

6 August 2010

Mr Charles Thuaire  
Development Control Planning Services  
London Borough of Camden  
Town Hall, Argyle Street  
London WC1H 8ND

By email to: env.devcon@camden.gov.uk

Dear Mr Thuaire

**Planning Application 2010/2845/P  
Fairground Site, Vale of Health, London NW3 1AU**

I indicated in the penultimate paragraph of my letter of 21 July that we were in the process of collecting further evidence to support our statements that:

- (i) “a significant part of the site was in occasional use as a fairground (notably at the time of the main Hampstead Heath fairs) until at least 2002; fairground vehicles have continued to be parked on the site on an intermittent basis from 2002 up to and including the present day”; that
- (ii) “while the caravans along the North edge of the site (those numbered C10-C13 on the Site Plan) may have been in residential occupation (wholly or mainly by members of the Abbott family) continuously since 1990, this is not the case for the remaining caravans on the site”; and that:
- (iii) “it is not the case that ‘residential use (not) associated with the travelling fairground industry in any way ... has been the dominant and sole continuously active use for the past 10 years’”.

I am now writing to summarise some of the key points of the supporting evidence which has been submitted to Camden by a number of local residents<sup>1</sup>, including in particular:

- Letter of 22 July and Statutory Declaration (including supporting photographic evidence and “Comments submitted on North Fairground Site Plan submitted by applicants”) from Nicola von Skepsgardh-Lohr (“Nicola Lohr”); I understand these documents were delivered to Camden on either 22 or 23 July.

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<sup>1</sup> With the exception of Lorna Kerr’s and my own Statutory Declarations, the evidence quoted in this letter was all submitted to Camden by the 30 July website deadline for comments on this application.

- Nicola Lohr's further letter of 28 July, with an attached "Neighbourhood Letter" signed by 15 local residents. At least 12 of the signatories of this letter have, to my personal knowledge, lived in the Vale for the whole of the ten years for which the applicants claim that "residential use ... has been the dominant and sole continuously active use"; all 15 signatories, furthermore, live in houses which face directly onto the sole access route to the fairground, and are thus in a position to observe movements of showman's vehicles into and out of the site.
- Letter (with accompanying photograph) submitted by email on 30 July by Brian and Lorna Kerr ("the Kerrs' letter").
- Letter (with accompanying photographs) submitted by email on 30 July by David Alan Griffiths and Marianne Nix-Griffiths ("the Griffiths' letter").
- Statutory Declarations of Lorna Kerr and myself, submitted today (copies of which are attached for reference).

I would draw your particular attention to the following points from the above documents:

- The 2004 statements from the site owners and Camden (that the then site residents were all "either family or employed to work on repairing fairground equipment") quoted in paragraph 4(b) of my 21 July letter are taken from Paragraph 4 of Nicola Lohr's Statutory Declaration. Paragraph 2 of the Kerrs' letter provides further evidence on the same point.
- Nicola Lohr's Statutory Declaration cites the presence of fairground rides on the site up to at least 2002, and of smaller fairground stalls on an intermittent basis since then. The regular (if intermittent) presence of such rides is supported by the Kerr's letter, by Nicola Lohr's Neighbourhood letter, by Lorna Kerr's Statutory Declaration (which includes a description of a specific interaction with fairground personnel), and by my own Statutory Declaration.
- The 12 photographs attached to Nicola Lohr's Statutory Declaration and the 6 incorporated in the Griffiths' letter (one of which is also incorporated in the Kerrs' letter) were taken on a range of dates from 2000 up to the present. Almost all of these show the presence of showman's vehicles (some are clearly identifiable as containing specific fairground rides or stalls; others are general-purpose commercial vehicles). The general site photographs also demonstrate that the number and identity of the caravans on the site has varied greatly over the 10 year period. This evidence is wholly inconsistent with the applicants' statements, particularly their statement that "residential use (not) associated with the travelling fairground industry in any way ... has been the dominant and sole continuously active use for the past 10 years".
- Image 11 of the photographs attached to Nicola Lohr's Statutory Declaration, taken in July 2010, shows the presence of a fairground ride on the site. This ride was only removed on Thursday 22 July, the day before Mr Charles Thuaire's site visit (see my own Statutory Declaration).

- On the morning of Friday 23 July I was shown a short letter (dated a few days earlier) from Mr R Humphries of Goldschmidt and Howland, apparently addressed to the site owners. In this letter, Mr Humphries states: "I cannot stress enough how important it is that all fairground equipment be cleared from the site" ahead of Mr Thuaire's visit so that the site has "nothing of the appearance of a travellers site" (see my own Statutory Declaration<sup>2</sup>); the fact that Mr Humphries felt it necessary to write such a letter is clear evidence of his knowledge that the site's long-established use for showman's vehicles has continued to the present day.

