the use of the site as a travelling showperson's site, it is only the occupation by Henrik Clarke for which the site visit and survey evidence is suggestive in itself of his having resided continuously on the site for any period of ten years prior to the date of the LDC application. Even then, whilst that survey evidence is suggestive of, or at least consistent with such continuous occupation, it falls short of proving it on the balance of probability. The evidence to which I have referred amounts to snap shots in time from 2004, 2005, 2010/11 and 2017. There could have been periods of many months or years during which even Mr Clarke was not living on the site. There is no presumption of continuity and, without more, it would be unsafe to assume that someone who lives in a caravan/mobile home has lived in the same location for ten years.
22. Of course, the appellant does not have to show that the same individual or individuals have occupied the site continuously. Continuity of use for the siting of caravans for residential purposes could be established by successive occupation of numerous different caravans, in various locations on the site, by numerous different people, provided there were no more than de minimis interruptions in such residential use. However, there is no documentary evidence, such as receipts for rent, logs of occupants or Council Tax records to demonstrate continuous residential occupation by people unconnected to the showperson's use. Many photographs show caravans on the site, but they do not prove actual occupation, or the identity of any occupant and of course they are literally snap shots in time.
23. If Mr Clarke has indeed been in continuous occupation, he would have been well placed to give evidence regarding that and perhaps residential occupation of the site more generally. However, he was not called, and I have not even had a statement from him.
24. I did hear evidence from Charles Abbott, though he explained that he has always travelled away from the site to fairs during the season from Easter, for 7 to 9 months of the year. Although his grandfather, CFD Abbott died in May 2011 it was he who provided the Council with information regarding the site occupants up to the 2010/11 land use survey. Charles Abbott explained that his grandfather was "in charge of that until his death." Charles Abbott could not assist with records of rental payments; he thought it was mainly cash or payment in kind, but "never had anything to do with it personally." He was not aware of any tenancy agreements, rent receipts or any other documentary evidence to show who was in occupation or when. Although Charles said he returned to the site every week to collect mail, he did not check or note who was in occupation. He said it was his grandfather who managed the site and he would defer to information provided by him. In particular, although Henrik Clarke was a family friend, Charles Abbott said he could not say whether even he was a permanent site resident.
25. Charles Abbott did comment on other individual caravan occupants. The 2011 survey indicated that caravan 06 was occupied by "David Kadwell – IT U." During evidence in chief, Charles Abbott said he thought Mr Kadwell was probably there for about 10 years from 2007. However, he was not recorded on

- the 2017 survey or in the 2004 or 2005 records. When cross examined, Charles Abbott said he thought Mr Kadwell "might have been there for 10 years", but that he tends to "round things up" and he could not be sure Mr Kadwell was always there when he himself was away, as he was for much of the time.
26. Initially, Charles Abbott said he thought Mr Dark may have lived on site for about 15 years. However, under cross examination, he accepted this was incorrect as Mr Dark was not mentioned in 2004 or 2005. He said he was not sure how long Mr Dark had been on site or whether his occupation was continuous.
27. In chief, Charles Abbott said Peter Whitehead, who was recorded as occupying caravan 19 in 2011, had "been there around 10 years." However, when cross examined, he said this was because he thought Mr Whitehead was on the 2017 survey. When he realised that he was not, Mr Abbott said he was not sure when Mr Whitehead had left, or whether he had occupied the site continuously. He added that Mr Whitehead had come back now, but this just underlines the frequently transient nature of caravan occupation.
28. Charles Abbott also suggested in chief that John Edwards, recorded in the 2011 survey as occupying caravan 17, had been there all the time from about 2007 until now. However, leaving aside the point that he is described in the 2017 survey as a "fair helper", Charles Abbott acknowledged during cross examination that he was not sure if Mr Edwards had remained in occupation whilst he personally was away.
29. The 2011 survey indicated that caravan 20 was occupied by: "Karina Mesener – masseur, helps out when needed U." In chief, Charles Abbott said he thought she had lived on the site for about 15 years. However, he accepted in cross examination that, whilst she was on site again now, she was not present in 2004, 2005 or 2017, as she was not referred to in the records. He accepted that there might have been gaps in her occupation, and he could not be sure if she was there when he was away.
30. After his grandfather's death in 2011, Charles Abbott explained that his father, CW Abbott, Cy Abbott (Charles' brother) and latterly Mrs Cogger (his grandfather's first cousin) were in charge of the site, though Mrs Cogger never lived there. Charles Abbott said his father and brother would have had a better knowledge of people coming and going on the site than him, but neither they nor Mrs Cogger gave evidence. Together with the appellant's adviser at the time (Mr Eiser), Charles Abbott had provided the Council with information for the 2017 land use survey, but he explained that he had left his plot on the site by then and his memory was "a bit hazy." Indeed, when re-examined, he conceded that his knowledge of the appeal site was "not good" and that he "never really wanted to be involved with it"; he said, "I find it better not to be involved."
31. I do not doubt that, to some extent, the site has been used for the stationing of caravans for residential use by persons unconnected with the use of the site as a travelling showpeople's site. However, whilst I note Mr Thuaire's view on behalf of the Council throughout the inquiry that there was a lawful mixed use, the evidence does not prove on the balance of probability that a primary use of the site as a residential caravan site commenced on or before 31 July 2007 and continued for 10 years thereafter without significant interruption.

