



Mr T Whitty
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TWE/14/03245/FUL

7 July 2015

Dear Mrs Chater

Stage 1 Complaint – Planning application 14/03245/FUL – Land at Marsh Farm Barn, Drove Lane, Earnley, Chichester, West Sussex, PO20 7JW

I am writing further to your letter dated 8 June 2015, to which I have been asked to reply, I apologise for the delay in responding to your concerns. I can advise that I have treated your letter as a formal complaint under Stage 1 of the Council's Complaints Procedure. I have reviewed your complaint and spoken with the relevant officer. Your areas of concern appear to relate to;

- 1) The amendment of the proposal from a residential caravan site to a Gypsy and Traveller site without consultation with interested bodies or treating the proposal as a new application
- 2) The dates displayed alongside documents on the website
- 3) Time allowed to comment on amendments received
- 4) Action relating to Planning Enforcement Notices

I shall address each of your points in turn below.

1) Amendment of proposal from residential caravan site to Gypsy and Traveller site

I can confirm that the description for the application when submitted read "Use of land as a residential caravan site consisting of 4 no. pitches and ancillary works". The supporting information submitted with the application included a Design and Access Statement (DAS) that detailed the proposal, including the Gypsy status of the applicant and the planning policies relevant to the application for the proposed gypsy pitches. The case officer considered the application as a whole, and made a recommendation based on the information available; including the DAS.

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Mrs Louise Chater
 Clerk to Earnley Parish Council
 1 Charlmead
 East Wittering
 West Sussex
 PO20 8DN

Following the publication of the recommendation to permit and the receipt of further third party representations it became apparent that the DAS which explained the proposal in more detail, and set out the occupation of the caravans by Gypsies and Travellers, had not been available to view on the Council's website.

Therefore, whilst I appreciate that you are concerned the case officer made the change from caravan site to a Gypsy and Traveller site without consultation of neighbours and interested parties; I can confirm this was not the case. The information has been submitted with the application and was duly considered by the case officer. The issue arose because the information was not available to be viewed by the public.

This matter was brought to the attention of the Local Planning Authority (LPA) before a decision was made on the application, and as a result the item was removed from the agenda of the 24 June Planning Committee in order to ensure interested parties were able to comment on all of the information submitted with the application. This lack of clarity in the process was unfortunate and I apologise for any confusion that may have arisen as a result, however I consider that the issue has now been rectified and that all parties have now had an opportunity to comment on all information pertinent to the application.

2) Dates displayed alongside documents on the website

I understand that you are concerned that from information displayed on the website it appeared the DAS was published on 26 November 2014. Clearly this was not the case and I apologise for any confusion as a result. Whilst not publicly viewable, this document had been uploaded to the Council's document management system on the 26 November 2014 and it was this date that the system was returning on the webpage. This is a limitation of the system and requires manual intervention to correct.

The case officer subsequently agreed to amend this date to the 28 May 2015 (the date it was made public) on the request of a third party. I understand from the note on your letter that initially the year was not amended to 2015, however this has now been rectified.

The matters outline above have highlighted the need for officers to check that documents viewed on the Council's internal database are also available to view on the Council's website. I can assure you that transparency is of utmost importance to the Local Planning Authority, and this matter has been raised with planning officers to make every effort to ensure that this issue does not occur in the future.

3) Time given to comment on amendments

Once the LPA was aware of the issue with the DAS, and that interested parties were not aware of the full nature of the proposal, the LPA sought clarification from the agent about the proposed use. The agent confirmed that they wished the application proposal to be considered as a Gypsy and Traveller site, and that the DAS should form part of the application. As a result, the description was amended and all parties should be offered a further period in which to comment on the additional information.

There is no statutory time period for which the LPA is required to consult Parish Councils and third parties on revisions to planning proposals, the requirement of the LPA is that it provides a reasonable period to consider the additional information having regard to the nature of the additional information. However, as you will know from working with us in the past, we will offer a longer period upon request, subject to this being reasonable. I understand that further to concerns raised regarding the length of time afforded for the Parish Council to comment on the additional information and some confusion as to what the additional information related to, letters detailing the amendments in full and providing 21 days were issued to all parties.

