



Alison Twyford Planning Enforcement Team Leader
Huntingdon District Council
Pathfinder House
St Mary's Street
HUNTINGDON
PE29 3TN

28th September 2023

Dear Alison,

Formal Complaint regarding the performance of HDC Enforcement

Hemingford Abbots Parish Council (HAPC) has been engaged in discussions with your department regarding two issues which we consider to be potentially serious in nature – namely, Melior Spa and Hemingford Park.

Unfortunately, we are deeply dissatisfied with the way these matters have been handled by your department and so we are now reluctantly lodging a formal complaint.

We wish to reference the following from the Local Government and Social Care Ombudsman website as areas of concern regarding your department's performance, and therefore justifications for our writing to you in this way: -

- unreasonably delayed assessing whether there is a breach of planning control
- unreasonably delayed deciding how serious the breach is and what action is appropriate
- failed to tell the parties involved of its decision or to keep them informed of progress

Related Cases which have caused HAPC to generate the Complaint:

A) Hemingford Park

HAPC has been in regular contact with Enforcement since March 2021 (see appendix 1: emails with Andrea Dollard) regarding potential planning breaches at Hemingford Park, including the building by the applicant of a new access road over historic ridge and furrow, directly in front of a Grade II* listed building.

Specifically, we want to highlight; -

- The excessive time taken to determine that the new access road does not have the necessary planning permission, despite HDC having been provided with clear reasons as to why this is required, and the repeated concerns expressed by HAPC, its parishioners, the independent

information group PROVE and their appointed solicitors, our district councillors, and Jonathan Djanogly MP.

- The repeated failures of HDC Enforcement to keep HAPC adequately informed and updated - despite us making every effort to reach out to you in writing, in person, via our MP, and also through our district councillors (see below).
- That despite frequently raising our considerable concerns, we have never been asked or invited by your department to make a representation, nor to provide the detailed evidence to substantiate our assertions.
- The fact that you confirmed in writing to a third party on August 21st that a planning application is required for the road - yet only communicated this to us (HAPC) on September 8th despite being a statutory consultee with a clear and material interest in this matter.

Hundreds of hours and £000s have been spent by our parishioners trying to motivate HDC to properly exercise their responsibilities in a timely fashion over this matter. To have waited almost nine months for such an important clarification on what seems a relatively obvious planning breach, and for the local Parish Council not to be informed as soon as possible of this material change when a new application for the site is apparently imminent, is in our opinion not acceptable.

Relevant timeline and supporting documentation:

Towards the end of 2021, HAPC became aware that a new access road had been built across historic ridge and furrow, across landscaped parkland directly in front of the Grade II* listed building, without the necessary permissions being obtained. Our concerns were raised with HDC in 2022, but to little effect.

Following a meeting with our District Councillor Sarah Conboy on Monday 16th January 2023, Sarah wrote to Clara Kerr the following day referencing HAPC's concerns over the Hemingford Park planning application and the pending appeal, including the following (extracted);

"Issues raised By HA Parish Council needing a response please:

1. *Why didn't HDC determine this application – we all spent a great deal of time preparing for it (and some residents spent a considerable amount in taking advice)?*
2. *The applicant has built a high-spec road within the estate, but this appears to not have planning consent. The Parish asked Enforcement to deal but it's not clear whether anything has happened since July (2022) as they got no response!"*

Then on 24th January 2023, HAPC wrote directly to HDC to share its thoughts on the latest planning application for the site ("*22/02454/NMA | Non-material amendment for 1400578FUL to vary the floor plans and elevations in respect of the pool house. | Hemingford Park Common Lane Hemingford Abbots*"). HAPC's response again repeated our detailed concerns about the new access road (see appendix 2).

HDC's own correspondence states that an HDC Case officer visited the site (Hemingford Park) between Dec. 2022 and Jan. 2023 as part of the assessment of this NMA to help make a suitable determination. Presumably he/she would have carried out a visual inspection of the site in regard to any potential

breaches and variations from the approved plans (2014) and assessed their severity, to help determine what actions if any were required.

