

STATUTORY DECLARATION

I Jita Lukka of Bren Cottage, Vale of Health, London NW3 1AS solemnly and sincerely declare as follows :-

I purchased the South Fairground site in 2017 and completed the purchase on 29 March. I moved in immediately to the existing house which was run down and had been ransacked during the purchase process and I did so by attaching the caravan to the house whilst restoration work was being effected .

I spent the majority of my life growing up around Hampstead Heath and in recent years walking through the park enjoying the peace away from the city. Most days always admiring the property on the edge of Vale of Health and dreamt of living there one day. For years I had been asking the owner of the North Fairground site if he could provide me details of the South Fairground site but he would not tell me. Two years prior to buying the South Fairground site, I had made enquires to see if I could locate the owner but found it was an overseas company. I knew the property was lived in but gates had a lock in so I could not enter to ask. By chance in early 2016, I saw a gentleman, by the name of David Southwell, come out of the corner of the site. Seen at the party at Robbie Litvoi's house in the video evidence provided (Exhibit E as in hearing Statement). He told me he was a pensioner who had lived in a caravan for 6 years next to the house Robert Litvoi had built. I told him I was interested in the property to live in and do my art. David informed me Robbie Litvoi had very much made a home there and had no intention to leave. David told me one of the caravans had become vacant and for a small amount of rent to Robbie, I could rent it. David paid rent to Robbie Litvoi as did some others who lived there. He showed me around. We became friends and kept in touch. In September 2016, David contacted me to say Robbie Litvoi had received notice to leave and would introduce me to him who had the owner's details.

Robbie Litvoi was very welcoming and open. He told me he had been living there for over 12 years and began building the house surrounded by trees. Robbie Litvoi said he was sad to go but was grateful to have been given the opportunity to live there. Robbie made a statement in this respect to Camden New Journal in September 2016. (see Exhibit C as in Hearing Statement). Robbie showed me around his home. I made several visits there before he left in early January 2017.

Robbie at great length explained the running of his house. He told me he had a cable running from the North Fairground site that connected the electricity in his home. There was water standpipe on the western corner of the site on the

wall of Spencer House that he used to fill up what I saw as a massive water storage tank next to his front door entrance. He bathed often in the Hampstead ponds or there was an outdoor shower connected behind one of the caravans. He used the communal toilet. He had broadband connected by using one of the IP address of a nearby neighbour who lived on the North Fairground site.

It is wholly untrue for the LPA to suggest he didn't live there all year around including winter and all seasons because he did. Robbie had told me he had had a wonderful life there where his daily life was filled with activity. As well as his daily chores, from meditation to yoga and Tai Chi, he read extensively and his biggest passion being music where friends visited came to his home all the time to play and create music. That is why Robbie stated he never had any reason to leave his paradise home.

Robbie realised instantly that I was someone who wanted to live a simple, peaceful life like in a house like his and he suggested the caravan/awning next to his house

would be ideal to do art as there was light in there all year around. He gave me the owner's details almost immediately at our first meeting. Robbie said he liked me and found my intentions were genuine. I had said to Robbie that if I could have I would have allowed him to continue living there but there was only one house there that he had built and it wasn't possible for me to do so. Besides I wanted to go about things legitimately. Rob said he accepted he couldn't stay there but he wanted me to be successful in purchasing the site. He said he was a devout Buddhist and believed that what you sow is what you reap and as much as it saddened him to leave he wanted to help me as much as possible. He said he had many sessions with local people doing Nichiren, Buddhist meditation, at his home and even taught me to chant so that I could realise my dream of acquiring the house he had built in 2005.

I made several visits to Robbie's house whilst he was in the process of packing and before he left at the beginning of January as it took him longer to move the insurmountable things he had accumulated over the years and he was awaiting to collect a new passport.

Robbie Litvoi had planned to move to Wales where he was house sitting for a friend and from there maybe to Germany where his mother lived or to India where he said he lived in the mountains and learnt about Buddhism. Due to the uncertainty of Rob's future, I had asked if he would sign a Statutory Declaration in case of unexpected problems I might encounter and I couldn't reach him. He was forthcoming and willing to help as long as I got the documents across to him to Wales as he had no plans to return to London. There was and has been no money paid to Robbie for doing the Statutory Declaration. He simply wanted to help me.