32. To determine whether the proposed use would have amounted to a material change of use at the date of the LDC application, I must consider whether, as a matter of fact and degree, there would be some significant difference in the character of the activities from what has gone on previously. I have found that, as at the date of the LDC application, the appeal site was used for the accommodation of showpeople (including retired showpeople) in caravans and mobile homes and for the storage, maintenance, repair and testing of fairground equipment and vehicles.
33. For the appellant, Mr Laister accepted during cross examination that the evidence described a classic example of travelling showpersons' use, as described in Government policy over the years. However, given that this use can be described in short as use as a travelling showpersons' site, the appellant invites me to accept that such a use could comprise merely residential occupation by a retired showperson or retired showpersons. Indeed, the appellant suggests that use as a travelling showpersons' site could involve merely residential occupation by working showpersons who only operate rides owned by others, or who store their rides elsewhere or indeed those, such as fortune tellers, who may have no equipment. I am urged by the appellant to determine that potential extent of the existing lawful use, and to compare the proposed use with that, rather than with what Mr Rudd describes as the "highly variable, specific activities that have been present on this site."
34. However, in *Winchester CC v SSCLG and Mr M Wall, Mr M Black, Mrs S Wall, Mr D Birch, Mr D Carter, Mr M James* [2013] EWHC 101 (Admin)<sup>11</sup>, Philip Mott QC, sitting as a Deputy High Court Judge, said that:
- "...there is a distinction, significant in planning terms, between the use of land for travelling showpeople and its use as a residential caravan site.*
- ...a travelling showpeoples' site may be a significant and separate land use in planning terms...*
- ...this was not the grant of permission to use the land as a residential caravan site...It was the grant of permission to use the land as a travelling showpeople's site, which is a distinct and narrower use..."*
35. These statements were not criticised in any way when this case reached the Court of Appeal (*Mr M Wall, Mr M Black, Mrs S Wall, Mr D Birch, Mr D Carter and Mr M James v Winchester City Council v SSCLG* [2015] EWCA Civ 563)<sup>12</sup>. The use of "may" in the second part of the above quote causes some difficulty, as does the statement in Planning Policy for Traveller Sites (PPTS) that plots for travelling showpeople "*may / will need to incorporate space or be split to allow for the storage of equipment.*" Nevertheless, the court in *Winchester* held that use as a travelling showpeople's site is a distinct and narrower use than use as a residential caravan site.
36. However, it is not for me in this appeal to answer the general and perhaps difficult question of precisely what might be described as use as a travelling showpeople's site. During the inquiry, I referred to my own decision in appeal Ref APP/L1765/C/10/2138144 etc. That related to the redetermination of the appeal the subject of the *Winchester* judgements. For reasons peculiar to that case, I was there concerned with the question of who could be described as a

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<sup>11</sup> Mr O'Neill's appendix 4.

<sup>12</sup> Inquiry document 13.

travelling showperson, rather than what is meant by use of land as a travelling showpeople's site and in that context, I acknowledged that the words "travelling showpeople" had a functional significance.