With HAPC having not received any reply from your department to our letter (of 25th January), Debbie Mickelburgh, one of our District Councillors, wrote to HAPC on 1st March as follows:

“This afternoon Sarah and I meet with a number of the planning team and it has been agreed that Julie Ayres, our planning services manager, will be emailing you a written response outlining the current situation of the application and what is happening next. There will also be an update from our enforcement officer, Alison Twyford.”

The parish council never received either of these updates.

You finally responded to our letter of 25th January on March 6th 2023, including the statements:

“During a recent inspection it was confirmed that there were no offences or breaches of planning control in respect of all of the above allegations with the exception of the underground car park. This is a matter that will be applied for through the planning process.”

“To elaborate on the above matters and our findings; the track that crosses the front of the property was stated to be an agricultural track that is used in connection with the farm use on the site.”

Your comments only raised further questions in our mind - and so we wrote back to you on 3rd April outlining our continued concerns (including the potential illegality of the new road) which we do not believe is an agricultural track, and us asking for a meeting with you to discuss these in detail (see appendix 3).

By way of background we have always queried whether there is actually a working farm on site at Hemingford Park to justify such a permitted development (see our Chairman’s file note of 19th June labelled appendix 4) – which in your own words formed part of the justification for the building of the new road by the applicant. You also stated to our Chair that the owner told you directly at the time of your site visit that the sheep observed on site were owned by him. We have evidence that the sheep are periodically transported into Hemingford Park from a third location as and when required and are not permanently based at the site. This matter now needs a full and proper investigation.

After a further seven weeks had passed without a reply to our letter of 3rd April, we chased again via email on 29th May (see appendix 5). Once again, no response was received from your department.

In increasing frustration, we had also written on 14th March to our local M.P. Jonathan Djanogly requesting a meeting to discuss this matter, and he wrote to Clara Kerr on 28th May specifically referring (amongst other matters) to the illegal new road (see appendix 6) including the following - *“The Parish Council have advised me that the applicant has built a new road on site without planning permission, and which runs through important ridge and furrow land”*, and then later in the letter Mr Djanogly stated, *“I would be very grateful if you would investigate the new road and the alleged business use”*.

In yet another attempt to move matters forward, our Chair approached you directly at the HDC Engagement Day held at the Burgess Hall on 14th June 2023. He sat down with you (together with Julie Ayre) to discuss HAPC’s concerns and again, his personal file note of this meeting is attached (again see appendix 4).

At the end of this meeting, you agreed to write to the Parish Council outlining your reasons for your decisions and to confirm the additional information you shared in this conversation. Julie Ayre (HDC) also agreed to keep in regular contact with the Chair / the Parish Council on this application,

particularly if there were any relevant updates – yet nothing further was heard or received from your department on this matter in the next 3 months.

We were then made aware that on 21st August you personally confirmed to a third party that a planning application is now required for the new road - a crucial update in relation to the legality of the construction. HAPC was not informed of this change at the time of this announcement, despite clearly being 'an interested party'.

Finally, on September 8th, you wrote to our clerk indicating that a planning application was now required for the new road – several weeks after this decision had clearly been made.

HAPC has been repeatedly flagging this fundamental breach of planning to you for more than 12 months, and we cannot understand why you delayed informing us of this critical decision in reasonable time.

We also note that the pre-application consultation being undertaken by Artisan LLP on behalf of the applicant does not reference the important fact that necessary planning permission has yet to be obtained for the new road. We therefore wish to share in writing our significant concerns as to whether this so-called consultation has any value, given that the information provided is clearly incomplete and inaccurate, particularly as the construction of the new road was one of several major objections to the application from parishioners and the parish council ('road built over historic ridge and furrow across landscaped parkland and the facade a Grade II* listed building').

HAPC continues to be perplexed and concerned by the apparently 'relatively relaxed' position taken by HDC Enforcement over the alleged breaches on this site. We wish to flag the regular embarrassment suffered by the Parish Council when asked by our parishioners to explain the inaction relating to the blatant planning breaches witnessed at Hemingford Park, coupled with a deep frustration as we describe the inadequate levels of communication - all of which reflects poorly on HDC.