Before Rob left in January 2017, he had taken photographs and made videos In December 2016 which he gave me as a gift. At the time I saw it as a memento of Robbie Litvoi's life but now due to circumstances I submit them as evidence (see Exhibit E as in Hearing Statement).

Robbie rarely went out and he had no reason to leave for any period of time. He lived there continuously. He was living there rent free, ensuring the maintenance and security of the property, keeping vermin out by having cats as he states in Camden New Journal (Exhibit C as in Hearing Statement) A place of refuge where he could practice his Buddhist faith, Nichiren and which he mentions to a visitor in one of the videos (Exhibit E as in Hearing Statement) and presence of a temple in his home. Besides as a musician he had no reason to leave his extensive and expensive range of electric instruments unattended.

The photographic/video evidence (Exhibit E as in Hearing Statement) conclusively confirms a home manifestly lived in. Robbie Litvoi had connected his home to electricity as can be seen by electric wiring and insurmountable amount of sockets connected to his stereo, lights, extensive musical instruments, synthesisers, amps, hot plate in kitchen, stereo, desk top computer to name a few. He collected water from an onsite standpipe. A massive water storage tank was found next to his house when I took occupation. The brick sheds had toilets and shower facilities as well as a toilet shed next to his house as he confirms in his Declaration. There are pictures of gas bottles on site and gas burner connected in his kitchen. The mobile phone and computer was connected to Wi-Fi.

The videos and photos taken in December 2016 show the extent of the house structure from all angles outside and inside with Robbie very much at home in it.

It shows Robbie lived there in the winter months with him chopping wood, lighting and burning his stove, lack of foliage on trees, making comments about the changes in weather conditions. There is evidence of Robbie standing on the roof of his home clearly in winter giving view to all his surroundings including Spencer House, houses on the Vale of Heath, North Fairground Site, Vale of Health pond, caravans and structures on site and his uniquely distinct house with trees growing through the roof from inside the house. The kitchen/dining area equipped full of food, fruits, wine found in a typical household. Images of him holding his cats that he mentions in the newspaper article (Exhibit C as In Hearing Statement) used to keep out vermin. Alas you even see Partying in his home on Christmas day.

In the process of buying the site, I learnt that the owner Mr Frishman was very ill and in fact died in December 2016 and Mrs Frishman, a widower no longer wanted to keep the property.

Knowing the fact that the house Robbie had an established use when I met him and by the Statutory Declaration he signed on 31st March 2017 (See exhibit A as in Hearing Statement). I felt very confident and convinced that I had found my permanent home and proceeded to buy the property.

I purchased the South Fairground site in 2017 and completed the purchase on 29 March. I moved in immediately to the existing house which was run down and had been ransacked during the purchase process. I attached the caravan to the house whilst restoration work was being affected. I had also in excess of seventy tons of rubbish to move from the site and the process of so doing did cause concern from neighbours. I found this entirely understandable but given the resentment to my having purchased the site at first instance I had no opportunity to explain what was happening and that I was not constructing a new building but simply restoring an extant structure which had been there since 2005.

There was so much hostility from the day I moved in and it has been relentless even today apart from 3 or 4 people who greet me. I had graffiti on the fencing, my car and plumber's car got scratched on my roadway. One day as I opened the gate to go out there was urine spilled at my doorstep as I stepped out. On one occasion there was uproar of verbal abuse from a neighbour Mr Kamil Kellner of 1 Spencer House against a BT engineer who was doing no more than connecting my broadband from the BT box on the main road. Again from the terrace of 1 Spencer house, a woman had climbed on top of a ladder and was looking over my property. When she saw me shouted you are the most hated woman in the Vale of Health. When I asked why she say you know why. Well I didn't and don't know why. Once I was struggling to open the gate and a neighbour was passing by who asked if I needed help. I said yes please. His response was go ask someone else. Maybe the locals don't like change and as opposed to Robbie feel they can attack a single woman. Robbie had told me it took him years to be accepted there.

I got further hostility from the owners of the North Fairground site. They had lost the income they received from Robbie Litvoi who used the coin meter at the North Fairground site to pay for his electricity. The owners no longer talked to me. They were also furious that concrete bollards were put in place by my predecessors as again they had been unofficially renting the road for car parking, for visitors, their own vehicles and rent it on permanent basis to a

Falafal Van owner. There is plenty of historical evidence of vehicles parked on the road over the years. One only has to look at Goggle maps.

