

PRIVATE AND CONFIDENTIAL

Mrs A Jones
clerk@bramptonabbottsfoypc.co.uk

Dear Mrs Jones

RE: FORMAL COMPLAINT – CCMPT12024/01123

My name is Kelly Gibbons and I am the Development Management Service Manager. I am writing to you in response to the concerns you have raised in your complaint received on the 25th June 2024 (referencing letters dated 6th June and 18th June 2024 to Paul Walker).

In order to fully investigate your complaint I have reviewed the documents submitted with the complaint, the planning history and current applications. I have spoken with Scott Low (Planning Enforcement Officer) who is the Investigating Officer and with Mr Ollie Jones (Principal Planning Officer) who has been allocated the most recent cases.

In your complaint you identify your concerns about:

1. Conduct of the Planning Office and Enforcement Officer
2. Decision made relating to implementation of the planning permission (163755)
3. Decision made in relation to lack of formal Enforcement action
4. Lack of engagement with the Parish Council over concerns raised
5. Sidelineing and lack of engagement on the discharge of conditions application (drainage)

As your complaint acknowledges, the site has a lengthy and complex planning history that you have covered in your submission.

Officers have had fairly consistent contact with the Parish Council, Former MP (Sir Bill Wiggin) and the ward Councillor, Cllr Durkin, all of whom have been provided with updates and it is evident from the files and email correspondence that the Parish council has taken a very active role in the process with direct contact with the developer and Balfour Beatty.

The frustrations expressed appear to be in relation to the fact that the developer has undertaken works in breach of their planning permission and that the LPA have not taken formal action in this respect.

The Investigating Officer has been Scott Low who liaises with Mr Tansley as the Development Manager for that team. I have reviewed the file independently and can see that the Officer has investigated the matters raised and liaised with the developer.

Local Planning Authorities have discretion to take enforcement action, when they regard it as expedient to do so, having regard to the development plan and any other material consideration.

We consider each case on its merits and in most planning control cases, Enforcement Officers are able to discuss problems with developers and resolve them without recourse to formal action.

The Council always tries to negotiate before resorting to legal action, you can download our [planning enforcement policy](#) for more information.

Enforcement action should, however, be proportionate to the breach of planning control to which it related and only taken where it is expedient to do so having regard to the degree of harm which may be resulting. Where the balance of public interest lies in taking formal action will vary from case to case.

In deciding, in each case, what is the most appropriate way forward, Local Planning Authorities should usually avoid taking formal enforcement action where:

- there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;
- development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development;
- in their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed.

Whilst I appreciate the frustration, I would also advise that commencing work without discharging conditions or not complying with conditions or approved plans does not automatically mean that the permission obtained would fall away.

There are a number of tests and considerations relating to these matters that need to be considered and mechanisms available to regularise that position.

However, if applicants / developers do continue to work **despite** contact from the Local Planning Authority then we would advise them that works undertaken at their own risk. The risk being, that if applications (or appeals) are unsuccessful then enforcement action to remedy the breach could be taken. Local Authorities have very limited options available to them to stop works and are encouraged to negotiate and resolve issues before using formal action as described above.

In this instance, the developer has sought to regularise the identified breaches of planning control through the submission of an application. This submission provided the opportunity for local residents, the Parish Council and consultees to make representation on the amended scheme.

The matter of drainage remained unresolved, and as such, the legislation directs that conditions be imposed / re-imposed on the Planning Permission, and I have viewed the correspondence on the matter between the various parties.

The applicant subsequently (following a period of active engagement locally and with the BBLP) submitted details to request the discharge of the condition. There is no legislative requirement to consult with local residents or the Parish Council on applications to Discharge Planning Conditions but the Parish did make comments on this submission and this has been published to the website. (Application 241152).

I note that a further application to discharge the remaining conditions has now also been submitted (241753). Again, there is no requirement for the Local Planning Authority to consult the Parish Council on such submissions but I understand that you intend to review the details as a meeting in July and you can provide these to Ollie Jones in due course.

I acknowledge that the proposed development has caused upset locally and that you are not satisfied with the responses that you received but I am content that the Officers have carefully investigated the complaint, taken into account the comments received and engaged locally and with the consultees / Parish and developer to ensure that the correct applications have been made.

In managing the formal applications, the correct procedures have also been followed and comments and concerns were taken into account when making recommendations. Having reviewed the significant amount of correspondence that has been entered into by the various parties on this matter, I would conclude that all parties were aware of the concerns raised when investigating (Enforcement) make their formal responses (Drainage) or their recommendations (Case Officer) and that they have engaged appropriately and taken into account the concerns and matters raised whilst also taking into account the legislation and procedural guidance.

The officers have monitoring scheduled for the site the Enforcement Officer will continue to provide updates to you where they are necessary. The case remains open at this time.

Yours sincerely



KELLY GIBBONS
DEVELOPMENT MANAGEMENT SERVICE MANAGER