

HOUGHTON PARISH COUNCIL
Minutes of the Extraordinary Parish Council Meeting
held on Wednesday 15th June 2022 at 18.00
at Houghton Village Hall

Present: Parish Councillors: L Adams (Vice Chairman), A Dougall, J Coombes, L Middleton.
J Coombes.

Members of the Public: 3
Minutes: Mrs C L Cotterell (Parish Clerk)
The meeting started at 18.01

Item Minute

1. Chairman's Welcome

The Chairman welcomed all to the meeting.

2. Apologies for Absence

Apologies were received from Parish Cllrs Young, Battey, Chant and Borough Cllr Johnston.

3. Declarations of Interest

To declare an interest in any items of business on this agenda – None.

4. TVBC Planning Enforcement Case 21/0507/REG

To consider a letter to TVBC Planning in relation to TVBC Planning Enforcement Case 21/0507/REG – **Resolved** to send letter with the addition of a reply date and copied to Rt Hon Caroline Nokes MP, Andy Ferrier – Chief Executive TVBC and Borough Cllr Alison Johnston – Proposed Cllr Dougall, seconded Cllr Middleton, all agreed. (See appendix to these minutes).

5. Planning – To propose a response to the following Planning Applications:

22/01417/FULLS & 22/01418/LBWS - Alterations and extensions to an existing ancillary outbuilding - Vine Cottage, Houghton – Cllrs **resolved to Support** these applications – Proposed Cllr Coombes, seconded Cllr Dougall, all agreed.

6. Finance

To approve payment of the following invoices for tree works and the play area equipment annual inspection – **Resolved** – Proposed Cllr Adams, seconded Cllr Coombes, all agreed.

<u>Payee</u>	<u>Amount</u>	<u>Payee</u>	<u>Amount</u>
Sub Arb Ltd – Tree works	£120.00	Playsafety Ltd – annual inspection	£100.80

7. Next Meeting

Full Council Meeting – Tuesday 5th July 2022 at 19.00

Meeting closed at 18.15

These minutes were approved and signed by the Chairman at the meeting held on 5th July 2022

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Appendix - TVBC Planning Enforcement Case 21/0507/REG

Mr Tim Parker
Planning Enforcement Officer
Planning and Building Service
Test Valley Borough Council
Beech Hurst, Weyhill Road
Andover SP10 3AJ

16th June 2022

Dear Mr Parker

Re: TVBC Planning Enforcement Case 21/0507/REG

(Further to Application No: 21/02843/CLPS: Application for lawful development certificate for proposed siting of a caravan ... for incidental/ancillary use, Oaklands, Chapel Close, Houghton)

I am writing to you following an extraordinary meeting of Houghton Parish Council held on 15th June 2022 at which councillors unanimously resolved that I should contact you to register the Parish Council's frustration with the way the above matter has been handled, and to urge you to reconsider your decision and to take action to enforce the planning laws relating to this matter.

Background

On 1st October 2021, the Parish Council was sent notification of an application (21/02843/CLPS) "for a lawful development certificate for proposed siting of a caravan for incidental/ancillary use" at Oaklands in Chapel Close, Houghton. The notification letter made clear that the application only dealt with establishing whether or not the proposed development required planning permission and instructed the Parish Council that any comments it might have "should be related only to the lawfulness of the application." It went on to state that "comments relating to the merits or otherwise of the development or proposal cannot be taken into consideration."

The Parish Council *did* comment on the application and pointed out that it understood that a covenant existed on the Kent Orchard land that it thought "could restrict the houseowners' use" and which stated that "there is considerable concern among neighbours about the proposal and the potential for noise nuisance, and the precedent this may set for other such applications in the conservation area".

Despite this, on 24th November 2021 the Parish Council was sent a decision notice from Paul Jackson (Head of Planning and Building Service) informing us that a "lawful development certificate" had been issued.

The houseowners had not in fact waited for the certificate to be issued but had already begun construction of what, in the view of both Parish Councillors and neighbours, was clearly, given both its design and scale, a building that simply could not be classified as a 'caravan'.

I contacted Test Valley Planning on 26th October 2021 raising concerns about breaches of planning control on the site. We understand that some parishioners raised similar concerns. We were then told that you would be looking into this matter under Enforcement reference 21/0507/REG.

After looking into the matter, you wrote to complainants on 12th May 2022 and confirmed that:

the structure that has been built is not a caravan, but is instead an outbuilding. This outbuilding is beyond the limits and conditions of Permitted Development and therefore it is a breach of planning control. Despite being invited, no retrospective planning application has been submitted and therefore it falls upon the Council to undertake an assessment as to the expediency of taking formal Enforcement Action...

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... after a thorough assessment in conjunction with the Enforcement Team Manager and the Principal Planning Officer, I have concluded that in this instance it is not expedient to take formal enforcement action. It appears to me that had an application for the outbuilding and associated landscaping come forward, it would have likely been approved by this Council as it would be deemed to be in accordance with the Local Plan.