I appreciate the concerns raised regarding this application, and as I have identified above I accept that on this occasion there have been a number of unfortunate issues that have arisen. However I can assure you that the LPA has not at any time intended to act with anything less than transparency and integrity that all officers involved were striving to ensure that interested bodies were provided with the correct information, and sufficient time to consider it. In addition, I can assure you that the application for the Gypsy and Traveller site will be determined in accordance with the development plan and with regard to presentations made by interested parties.

4) Action relating to Planning Enforcement Notices

Chichester District Council take matters of planning enforcement very seriously but must ensure a proportionate approach is taken and that appropriate time is afforded to remedy any identified breach of planning control. I am afraid I cannot agree with your assertion that "enforcement notices have not been followed up and complied with." Following the issue of these notices and a number of visits to the site by officers within the Enforcement Team five of the 8 items identified for removal from the land have been actioned by the land owner. As 3 of these items remain the Local Planning Authority is now considering taking further action. This is normal practice in resolving breaches of planning control, advocated by Government guidance, and has clearly resolved certain elements of the breach to date.

I hope that the contents of this letter explain clearly the actions of the LPA and allay some of your concerns regarding the way in which this application and enforcement of other elements on adjoining land have been handled. If, however, having considered the contents of this reply you remain dissatisfied with the Council's response to your formal complaint, you are entitled to write to the Head of Planning Services and request that he investigates the matter under Stage 2 of the Council's Complaints Procedure.

Yours sincerely



Tony Whitty
Development Management Service Manager
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Gypsy and Traveller Sites in Chichester Planning Authority

Local Authority Sites	Site	Number of Pitches
Easthampnett Caravan Park Marsh Lane	Easthampnett Chichester West Sussex PO18 0JN	23
Westbourne Caravan Site Cemetery Lane	Westbourne Emsworth Hants PO10 8RZ	17
TOTAL PITCHES ON LOCAL AUTHORITY SITES		40
Private Sites with Permanent Permission		
	Little Acre, Keynor Lane, Sidlesham	1
	Longacre, Bracklesham Lane	5
	Cleanwater, Ratham Lane, West Ashling	4
	Cleanwater, Ratham Lane, West Ashling	3 (transit)
	The Hawthorns, Clayton Lane, Bracklesham	1
	The Willows, Plot 2 Clayton Lane, Bracklesham Bay:	1
	Merston Pheasantries, Bognor Road, Chichester	8
	Southbourne Farm Shop, Southbourne	1
	Melita Nursery, Chalk Lane, Sidlesham	4
	Tower View Nursery, West Ashling Road/Scant Road East, Hambrook	10
	Bridgefoot Meadow, Kirdford	2
	The Stables, Bracklesham Lane, Bracklesham	1
	Maytrees Adj Priors Leaze Lane, Hambrook	1
	Plot A, Pond Farm, Newells Lane	1
TOTAL PITCHES ON PRIVATE SITES WITH PERMANENT PERMISSION		40
Private Sites with Temporary Permission		
	Plot B, Pond Farm, Newells Lane	1
	Lakeside Barn, Hunston Road, Nr Chichester:	3
	Five Oaks, West Ashling Road, Hambrook	1
TOTAL PITCHES ON PRIVATE SITES WITH TEMPORARY PERMISSION		5
Tolerated Sites – Long-term without planning permission		
	Merston Pheasantries, Bognor Road, Chichester	3
	Priors Leaze Lane, Hambrook	1
	The Orchard, Scant Road East, Hambrook	1
TOTAL PITCHES ON LONG-TERM TOLERATED PRIVATE SITES		5
Unauthorised Developments		
	Pond Farm, Newells Lane, West Ashling -	5
TOTAL PITCHES ON UNAUTHORISED DEVELOPMENTS		5
TOTAL PITCHES		95