In light of so much adversity I appointed an architect Tony Covey, seeking advice as to how best to proceed. He suggested keeping a record of all building/structures/caravan on site. The advice of my architect to first and foremost was to get a professional firm such as Cadmap who were appointed in February 2017.(See Exhibit F as in Hearing Statement). I also compiled an A3 sheet of photo survey in February 2017. (Exhibit J as in Hearing Statement)

All the above I accept show that there were temporary structures on site but also shows the house built by Robert Litvoi. The permanence of this structure was confirmed in his Statutory Declaration dated 31 March 2017 (Exhibit A as in Hearing Statement)

On 6/9/2017 the LPA wanted evidence that I was restoring an existing house. I commissioned a Report, now updated, of Chris Cox MCIFA FSA which shows the aerial photograph evidence and conveys in her expert witness statement that the structure of the house was there in 2005 and is extant today in the same location (Exhibit D as in Hearing Statement).

The neighbour reports and site visit report dated 5 September 2017 to which the LPA allude were in fact refurbishment works and the extent of that refurbishment work is corroborated by the report of my architect (see Exhibits F as in Hearing Statement). The reality of the position at the site visit meeting 5 September 2017 attended by my advisor is that the case officer witnessed the presence of an extant structure refurbished and not a newly constructed building as he alleges to be the case. I let the LPA very early on exactly what I was doing.

(Email to John Sheehy): dated 10th July 2017

Thank you for your communication 6 July.

I do apologise for any inconvenience caused by the bollards which were put there in order to avoid the obstruction of the several caravans which were parking there which in turn were blocking the entrance to my site. This is part of my title and I will instruct my lawyers to write to you setting out the circumstances and reasons as to why the bollards were erected. There is no vehicular right of way. That having been stated I understand your concern and

I will arrange forthwith to have them removed in compliance with your request were you not persuaded by my lawyers representations.

You are most welcome to come and visit this site when I return from holiday early September. There is no development being effected and I set out below the position obtaining

1. I purchased this site on 29th March 2017. I have removed well over 60 tons of rubbish and several residential caravans which had been here for some twenty years.

2. I have retained only one residential caravan pitch and the house which had been lived in continuously from 2004 to the end of 2016.

3. I am currently refurbishing the house for my own occupation and living meanwhile in my caravan.

4. I am landscaping the site to improve the amenity.

5. I have refurbished the communal washroom/toilets and repaired the drains

6. I am contacting the Residential Council Tax Department Camden Council and the VOA to make arrangements to pay my Council Tax from the date of purchase.

I hope sincerely that you will acknowledge that , notwithstanding the public perception and prejudice to my having purchased a fairground site, I am a responsible law abiding citizens who is anxious to cooperate with the Council and resolve the long history of difficulties with this site for the benefit of all in the wider community.

Yours sincerely

Jita Lukka

Not only have I got the hostility from neighbours but faced hostility and threatening emails from the LPA. Yet The LPA had every opportunity yet took no action in the 12 years that Robbie Litvoi lived in the house he built in 2005. They weren't brave then but they are now.

Due to duress and persistent pressure, I asked a very dear friend of mine to explain the legality of my position. This is the advice he gave me in terms of that which he would argue in defending the enforcement notice :-

This is the appellant's home and it is argued that she and her home are protected in terms of their being immune from enforcement under the 4 year time bars provided by 171 (b)1 for operational development and 171 (b) 2 for change of use as a single dwelling house. It is submitted by the appellant that as a matter of law the above provisions of the Town and Country Planning Act as amended by The Planning and Compensation Act 1991 implementing the recommendations of the Carnwath Report defeat the enforcement notice.

Once I had purchased the site known as South Fairground Site on 29 March 2017 I took immediate steps through the VOA to have my residential council tax assessed and payment details and correspondence are manifested in Exhibits I.

In addition to the refurbishment work I have carried out I have moved over 70 tons of rubbish, 7 caravans and enhanced the amenity of the site to compliment its position on the edge of Hampstead Heath in terms of amenity

I make this declaration solemnly and sincerely believing the same to be true by virtue of the Statutory Declaration Act 1835

Signed  Jita Lukka

Declared at 24 Camden High Street London NW1 0JH

The 12 of July 2018

Before me... Richard M'Connell (RICHARD M'CONNELL)

A solicitor empowered by law to take oaths.

8. For the foregoing reasons the appellant ask for this appeal to be allowed.

Jita Lukka 

Date 12th July 2018