37. However, in this case, I am concerned with and have evidence of how this appeal site has actually been used. It has not been used to provide residential accommodation for retired showpeople only and it has not been used solely to accommodate showpeople who have no fairground equipment of their own, or who store it all elsewhere. The evidence shows that the site has been a "classic example" of a showpeople's site, including use for the storage, maintenance, repair, cleaning and testing of fairground equipment, as well as residential occupation of caravans by showpeople and retired showpeople. It has never been in entirely residential use. Furthermore, as I suggested during the inquiry, use as a travelling showpeople's site does not constitute a Use Class, within which changes will not amount to development.
38. The lawful use of the site has manifested itself in an informal and fluctuating pattern of use across the site. Whilst the layout plan submitted with the LDC application is purely indicative, in answer to my questions, Mr Laister said he expected that the actual layout "would be something like that" plan. I am satisfied that it probably would be similar to that indicative layout. Whether or not any hard surfacing/landscaping of a kind suggested in the illustrative layout would be provided pursuant to a separate planning permission, or as permitted development as a requirement of a caravan site licence<sup>13</sup>, 7 static caravans, probably of the 'park homes' type, are proposed. These are likely to be fairly evenly spaced around the site, with suitable access arrangements and amenity space. The character of the site and its use would be clearly and exclusively domestic and residential and probably markedly different from that which has prevailed to date, involving a somewhat diffuse collection of different forms, sizes and functions of objects apparent in submitted photographs.
39. In terms of off-site impacts, I have no evidence regarding recorded traffic movements in the past or predicted traffic movements if the proposed use is instituted. However, the regular movements associated with exclusively residential use are likely to be different to the seasonal, transient and variable movements associated with the established showpeople's use. It is irrelevant whether this would amount to an improvement in 'amenity' terms; the only question is whether there would be a material difference. Similarly, for better or worse, the level of noise and disturbance associated with the proposed residential use is likely to differ from that associated with a use which includes the storage, maintenance, repair and cleaning of fairground equipment.
40. Having regard to *R (o a o) Royal Borough of Kensington and Chelsea v SSCLG (1), David Reis (2) and Gianna Tong (3)* [2016] EWHC 1785 (Admin)<sup>14</sup> the extent to which an existing use fulfils a proper planning purpose is also relevant in deciding whether a change from that use would amount to a material change of use.
41. In this regard, my attention is drawn first to the fact that the site lies within Metropolitan Open Land (MOL) and Policy 7.17 of The London Plan and Policy A2(g) of the Camden Local Plan, adopted 2017, give strong protection to

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<sup>13</sup> Schedule 2, Part 5, Class B of the Town and Country Planning (general Permitted development (England) Order 2015.

<sup>14</sup> The Heath and Hampstead and Vale of Health Societies' joint submission appendix 7.

maintaining the openness and character of MOL. The evidence is that, as part of the lawful use, the number of caravans has varied, their positions changed, and the fairground equipment comes and goes. Indeed, a local resident indicated that on 2 occasions the site was cleared of everything except caravans. Nevertheless, I cannot conclude on the evidence that the proposal would result in a demonstrably less open site compared to the current lawful use or that it would otherwise harm the character of the MOL. Although the 1998 appeal decision indicated that the "somewhat untidy" appearance of the site did "not preclude its valuable role as part of Metropolitan Open Land", that appeal concerned a proposal for a 4-storey building comprising 15 flats. The Inspector's conclusion that this would reduce openness is unsurprising.

42. Secondly, reference is made to the role the site plays in providing accommodation for travelling showpeople. PPTS makes clear that local planning authorities should assess the need for sites for travelling showpeople and make provision in local plans to identify land for such sites. LP Policy H11 reflects that requirement and states that "existing lawful sites, plots and pitches for travellers" will be protected and their redevelopment will not be permitted unless they are replaced by equivalent or improved sites or are demonstrably no longer needed. Although the appeal site is not allocated as a showpeople's site and it does not have planning permission, that is its existing lawful use. The supporting text for Policy H11 specifically refers to the appeal site as one which provides 5 plots for travelling showpeople, and which will be protected from any change from that use. There is no evidence that this lawful travelling showpeople's is no longer needed.
43. Whilst there would be nothing to prevent occupation of the caravans by people who might properly be described as travelling showpeople, their occupation would not be restricted to such people and there is nothing to suggest that showpeople would live on the site. Furthermore, the proposal makes no provision for the storage, maintenance, repair or cleaning of fairground equipment; the site would certainly not function as a 'classic travelling showpeople's site', as it has to date. I consider that the appeal site does fulfil a proper planning purpose in this way, whereas the proposal would not. This also points to the proposed change being material.
44. In any event, Mr Laister accepted during cross examination that if I found, as I have, that the lawful use of the site was as an active travelling showpersons' site, without a primary residential caravan site use, then the proposed use would probably involve a material change.