The repeated delays to our requests for further investigations, the time and money invested personally by our parishioners to try to resolve these matters as a direct result of the lack of clarity and explanations from HDC, and the lack of any meaningful action to date have all reached an acceptable level.

B) Melior Spa (the former Little Chef on the A1307)

In early 2022, HAPC made HDC aware of repeated potentially serious breaches of health & safety and employment law on this site. Our concerns were never formally followed up, exemplified by the absence of any requests from your department for interviews, reports, or other evidence and relevant information on the case, and the matter was not investigated in a timely manner.

Several of our parishioners who originally reported the potentially illegal activity and who kept us informed over various movements on the site have subsequently asked HAPC why they should bother to raise such matters, given the slow and lacklustre response from HDC – an opinion over which we have significant empathy.

Relevant timeline and supporting documentation:

In March 2022, we wrote to Sarah Conboy, our District Councillor, reporting several incidences of suspicious activity at the site of the former Little Chef, which was supposedly vacant at the time with no permissions granted for change of use. This included the following (extracted):

"It has also been reported by several parishioners that the free-standing freight container situated on the concourse is frequently being used at night ('doors open', 'lights on until early in the morning' etc) - possibly as temporary living quarters, which raises a number of welfare concerns for anyone involved."

HAPC was copied in on an email to Sarah Granshaw (HDC – Planning Enforcement) dated March 29th as follows:

*"Hi Sally,
Hemingford Abbots redundant petrol station has some very odd activity going on- building conversions, site units and old cars. I don't think it has any permissions- might you investigate please.
Thanks,
Sarah"*

After a verbal prompt at the next parish council meeting, Sarah Conboy responded back to HAPC in April 2022:

"Thanks for the nudge. I reported it to Sally Granshaw but haven't heard back...off to chase again!"

Sarah then chased Sally Granshaw on the 22nd April, again copying HAPC as follows:

"Sorry to chase but really concerned about what is happening at this location (including reports that people may be sleeping on site in a container unit?). Please can someone verify what is happening and advise?"

Having heard nothing further from Sally Granshaw or Sarah Conboy, HAPC requested an update from Sarah on May 5th including the following (extract):

"Separately, I wondered if you have heard anything further regarding the Little Chef / Old Shell Garage? Work is continuing apace..."

...and then again on May 13th:

"Any further news on the Little Chef please? I am being asked at least three times a week about this, especially now it is almost certain that people are 'living' in the storage containers (duvets were seen being carried out to dry at the weekend)."

No further information or communications were received from HDC on this matter by HAPC throughout May and June – despite this being a potentially serious health and safety matter.

With our concerns growing, our Chair decided to intervene and attended the HDC Forum at Burgess Hall, held on Wednesday 20th July 2022 raising this issue directly with Rob Mitchell – HDC Community Protection and Enforcement Officer. HAPC then sent a follow up email to Rob on the 22nd July to confirm what was happening at the site, and listing our concerns. The following is an extract:

"We became aware that people appeared to have been sleeping in a container and working on site as we saw mattresses being pulled out of the container to air – this concerned us more as there could be potential health and safety issues (no drainage/water/sewerage) – though they may have used the facilities in the building (if these are still working)."

Access to the site is from the A1307. Please would you investigate this for us and let me know the outcome?"

Rob (Mitchell) replied back to HAPC on 22nd July as follows:

"Thank you for the information below and it was good to talk this through on Wednesday.

The CPE team will start our enquiries, from discussions with the police who were at the event they are aware of the site too. I'll contact Planning and the Business team to see what information they can disclose. I'll get back to you early next week with my findings."

Rob (Mitchell) then added on the 27th July:

"HDC are aware and are in contact with the new owner through HDC's Business rates and Planning Teams. Both of the Council teams are ensuring the site is being used correctly and that the correct planning applications have been submitted. They are monitoring the site and it is an active open case No major concerns at this time, but if you have further concerns or intel please send those through. My team will look into the rubbish or waste related issues on the site."

