

BINEGAR PARISH COUNCIL

2016/2573/FUL

Application for utility room, fence and shed in association with existing traveller pitch Alfie's Retreat, Turner's Court Lane, Binegar BA3 4UA

Response from Binegar Parish Council

This is the fourth request for our comments on this development. The Parish Council considered the revised plans at its meeting on 5 December 2017. Having examined the latest changes, the Council could find no material reason to alter its three previous recommendations to refuse approval. The Council set out its reasons in its response to 2015/2684/FUL as well as its two earlier responses to the current application. The Council reiterates those responses.

Concerns

Of greater concern has been the handling of 2015/2684 and 2016/2573. It has caused the Parish Council to lose all confidence in the Planning Authority.

The case of *Alfie's Retreat* dates from January 2014 with application 2014/0045/FUL. That is four years ago and the application is still not resolved.

The owner's agent, *Ruston Planning*, submitted 2014/0045 for a "traveller pitch and associated works comprising one mobile home, one touring caravan and hardstanding". The Planning Authority approved the application in July 2014 with conditions. In August 2014, the agent sought approval of details reserved by conditions 5 and 6 with application 2014/1750/FUL. This was approved in December 2014.

The actual development at *Alfie's Retreat* bore only a passing resemblance to the submitted and approved plans and conditions. In particular, the owner added three buildings that increased the development by 130% of the area of the static caravan. The entrance was moved. This, and one of the buildings, removed the touring caravan pitch altogether. The conditions concerning the boundary were ignored.

Breach reported

In April 2015, parishioners reported the breaches of planning control.

In May, The Planning Senior Enforcement Officer (PSEO) visited, confirming breaches.

Throughout the spring and summer, the District Councillors sought news. On 30 July, the PSEO reported that he had met the owner and the gypsy representative. He stated that the site had no permitted development rights and was unauthorised due to the departures from planning consent. He relayed the professional planning opinion "that the additions to the site/static caravan result in the latter now being a building operation and therefore no longer a static caravan. For this reason, it no longer fulfils the criteria of the permission in respect of the living accommodation that can be provided on site. Further, as a result, the site no longer meets the description of the single pitch as described in the permission and the Council considers it to be an unauthorised dwelling".

Prompted again on 24 September, the PSEO stated, “The Council considers the fence to be the most harmful element of the unauthorised development.”

Seven months had passed.

[Planning application 2015/2684/FUL](#)

On 9 November 2015, the agent submitted this retrospective application for a “utility room, porch and shed”. The presentation of documents on Mendip’s website was chaotic and misleading and would have remained so had the Parish Council not intervened.

On 11 February 2016, there was a case review, “The proposed (sic) extensions would be tantamount to creating a permanent dwelling in open countryside”. This confirmed the PSEO’s view and was based on an appeal outcome about a similar development at Frome.

12 February 2016 was the determination deadline. It came and went.

At the February 2016 Emborough Parish Meeting, the PSEO repeated the Planning Authority’s position, reassured parishioners that the application would be dealt with swiftly and predicted it would be refused.

On 23 February, the Planning Authority advised the agent of the position and invited him to withdraw the application. Otherwise, the officer promised for the following week a copy of the report that would recommend refusal. This was the first of a number of occasions when the officer complained of overwork leading to delays and failure to provide the high standard of customer service expected. No report was written.

In March, the agent suggested a site visit to see if there were alterations that could be made to the proposal. The officer suggested that the agent “outline possible solutions”. She asked for and received agreement to an unspecified time extension.

From this point, the Planning Authority ceased to defend its position. Instead, there was a disorderly retreat, the planning officer continuing to complain of overwork and, the file suggests, operating with little supervision.

Based on an uncorroborated statement from the agent, the Planning Authority accepted the shed even though it was built partly on someone else’s land beyond the boundary of *Alfie’s Retreat*. This crossed a red line of the case review.

In May, the Planning Authority capitulated to the agent on the so-called utility room, which “being a separate freestanding structure, appropriately sited and for an appropriate and accepted use would be considered acceptable”. The Parish Council has previously shown clearly how none of these conditions is met.

To approve the utility room, the Planning Authority is prepared to accept (1) use of withdrawn and cancelled government design guidance on facilities for occupants of *touring* (not static) caravans (2) at a site, *Alfie’s Retreat*, where the owner removed the pitch for the touring caravan. It asks us to accept that the static caravan with its plumbed-in sewage plant, mains water and electricity, its pitched and tiled roof with rainwater guttering is in fact a *touring* caravan. It is prepared to overlook the fact that the static caravans have sanitary and cooking facilities of the sort the cancelled guidance only allowed for *touring* caravans that lacked them. Finally, it asks us to accept that the utility room we see hard up against the static caravan is freestanding.