## **Conclusion**

45. For all the reasons given, I conclude as a matter of fact and degree that use of the land as a site for the stationing of seven static caravans for the purposes of human habitation would have involved a material change of use, if begun on 31 July 2017. Accordingly, refusal of the LDC application would have been well-founded and the appeal must fail.

*J A Murray*

INSPECTOR

## APPEARANCES

FOR THE APPELLANT: Michael Rudd of counsel

|           |                                                                        |
|-----------|------------------------------------------------------------------------|
| He called | Nick Laister MRTPI, Operational Director at RPS Planning & Development |
|           | Charles Abbott                                                         |

FOR THE LOCAL PLANNING AUTHORITY: Morag Ellis QC

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| She called | Charles Thuaire BA(Hons) Dip TP MRTPI, Senior Planner for the London Borough of Camden |
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FOR THE CITY OF LONDON CORPORATION (RULE 6 PARTY): Caroline Daly of counsel

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| She called | Paul O'Neill MA(Hons) MRTPI, Director of Metropolis Planning & Design |
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FOR THE HEATH AND HAMPSTEAD SOCIETY AND THE VALE OF HEALTH SOCIETY (JOINT RULE 6 PARTY): David Altaras of counsel

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| He called | Ellen Solomons, Chair of The Vale of Health Society |
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INTERESTED PERSONS: Lorna Kerr, local resident

## DOCUMENTS SUBMITTED DURING THE INQUIRY

|   |                                                                                     |
|---|-------------------------------------------------------------------------------------|
| 1 | List of persons notified of the appeal and inquiry                                  |
| 2 | Opening submissions on behalf of the appellant                                      |
| 3 | Opening submissions on behalf of the Council                                        |
| 4 | Opening submissions on behalf of the City of London                                 |
| 5 | Opening submissions on behalf of the Heath & Hampstead and Vale of Health Societies |
| 6 | Bundle comprising: Land Registry office copy entries for the site;                  |
| 7 | Copy letter from E K Ellis-Gardner to Hampstead & Highgate Newspaper                |
| 8 | Copy will of Fred Gray (1935)                                                       |

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| 9  | Response of Paul O'Neill to the proof of Mr Laister                                                                                                                                               |
| 10 | Summary of Mr Laister's evidence                                                                                                                                                                  |
| 11 | Mrs Kerr's statement                                                                                                                                                                              |
| 12 | Annotated versions of the plans from Mr Thuaire's appendices 6, 9 and 12                                                                                                                          |
| 13 | <i>Mr M Wall, Mr M Black, Mrs S Wall, Mr D Birch, Mr D Carter and Mr M James v Winchester City Council v SSCLG</i> [2015] EWCA Civ 563                                                            |
| 14 | Extract from the Camden Local Plan (pages 126 – 128)                                                                                                                                              |
| 15 | Planning Policy for Traveller Sites (March 2012)                                                                                                                                                  |
| 16 | Circular 22/91                                                                                                                                                                                    |
| 17 | Bundle comprising: Mrs Solomons' statement of 24 July 2018; letters from the Vale of Health Society to the Council dated 21 July 2010 and 6 August 2010; and a photograph dated 18 September 2019 |
| 18 | Closing submissions on behalf of the Heath & Hampstead and Vale of Health Societies                                                                                                               |
| 19 | <i>Mr M Wall, Mr M Black, Mrs S Wall, Mr D Birch, Mr D Carter and Mr M James v Winchester CC &amp; SSCLG</i> [2015] EWCA Civ 563                                                                  |
| 20 | <i>Turner v SSCLG</i> [2016] EWCA Civ 466, [2017] 2 P&CR 1                                                                                                                                        |
| 21 | Closing submissions on behalf of the City of London                                                                                                                                               |
| 22 | Closing submissions on behalf of the Council                                                                                                                                                      |
| 23 | Closing submissions on behalf of the appellant                                                                                                                                                    |