

Strategic Management Board

CHIEF EXECUTIVE: David Buckle



Mrs S Nodder
Chairman of Watchfield Parish Council

Sent by email only to
francisandsue2004@yahoo.co.uk

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Benson Lane, Crowmarsh Gifford,
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25 July 2014

Dear Mrs Nodder

Complaint submitted by Watchfield Parish Council Planning Application: P14/V1111/FUL Complaint reference 228/1

I refer to your letter of 1 June 2014 and Adrian Duffield's holding response of 1 July 2014 in connection with the handling of the above planning application. Due to the nature of your complaint Adrian forwarded your letter to me. I have now carried out a full investigation into this complaint and I write to update you on my findings.

Whilst officers are required to use a degree of discretion and judgement in handling planning and enforcement matters, we must demonstrate we have considered all known factors and applied good judgement and reasonable weighting to these in arriving at our decision.

On this particular occasion, the circumstances as presented by the applicants were that they were to be made homeless, with a risk of them resorting to an even more dangerous roadside location if access to the land in question was prevented. The risks of highway dangers from crossing the road without a central refuge in place were off-set by the indication that children would not be on site until the condition was fully complied with, which they indicated would be a relatively short period of time.

Having reviewed the case files, it is my view that insufficient investigation was carried out by the case officer into the legitimacy of these claims and that the wrong decision was reached in advising that enforcement action would be unlikely if the applicant occupied the site before the safeguarding conditions had been properly discharged whilst an application was submitted to apply a degree of flexibility in this regard.

The problem was compounded by the fact that procedural matters were not adhered to and important consultation with elected Members was not carried out, which no doubt would have allowed the parish council to become more involved in the decision.

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I want to assure you that appropriate action is being taken internally to ensure this could not happen again. In the meantime, as there does not appear to be any mitigating circumstances to justify any relaxation of the discharge of conditions, the current planning application will be taken to Planning Committee with a recommendation of refusal. If it is refused, enforcement action will commence immediately. As the applicant has had written confirmation of the unlikelihood of enforcement action whilst the current application has been submitted, I feel it would be unreasonable and ineffective to commence enforcement action prematurely.

In terms of highway dangers, the applicant has been made aware that they occupy the site at their own risk, and the liability to the council would be no more relevant than had they occupied a more dangerous roadside location as a result of being prevented access to the site.

I wish to apologise for the way this matter was handled by my staff and for the distress this has caused you and members of the community. As measures have been put in place to address this, I don't, however, feel that a full scale review of the planning service is necessary.

Naturally the parish council will have the opportunity to comment on the current planning application and make its views known to the Planning Committee.

Thank you for your patience in this matter. Please do not hesitate to contact me should you wish to discuss matters further.

If you remain dissatisfied with my investigation, you can write to the chief executive, within six weeks, asking him to reconsider your complaint, explaining why you consider your complaint has not been adequately answered.

Yours sincerely



Anna Robinson
Strategic Director

c.c. Cllr Simon Howell, Cllr, Robert Sharp, Cllr Sandy Lovatt, Cllr Eric Batts, Cllr Janet Shelley, Cllr Anthony Hayward, Cllr Elaine Ware, Cllr Yvonne Constance, Cllr Roger Cox, Cllr Bob Johnston, Cllr Sue Marchant, Cllr Bill Jones, Cllr Richard Webber, Cllr Margaret Turner, Cllr Catherine Webber, Cllr John Woodford