In a subsequent email to Parish Councillors and other interested parties on 31st May 2022, you stated that you had undertaken a number of site visits and that you:

became convinced that the structure could no longer be modified to comply with the definition of a caravan. Therefore, I was satisfied that the structure was now to be considered a building, and I anticipated that it would be expedient to take formal enforcement action.

In due course, the owner planted a significant landscaping scheme. When it was confirmed that no application was going to be forthcoming for the retention of the outbuilding, I undertook an assessment of the expediency of formal enforcement action, however, given the landscaping and the advice of colleagues, reached the conclusion that it was not expedient to take action in this instance ... my professional judgement is that, if we took formal action, the owner could appeal this and the appeal would more than likely be upheld.

Houghton Parish Council's response to the decision taken

Houghton Parish Council notes your argument about expediency and that you have formed a view that a retrospective planning application "would have likely been approved". However, we believe that you and your colleagues are prejudging the planning process that should have taken place. In so doing, you are denying Houghton Parish Council and Houghton parishioners the right that they would normally have to comment on or to object to a planning application. This suggests that **either** such comments or objections are ignored or are effectively meaningless when they are submitted to planning applications **or** you have made a decision in this case without caring about or wanting to deal with any comments or objections on this matter, even though it is a matter of legitimate planning concern.

Without a planning application being made, how can you know what comments or objections it might elicit, and how can you know how you would respond to such comments or objections? Your decision not to take formal enforcement action makes a mockery of the whole system and undermines faith in the planning process.

In this instance, the owners have built something purporting to be a caravan which was not a caravan. They have, therefore, built an outbuilding that required planning permission without obtaining that permission. When invited to submit a retrospective planning application, they have chosen not to do so, and you are not pursuing the matter on the basis that you think that they would get it anyway. This seems grossly unjust and to undermine the proper planning procedures that most people follow and comply with.

Moreover, Houghton Parish Council does not accept that planning permission would necessarily have been granted. The outbuilding would appear to be contrary to Policies E1 and E2 of the Local Plan as the outbuilding appears to be of poor design. It fails to improve the character, function and quality of the area. It does not integrate, respect or complement the character of the area in terms of its appearance, scale or material and building style. It does not respect the character of the surrounding area and neighbouring uses. It has, we believe, a detrimental impact on the appearance of the immediate area. The proposed landscaping does not, we believe, enable it to positively integrate into the landscape character of the area.

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Moreover, a referendum was held on 19th May 2022 in which over 90% of voters voted to adopt the Houghton Neighbourhood Plan. Objective 3.2 of the Plan talks about conserving the rural character of the village and of the need “to preserve and enhance the things that are valued by the people of Houghton *such as its peace and tranquility*” (my italics). We understand that a gym business is to be run from this outbuilding, and neighbours have serious concerns that this will compromise the peace and tranquility that they value and should be able to expect.

Point 2 of Policy HTN4 of the Neighbourhood Plan (page 20) states: “proposals should ... be in keeping with the character of properties in the locality, including as to scale, height, materials and detailing”. Point 3 of Policy HTN7 (page 28) states that development should minimise the impact on landscape character and positively enhance the sense of place and local distinctiveness. We believe that the outbuilding erected without planning permission is at odds with these policies.

Neighbours are concerned that, not only have the owners built this unsightly outbuilding without planning permission but we understand that they are using it to run a gym business and that this risks noise nuisance and other disturbances. They were apparently given assurances that no business would be run from the outbuilding, but this appears not to be the case.

You have referred several times in your correspondence to the owners’ landscaping scheme. You appear to be saying that it is acceptable for someone to erect a building without the requisite planning permission provided that they ‘landscape’ to hide the building. We take a different view. Any amount of landscaping will not disguise the fact that the building has been erected contrary to the proper planning laws and procedures. To ignore that fact is to set a very dangerous precedent.

This letter/email is being copied to Andy Ferrier (Chief Executive, Test Valley Borough Council), Caroline Nokes (MP for Romsey and Southampton North), and Alison Johnston (our Borough Councillor). If we do not receive a satisfactory response to this letter, we intend to then contact the Planning Ombudsman. Please note that Houghton Parish Council meet again on Tuesday 5th July 2022, please send your informed response by 1st July 2022.

I want to stress that Houghton Parish Council wants to maintain a good relationship with you and the Planning Department, and it acknowledges that you have spent a lot of time on this matter. The Parish Council, though, is bound to act in the interests of its parishioners and believes that it is crucial to good governance and faith in our planning system that the planning laws are enforced. It is important that planning laws are enforced and that planning procedures are followed in every case, and that parishioners and parish councils should not be denied their right to comment on or object to plans that require planning permission. We believe that the decision that you have reached in effect excludes us from the proper planning process and will have allowed people to circumnavigate that process to erect and maintain a building without the required planning permission.

On behalf of Houghton Parish Council, I urge you to reconsider your decision and I look forward to hearing from you.

Yours sincerely

Mr Alan Young
Chairman, Houghton Parish Council

cc: Rt Hon Caroline Nokes MP
Mr Andy Ferrier, Chief Executive, Test Valley Borough Council
Borough Cllr Alison Johnston