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## Responses to questions raised by parishioners at the 'Meet your District Councillor' Meeting held on September 2<sup>nd</sup>

Following this meeting, Debbie Mickelburgh (District Councillor) wrote to Clara Kerr (Chief Planning Officer HDC) to request responses to various questions that were raised regarding the recent Hemingford Park planning applications and related construction activities. Below is a summary of these queries and the responses obtained:

### **Question 1. What aspects of the site have agreed planning permission? Residents believe that not all activity/building/ installations have appropriate consents:**

- The permitted cow shed is now being used as an Equestrian Centre,
- Solar panels have been installed on the cow shed,
- There is a 50-space car park in front of the "cow shed".
- Has a Planning Officer been out on site to assess whether the cow shed building is a cow shed or an equestrian centre and if the latter does it have permission via change of use?
- Is planning permission required for solar panels inside a conservation area/curtilage of a listed building?
- Is a 50-space car park justified or expected for personal use and at what point must it be signed off for commercial use?
- Can officers specify that all buildings etc on site have the correct consents please.

There is concern over both previous planning and building control consent being signed off by HDC or other bodies. For example, do building control sign off with consideration for planning permission or just against the building regulations?

Can HDC confirm whether it would have signed off any previously consented works and check for accuracy or location/consistency with planning consent? And if so, which department and when / what would they have checked for compliance against the planning application?

Residents are insistent that an officer needs to look and have access to the building and not rely wholly on information given. Has someone been out and when / what did they look at?

#### **CK Response:**

All planning applications relating to Hemingford Park since 2002 are in the public domain, and available for any member of the public to research. Any site history before that date can be viewed via microfiche, and any member of the public is welcome to make an appoint with customer services to review that information. I would politely suggest that if people have concerns about the wider site, that the relevant research is carried out and specific questions put to the Local Planning Authority. They will be investigated in turn and considered on their own merits.

- The cow shed – first I would ask for the definition of an equestrian centre in this context. The keeping of horses in an agricultural building is not necessarily a breach of planning. Is the suggestion here that a riding school, open to the public is operating?

- Solar panels - this will depend on timing of when they were installed. Agricultural permitted development does extend to solar on roofscapes of buildings. This would not immediately suggest to me there is a breach.
- Car park – in planning terms we would refer to this as an area of hard standing. The question (referencing point 1) is if the hard standing has been approved previously as part of a planning permission or deemed permitted development if it was proposed for agricultural (notwithstanding the reference to proximity to the cow shed). I will return to the subject of a car park under point 3 below.
- Officer visit – we do not visit permissions post decision to confirm implementation in accordance with approved details. If members of the public have concerns post-decision, the appropriate channel is to raise this through planning enforcement.
- Permission for solar panels – there is no one size that fits all, this depends on whether it is for domestic or agricultural as different permitted development rules apply.
- 50 space car park – I refer to my point above regarding the hard standing. The question has to be the frequency it is used for car parking, and for what use. If this is for a private event by the owners of Hemingford Park, such as family entertaining (used ad hoc) etc than planning permission would not be required. If this is linked to a wider commercial operation this would need to be considered within that wider context.
- Correct consents – I refer to point 4, namely the expectation is that permissions are implemented in accordance with the conditions attached to the permission. If any member of the public feels that is not the case, it is to raise their concerns with planning enforcement.

Building control/ Planning permission:

- These come under separate legislation and the applications that come before us can only be considered against our own legislation. A building control officer is not obliged to determine if planning permission is in place in advance of a building regs application. That is the responsibility of the land owner. In terms of compliance with consents, that point is discussed in bullet points 4 and 7 above.

## **Question 2: What is the status of enforcement over changes without any planning permission?**

Residents have a perception that they have been reporting to Enforcement since 2014 and "nothing" has happened for example the "farm access" road across the ridge and furrow. Can HDC provide a chronology from 2014 onwards to show what was reported and what action was taken?

### **CK Response:**

I do appreciate the concerns of residents. We are, however, unable to provide a chronology of enforcement matters having regard to GDPR. Enforcement matters raised are a matter between the reporter and the planning enforcement team. Active enforcement cases are exempt from FOI and not in the public domain in the same fashion as a planning application. In respect of the perception of no action, I do understand how that conclusion could be arrived at given planning enforcement is not in the public domain. When a matter is reported to HDC, it is investigated but does not necessarily mean formal enforcement action naturally follows. What I mean by that is when we take formal action we can only do so when it is in the public interest and if we are certain it would not be supported. The way to test that is through the invitation of a planning application and/or an application for prior approval where it related to agricultural building. In most cases a planning application will follow to remedy the breach. If that planning application is refused, then the applicant has the right of appeal. If individual reported have approached you to suggest they have not had an update to their individual query, that is a separate matter and one I am happy to explore further, and I would suggest they are encouraged to contact planning enforcement direct.

**Question 3: How important are responses to the applicant's consultation with local residents within the planning process?**

Residents have voiced that they are reluctant to participate in the consultation as the documentation is well over 400 pages while they believe it contains inaccurate and incomplete information, for example, it has been suggested that there is an entire floor omitted from the plans. The consultation uses Survey Monkey and requires those completing it to provide their personal details which they feel uncomfortable in providing. Therefore, the consultation will not illicit a trusted or proper response.

The residents are concerned that previous endorsements by other bodies were against plans that have no resemblance to what has been built or is being proposed.

We have suggested that the Parish Council collects and anonymises responses on behalf of residents who are worried about providing personal information however, there are concerns that if the applicant places into the planning application "no responses received" this impacts the validity and voice of other concerns later in the process.

Can HDC confirm the status of this aspect of the process (see reservations below) and that the applicants handling of asking for information is appropriate?

Can officers confirm that the information provided in the consultation is accurate and accords with their site inspection?

**CK Response:**

First, I feel it is important to highlight I am aware of concern regarding a potential commercial activity on this site but we do not have an application before us, and I am unable to offer comment on that point. My understanding of your reference to consultation below is one that the applicant may be undertaking in advance of a revised planning application, and not the consultation process of a planning application itself. It would not be appropriate for me to comment on a consultation the applicant is undertaking. However, if a revised planning application is submitted, it will be subject of a full public consultation and residents will be able to submit their comments supporting or objecting to the information, as submitted. It is important that I highlight that through the planning process weight is not attached to anonymous comments.

**Question 4. Residents repeatedly voiced that they felt 'intimidated' and 'unsafe' as did an individual who claims to be a representative of the applicant. It was reported that people did not attend our surgery because of this intimidation.**

On the back of the representation of those who feel unsafe, we have suggested that they report this to the Police. We are aware that a resident alleges that the applicant has installed cameras that appear to look inside the curtilage of their property. Again, we have requested they report this to the Police.

**CK Response:**

Noted, and agreed that any forms of intimidation should be reported directly to the police.

It is important that I make clear that we (HDC), as the LPA, can only operate in the public interest and we will need to follow due process. In the first instance I will highlight that current applications are householder only (and associated listed building consent) and these applications will be considered on their own merits. Householder decisions are delegated to officers in accordance with the adopted Scheme of Delegation.

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