



**RESPONSE TO LATE SUBMISSION OF  
ADDITIONAL EVIDENCE  
  
OF  
  
SOUTH STAFFORDSHIRE DISTRICT COUNCIL**

**S174 APPEAL  
  
PLANNING INSPECTORATE REFERENCE  
  
APP/C3430/C/23/3322739**

**APPEAL BY: MS JAYNE GOODWIN**

**APPEAL SITE: UPPER HATTONS STABLES, PENDEFORD HALL LANE,  
COVEN, WOLVERHAMPTON WV9 5BD**

**LOCAL AUTHORITY REFERENCE: 22/00083/UNDEV**

**1. Introduction**

1.1 The Appellant has submitted additional evidence at the final comments stage in the appeal process and the Inspector has exercised his/her discretion in allowing this. The LPA is grateful to the Inspector for allowing it to comment on this additional evidence. In doing so, the LPA will confine its response only to that additional evidence which relates solely to the concrete base subject of the appeal under Grounds D.

## **2.0 LPA Response Appellants Additional Evidence under Ground D**

2.1 The Appellant states in her statutory declaration that she bought the site in 2000 which was part of a derelict farm. She produces an aerial image dated December 2003 at Exhibit JG12. She states that the area edged red is approximately that which is surfaced in the concrete on Exhibit JG12, with a narrow strip of new concrete being the new area of concrete along the eastern edge.

2.2 The Appellant goes on to say at paragraph 5 that to the best of her recollection;

- The area adjacent to the Stables Land to the east marked 'C' on Fig.1 to Exhibit JG13 had been used as a general dumping ground for rubbish etc. and had become overgrown.
- The rubbish and overgrowth extended to the north which can be seen to be very overgrown, covering the dumped rubbish underneath.
- That between 2021 – early 2022 she cleared the rubbish with her foster son and nephew.
- That after the clearance, old concrete had been exposed that extended beyond the yellow edged marked on Exhibit JG12.
- That her builder Piotr Czartolomny undertook repair work to the existing concrete and extended it by adding the strip to the east.
- That Gills Mix Concrete provided the concrete and have sent an e-mail produced at Exhibit JG14 in support of this.
- That on Fig.1 to Exhibit JG13, the overgrown part of the original concreted area is marked 'A' and there is also a shadowy line running north to south marked 'B' showing the eastern extent of the concrete.

2.3 The LPA contends that the annotated image produced in its Appendix 7 is correct, showing the extent of the additional areas of concrete that have been added to support the development.

2.4 The Appellant's statutory declaration marked Exhibit JG11 contains photographs of the Stables Land taken in 2000 showing the Concrete Pad. These are reproduced below marked images 1 and 2. In these images the concrete appears to come to an end followed by dense undergrowth. This can be seen more clearly in image 2 showing the end of the concrete to the east and the end of the concrete to the north:



- 2.4 In addition, vegetation can be seen growing through the existing concrete which is representative of an old concrete base that has not been well maintained. Whilst it is perfectly reasonable for concrete that has been left for a number of years to establish vegetation, the dense undergrowth shown on the photographs produced by the Appellant is not representative of such a scenario, nor is this reflected in the aerial imagery. There is also a sharp incline forming an embankment to the east of the concrete along the eastern edge which can be seen in image 2. This is not something that is covered by rubbish as claimed by the Appellant in paragraph 5c of her statutory declaration, it is an embankment of earth covered in undergrowth rising to the east. This can be seen more clearly in the aerial image dated December 2003 produced on page 1 of the LPA's Appendix 8, where the embankment rises steeply to the east where the top of the mound in this area appears to be covered in rubbish rubble. It is a stretch at the very least to believe that there was additional concrete past that seen in the Appellants photographs at 1 and 2 above or in the aerial image dated December 2003.
- 2.5 Furthermore, if rubbish/rubble was on the Land to the extent claimed by the Appellant, it is likely that it would show up on aerial imagery as it does at the top of the mound detailed in image dated December 2003, or in the images in relation to the area to the north following on from December 2003. There is no evidence that any rubbish/rubble or materials is stored upon concrete at any point.
- 2.6 The Appellant states in paragraph 5f of her statutory declaration, that her builder Piotr Czartolomny undertook repair work to the existing concrete and extended it by adding the strip to the east. However no statutory declaration of even an e-mail confirmation from her builder has been submitted in support of this. If Mr. Czartolomny is not available, surely the Appellant will have invoices and receipts showing the amount paid for this work to be carried out. This might be conducive to the amount of concrete poured, however nothing has been produced. It is evident that rather more new concrete has been poured than the Appellant will concede.
- 2.7 Finally, the Appellant has produced an e-mail at Exhibit JG14 in confirmation of the fact that Gill Mix Concrete supplied the concrete used to repair the existing concrete and to install the new concrete strip. The e-mail does not state exactly where the concrete was poured, in which area repairs took place and in which area new concrete was poured. The closest this e-mail comes in supporting the Appellants case is in stating that '*a strip of new concrete was also laid to the side adjoining the new area*'. Whilst this could be taken to relate to the east side it is neither clear nor specific. In addition, and having attend the site on multiple occasions between February and May 2022, surely both the Appellant and Gill Mix Concrete are able to produce invoices, receipts and other documentation, including plans of what work took place and how much was paid for the concrete. None of this has been produced. In any event only limited weight can be attached to an e-mail, even more so given its limited content.
- 2.8 In conclusion, having assessed this additional evidence, the LPA maintains its original position in relation to the plan produced by it at Appendix 7 in which it

contends shows the extent of the new concrete that has been added in support of the development.