In June, the Planning Authority abandoned its condition regarding the boundary fence. The applicant's gypsy representative and his agent had agreed the condition. Indeed, the agent's drawing 1393/03 showed a street elevation with hedges, five-bar fence and gates. Now, apparently, the hitherto unacceptable 1800 mm close board fence and gates became acceptable despite this flying in the face of the current [Planning Policy for Traveller Sites](#), paragraphs 4(i), 4(k), 10(e), 13(a), 24(b), specifically 24(d) and 26(d).

In June, the Planning Authority dug in its heels over the 170 sq. ft. so-called "porch". The Planning Authority did not accept that the porch was a "moveable" building and said it would cause it to recommend refusal of the application.

It advised the agent "to withdraw the current application, and submit a new application for just the fence and the utility room using your 'free go'."

The agent withdrew the application as instructed.

By July 2016, the Planning Authority's retreat was complete. It had conceded everything. It had not defended the position it set out in its February case review.

The application had taken 35 weeks and 2 days from receipt to withdrawal.

Three months passed.

[Planning application 2016/2573/FUL](#)

The agent submitted the current application on 13 October 2016.

Given 2015/2684, the current public consultation is meaningless. The Planning Authority has concluded a private deal with the agent. The outcome of 2016/2573 is pre-determined.

Throughout, the Planning Authority bent over backwards to facilitate the applicant and did so again in December 2016. To offset comments from "objectors", it asked for new plans, having previously suggested how to amend them to make them acceptable. For the sake of process, it re-consulted on the plans to close the deal.

The deadline for comments was 26 January 2017. The Planning Authority denied our Clerk's two requests to extend the deadline to 8 February to accommodate the parish council meeting. 6 February was, we were told, the determination date. The preferential treatment afforded to the agent clearly did not extend to the parish or its council taxpayers.

To ensure its parishioners' voices were heard, the Parish Council made extraordinary arrangements to meet the Planning Authority's deadline only for the Planning Authority then to ignore it without explanation. There was something the matter with the plans.

10 months passed.

The Planning Authority now consults on yet further revised plans.

There is little point in commenting on an application whose outcome is pre-determined.

However, the Parish Council noted from the drawings that the visibility splay did not appear to meet the standard required by Somerset Highway's standing advice.

In addition, the Council noted that the Planning Authority had considered "the fence to be the most harmful element of the unauthorised development". It also noted the deal with the agent that "the fence, with an appropriate landscaping condition to safeguard the

planting, would be considered acceptable.” Finally, it noted that the appropriate landscaping of the hedge had been removed to try to make the visibility splay work.

Application 2016/2573 has taken 60 weeks and 2 days from receipt to 9 December 2017 and remains undetermined.

Despite regular interventions from District Councillors, it is 109 weeks – more than 2 years – since the Planning Authority received the first retrospective planning application.

It is now 2 years, 8 months and 3 days since parishioners reported the planning breach.

Conclusions and issues

The planning file does not explain why the Planning Authority’s agreed position shifted through 180 degrees. The file shows no critical appraisal of the agent’s suggestions to get the unauthorised developments approved. The only conclusion is that the Planning Authority allowed the agent to determine the application.

By her own admission, the planning officer was not on top of her brief. This is no excuse. On the strength of the handling of the first retrospective application, the Chair of Emborough Parish Meeting asked the Group Manager for Planning and Growth to reallocate 2016/2573. His plea was rebuffed.

The result is that, to get the application approved, the Planning Authority is prepared to misuse cancelled, withdrawn guidance and totally ignore current national policy.

It is prepared to undermine the outcome of its Frome appeal to prevent over-development.

It has reduced its “appalling” provision of traveller sites - this one no longer complies.

It is happy to create a precedent for “permanent dwellings in open countryside”.

In short, to approve this application, the Planning Authority is prepared to say black is white.

It is difficult to understand how a planning authority can believe that such behaviour instils confidence and trust in the citizens whose interests it is there to represent and protect.

As to the so-called 170 sq. ft. “porch”, the Planning Authority told the agent to delete it from 2016/2573 so it would not impede his planning consent. It is, therefore, the Planning Authority itself that has seen to it that the status of the porch will not be regularised.

However, the “porch” is still there and showing no sign of going. It remains a breach of planning control but, as the PSEO stated, “my advice from the senior planners is that the other elements [the buildings] do not cause sufficient harm to justify enforcement if not regularised”. It is difficult to understand why this is not collusion by the Planning Authority.

As to the fence, 2014/1750 imposed an unambiguous condition that the Planning Authority now intends to abandon. This begs the question: why trouble to impose conditions?

Further, the Authority is now happy to accept whatever development the owner of *Alfie’s Retreat* wants. This begs the question: what is the point of planning consent in Mendip?

This sorry saga has caused great distress. Concerned over the longer term, three families moving from Dalleston have cited the fact that they did not trust their District Council to manage or control development as one of their reasons for moving. Sadly, their misgivings have foundation.