You will recall from my earlier letter that we found Camden's notification process for this application to be severely inadequate, and that these problems, together with the start of the holiday season, meant we were unable to provide our complete evidence in time for the 30 July comment deadline quoted on your website. I was therefore very pleased to learn from your email to me today that you will be able to take full account of the points in this letter, of today's Statutory Declarations from Lorna Kerr and myself, and of any other evidence (such as Mr Martin Rushton-Turner's 30 July letter) that you have received since 30 July.

As before, we urge Camden to reject out of hand the application for a Certificate of Lawfulness on this site.

Yours sincerely

A large, dark, handwritten signature in black ink, followed by two thick horizontal lines drawn below it.

Copy: Councillors Chris Knight, Kirsty Roberts, Linda Chung and Flick Rea  
Martin Humphery, Chairman, Hampstead Conservation Area Advisory Committee  
Douglas Maxwell, Chairman, Heath & Hampstead Society Town Sub-Committee  
Gordon McLean, Heath & Hampstead Society  
Simon Lee, Superintendent of Hampstead Heath

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<sup>2</sup> The quoted phrases are from notes I made immediately after being shown this letter, and just before leaving on holiday. Since my return earlier this week I have attempted to obtain a copy of the letter, but so far without success: I have therefore incorporated the substance of my notes into the attached Statutory Declaration, the original of which is being submitted to Camden today.



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~~CONFIDENTIAL~~

21 July 2010

Mr Charles Thuaire  
Development Control Planning Services  
London Borough of Camden  
Town Hall, Argyle Street  
London WC1H 8ND

By email to: env.devcon@camden.gov.uk

Dear Mr Thuaire

**Planning Application 2010/2845/P  
Fairground Site, Vale of Health, London NW3 1AU**

Further to our recent telephone conversations, and to my emails to Ed Watson, I am writing on behalf of the Vale of Health Society ("the VoHS") to register our strong objections to the above application; the VoHS is, as you know, the residents association for those who live in and immediately around the Vale.

The whole of this highly sensitive site is classified as Metropolitan Open Land ("MOL") and Private Open Space; it also lies within the Hampstead Conservation Area. It is bounded on the North and East sides by Hampstead Heath ("the Heath") and on the South side by the South Fairground, the greater part of which is also classified as MOL. The site has a long history of development attempts: in particular a 1998 planning application for a block of 15 apartments was comprehensively rejected on appeal by the Planning Inspectorate (Application no: PW9702255), while substantive informal discussions with residents and with Camden about a materially different proposal in 2003 by the Metropolitan Development Consultancy Ltd (acting, we believe, in association with the owners) failed to produce a Planning Application when the strength of local opposition was appreciated. For these reasons the site is clearly one of the most sensitive in Camden.

Our objections to this application may be summarised as follows:

- 1) For Camden to recognise a change of use from the current use as a Showman's Site (which dates back over 100 years)<sup>1</sup> would be inconsistent with its status as MOL, and could make it more difficult for Camden to resist future applications for residential development on the site.

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<sup>1</sup> The Inspector's letter of 7 May 1998 refusing the appeal referred to above states (at paragraph 10): "I share the Council's view that the lawful use is probably as winter quarters, as described in Circular 22/91 on travelling showpeople. This is a "sui generis" use which does not fall within any particular Use Class defined in the Town and Country Planning (Use Classes) Order 1987."