HAPC remained concerned, especially by Rob's statements, "...the correct planning applications have been submitted", and "No major concerns at this time...", and so we wrote to Doug Dew, our County Councillor as follows:

"As discussed, below is the response we received from Enforcement after their visit (finally) to the site. I am surprised by the outcome, as we have several witnesses who saw potentially illegal activity – and we were never asked to provide any statements or details. Also, HAPC has no knowledge of any planning applications being submitted. Are you any wiser?"

Doug Dew copied Sarah Conboy on our correspondence, and she responded on 1st August:

"Hi Marcus, I've now had this back form the lead for planning. Sorry its taken so long!

"Many thanks for your email, and I can give you an update on the planning element of this case. Further to the email exchange with Sally Granshaw at the end of May, planning enforcement have carried out a site visit and engaged with the land owner through June. We are told a planning application will be submitted within the next 2 weeks now they have secured an agent. Once that has come in, I will ask the case officer to notify all interested parties who raised a complaint."

HAPC replied on the same day to Sarah and Doug as follows:

"Many thanks for following this up on HAPC's behalf. I will share this news with the parishioners who have been asking about the site. Can I say that it would have been very helpful if planning or enforcement had replied to our concerns in May / June, if only to update us that action was being taken. Open and timely communication is one way to quickly build a stronger relationship between HDC and the local parish councils."

On the 15th November (i.e., another 10 weeks later, and some eight months after we originally flagged our concerns), we finally received a further response from your department – even now, not directly addressed or even copied to HAPC, but shared with us by Sarah Conboy.

“Dear Cllr Conboy

Thank you for your email below. I apologise that we have not provided further updates previously, but as Clara has mentioned, Sally is currently out of the office.

“I have checked the file and contact has been received from the owner to advise that he had employed a planning agent to act of his behalf to prepare an application for change of use of the site for submission and consideration. This application was chased by Sally mid September. Looking at our records today I cannot see that any applications have been submitted. I have contacted the agent today to chase this. I am sorry that I am unable to provide further information at this point but I will ask Sally to update you again as soon as possible upon her return.”

So why did Rob Mitchell state to us on July 24th that *“Both teams are ensuring...that the correct planning applications have been submitted”*, when clearly this was not the case until December, some 5 months later? - and why was HAPC not provided with an update in this intervening period?

The planning application 22/02510/FUL was finally submitted on behalf of Budget Auto Repairs for a change of use at the above premises on December 9th 2022 and validated on December 29th 2022.

In conclusion, despite HAPC raising its significant initial concerns over Melior Spa in March 2022 regarding potentially illegal activity on the site, supplying additional information, and chasing the matter both by email and physically with your HDC and your department - we were never directly engaged by your department with regard to the potential breaches, including being asked to provide any supporting evidence, and HAPC was not kept properly informed about the nature of the investigation and its findings.

As we are also the local authority within whose boundaries the site resides, frankly we consider this lack of communication and engagement unacceptable and demeaning.

Our Requests:

We therefore wish to request from you as soon as practicable:

With respect to Hemingford Park:

- a) a detailed explanation of the reasons for the amended opinion in relation to the new road (i.e. that it now needs planning permission).
- b) when the previous stated position was changed
- c) an explanation as to why you delayed sharing this important planning information with us for several weeks after it had been published – a matter which is highly pertinent to a current case in our parish on which we are actively engaged.

As a general request:

- d) We would like to discuss how you intend to keep HAPC informed on any significant matters relating to enforcement in our parish, in an attempt to identify how we can communicate in a more timely and effective way.

According to the applicant's agent a new planning application is imminent for Hemingford Park: given all the above, and in an effort to avoid escalation, HAPC would appreciate a prompt response to this letter.

Yours sincerely

Maxine Blewett

Maxine Blewett

Parish Clerk, acting for and on behalf of Hemingford Abbots Parish Council

cc: Chief Planning Officer, Clara Kerr
Planning Service Manager, Julie Ayre
HDC Cllr., Sarah Conboy
HDC Cllr., Debbie Mickelburgh
HDC Cllr., Brett Mickelburgh
MP Jonathan Djanogly