



PROPERTY AND
DEVELOPMENT
SPECIALISTS

**APPEAL REFERENCE –
APP/E2530/C/21/3274182**

**COMMENTS ON THE COUNCIL'S
QUESTIONNAIRE AND STATEMENT OF CASE
ON BEHALF OF THE APPELLANT, SAM SMITH**

a. QUESTIONNAIRE (using Council's paragraph numbering)

Q14 (a) The residential accommodation is in fact 270m from the centreline of the A1 Trunk Road at the nearest point. It is 68 m from the centreline of the slip road connection from the A1 Trunk Road to Long Bennington. This slip road does not serve any settlements to the west where there is an extensive tract of open countryside and farmland, and only serves north-bound traffic wishing to access the top third of the village, because there is a much more convenient and direct access off to the village on the A1, further to the south.

PART 6

Q21(c) (Documents requested by the Form) "the planning officer's report to committee or delegated report and any other relevant document/minutes". The accompanying box is ticked plus "see 'Questionnaire Documents' section", but within the Schedule of Documents provided at the appendix, the file



Rural
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Sales,
Management,
Compensation,
Environmental,
Diversification.



Commercial
Valuations,
Lettings,
Management,
Rating.



Planning
Development
Consultancy,
Project
Co-ordination,
Creative Solutions,
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Professional
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Surveys,
RICS Homebuyers



PROPERTY AND
DEVELOPMENT
SPECIALISTS

name of the document is "Enforcement action – Officer Report Signed.pdf". Of critical importance to the justification of the Enforcement Action are all the documents/minutes etc relating to the Planning Application and these should also have been submitted. The Council should be required to supply them.

b. COUNCILS STATEMENT OF CASE (using same numbering)

- 3.1 There is no issue with the date of the Enforcement Officer's visit – the information about the date of moving on was obtained third hand when compiling the Appellant's Statement of Case and was apparently inaccurate.

- 3.4 It is stated that the Enforcement Notice was not served "until the outcome of the planning application was known". However, in Para 4.1.4 it is stated that the planning application was refused on 6th April 2021 and the Enforcement Notice was served on 1st April 2021, thereby preventing the Appellant from being able to take any action to appeal the Planning Decision Notice. This is fundamentally prejudicial to the Appellant's rights and has all the appearance of a deliberate attempt to force through the Enforcement action by serving it before information about the Decision Notice had been officially signed and thereby authorised.



PROPERTY AND
DEVELOPMENT
SPECIALISTS

3.6 & Enforcement was justified as follows, "...it is not considered that planning conditions could overcome the stated issues".... [noise, odour and close boarded fencing (which is)"not a positive contribution to local distinctiveness & character of the area]

4.1.1 The summary of the planning officer's assessment stated that noise and odour need to be checked and so a 3 year temporary permission personal to the applicant (is recommended) "until the living conditions of the site including noise and odour impacts have been fully assessed". The inference of this assessment is that if these 2 issues are found to be acceptable, then the restrictions of the 3-year limit and the personal restriction could be lifted. That does not justify the attitude and position taken by the Enforcement Officer to get the occupants off the site within 3 months of Enforcement being legitimised.

4.1.3 The Planning Committee decided to refuse the application because:-

1. Noise and odour have the **potential*** to adversely impact on residential amenity and the **potential*** to conflict with Local Plan policy H5 criterion a). The personal circumstances and the lack of supply of pitches do not outweigh this.

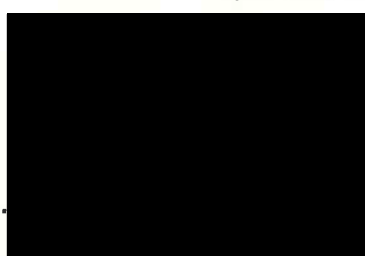
[* = writer's emphasis].



PROPERTY AND
DEVELOPMENT
SPECIALISTS

2. The design, siting and layout fail to make a positive contribution to local distinctiveness and the character of the area against Local Plan policy DE1 & Planning Policy for Travellers Sites (PPTS) Para 26.

This is in direct conflict with their officer's advice. The excuses are flimsy at best and when contrasted with the scramble to find justifiable reasons to refuse the application against Officers' advice as demonstrated by the background documents to the first and second committee meeting to resolve this case, it becomes apparent that they wanted to refuse it using any excuse they could pin on it. The excuses they finally had to accept were ones which the Officers had already recommended could be dealt with by an initial 3-year permission and planning conditions requiring more information.



.....
Stephen Clarke MRAC FRICS FAAV

Agent for the Appellant