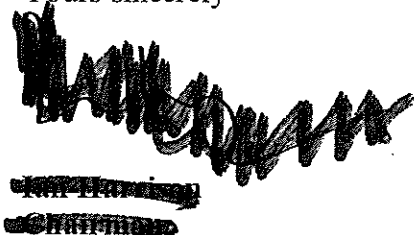
- 2) Contrary to paragraphs 9-12 of the Statement in Support of the Application (“the Statement”) a significant part of the site was in occasional use as a fairground (notably at the time of the main Hampstead Heath fairs) until at least 2002; fairground vehicles have continued to be parked on the site on an intermittent basis from 2002 up to and including the present day.
- 3) While the caravans along the North edge of the site (those numbered C10-C13 on the Site Plan) may have been in residential occupation (wholly or mainly by members of the Abbott family) continuously since 1990, this is not the case for the remaining caravans on the site: the level of occupation was significantly less prior to 2003, with a clear change in policy in that year after the Metropolitan Development Consultancy discussions (see above) came to nothing.
- 4) It is not the case that “residential use (not) associated with the travelling fairground industry in any way ... has been the dominant and sole continuously active use for the past 10 years”:
  - (a) A letter from Mr Shutler of Metropolitan Development Consultancy (see above) to Vale residents dated 1 August 2003 (Attachment A) states that “It is a fact that the land is owned by the Abbott family and that its use is in connection with Showground people”.
  - (b) Enquiries in 2004 from Vale residents living immediately adjacent to the site (to Charles Abbott and to Charles Thuairé at Camden) about the lawfulness of creating a *de facto* commercial caravan site produced the response that “everyone living on the fairground (is) either family or employed to work on repairing fairground equipment and therefore entitled to live on the site”.
  - (c) Other than members of the Abbott family, there is no overlap between the signatories of the 6 November 2003 letter (Attachment B) from the then residents of the site to residents of the Vale and the providers of the 10 Statutory Declarations associated with this application. This is despite the fact that four of the declarers (Amy Barwick, Henrik Clarke, Robert Dark, and Peter Whitehead) claim to have been resident on the site at that date, and that Messrs Clarke, Dark and Whitehead are listed in Charles Abbott’s Statutory Declaration as residents from before 2003.
  - (d) We do not have detailed records of how many caravans have been on the site over the past 10 years, and/or of how many have been occupied and for what periods. We are in the process of gathering more specific evidence on this point, but our preliminary information suggests that, other than the Abbott family caravans (see point 3 above), the number of caravans on the site has fluctuated greatly over the past decade, with no more than three or four in continuous use over that period.
  - (e) The submitted Site Plan shows a pedestrian entrance in the North-West corner of the site, where there is in fact a solid brick wall; the Plan also shows one caravan (C01) which does not appear to exist. More importantly, the Plan correctly shows four of the caravans as “based at the site during the winter months only”; we suggest that this seasonal pattern is more consistent with showman-related use than with commercial letting.

- 5) We do not accept that the site should be regarded as a single planning unit (paragraph 11 of the Statement): there is a clear distinction between the strip along the northern edge of the site, which we accept has been in continuous residential use for more than 10 years, and the remainder of the site, where this is not the case. Should Camden, despite the objections set out in this letter, be minded to consider providing a Certificate of Lawfulness, this should be in respect only of this strip along the northern edge.
- 6) Should Camden, despite the objections set out in this letter, be minded to consider granting a Certificate of Lawfulness in respect of any part of the site, it is essential that their powers under Section 5(1) of the Caravan Sites and Control of Development Act 1960 be exercised Licence to maximum effect in respect of any subsequent application for a Site in order, *inter alia*, to:
- (a) provide the fullest possible protection for the site's critical status as MOL, and its highly sensitive position on the edge of the Heath;
  - (b) ensure that adequate parking facilities are provided on the site for all its residents: there is already a severe shortage of parking spaces in the Vale and even a minimal overflow from the Fairground would aggravate an already serious situation for many Vale residents;
  - (c) ensure that the present minimal public facilities (water, toilets, electricity supply, etc) are upgraded to comply with the health and safety standards appropriate for such a site; and
  - (d) ensure there is no adverse impact from the site on other residents of the Vale in respect of noise, smells, light pollution, etc.

You will be aware that we have found Camden's notification process for this application to be severely inadequate: this Society has still received no formal notification despite several requests for a further copy to be sent; only a small number of local residents received a copy of the Notice, despite the fact that any change in use of the site could have a very serious impact on the whole of the Vale; the City of London (as owners of the Heath) were notified only after we drew your attention to their omission; etc. These problems, together with the start of the holiday season, mean that we will be unable to complete the task of collecting the Society's evidence to support the above points (particularly on points 2, 3 and 4), in time for your 30 July deadline; I hope you will nevertheless be able to take into account this further evidence (which is likely to include Statutory Declarations and photographic evidence), which will be forwarded to you as soon as practical.

For all the above reasons we urge Camden to reject out of hand the application for a Certificate of Lawfulness on this site.

Yours sincerely



A large, dark, handwritten signature in black ink, appearing to be 'CHRISTOPHER', is written over a printed name 'CHRISTOPHER' which is partially obscured by the signature. Below the printed name, there is a small, illegible stamp or mark.

Copy: Councillors Chris Knight, Kirsty Roberts, Linda Chung and Flick Rea  
Martin Humphery, Chairman, Hampstead Conservation Area Advisory Committee  
Douglas Maxwell, Chairman, Heath & Hampstead Society Town Sub-Committee  
Gordon McLean, Heath & Hampstead Society  
Simon Lee, Superintendent of Hampstead Heath