

SAVE ECCLESBOURNE GLEN

∞ CAMPAIGNING TO PROTECT & RESTORE HASTINGS' HISTORIC LANDSCAPE ∞

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Introduction

We have prepared three documents for consideration by HBC Cabinet. These documents are our response to the Bahcheli Report into planning issues at Rocklands.

This document summarises our review of the Bahcheli report. It should be read in conjunction with the following documents:

- Our detailed comments on the Bahcheli report. This document reviews the report in detail paragraph by paragraph.
- An annotated version of our original submission document to Mrs Bahcheli. This highlights the many areas omitted from the Bahcheli report.
- The Bahcheli report itself.

It is essential to read this summary document in conjunction with our detailed comments document. We are aware of the complexity of the issues and would be very happy to meet with any of our elected representatives to discuss the issues prior to the Cabinet meeting.

Summary Comments

After detailed review we are unable to accept the Bahcheli report as we believe it is not independent and consider it to be flawed in terms of scope, accuracy and completeness.

We do not believe that the report covers the major problems revealed by the Rocklands affair. These problems lie within the culture of the Planning department, its complacency, its treatment of the general public and serious procedural and management issues. None of these problems seem to have been addressed at all in the report.

The Rocklands affair has exposed the Planning department's total failure to protect invaluable public assets in and adjacent to the site. These issues have not been seriously addressed in the report.

We don't believe the report would survive any external scrutiny in case of an appeal, ombudsman enquiry or public enquiry.

We are very much of the view that the document appears to have been fashioned and drafted to protect the interests of the officers in the council and to justify decisions that have already been made for future applications.

We recommend that the cabinet reject the report and that a new review is undertaken by a suitable company of established expertise and standing to provide surety of independence with properly formulated terms of reference.

Summary of the Bahcheli Report

1.0 Overview

1.1 When the review was first announced by HBC we welcomed the fact that HBC were finally taking our concerns seriously and had appointed an independent reviewer. HBC had previously promised to get the independent Planning Advisory Service involved. We were asked to provide supporting evidence to aid Mrs Bahcheli in her investigations and several documents were provided, and discussed at a subsequent meeting with Mrs Bahcheli. Mrs Bahcheli has always been presented as being an Independent Planning Consultant so we hoped that Mrs Bahcheli would be looking at all sides of the argument before coming to an informed decision.

1.2 After some time we received the **scope and remit** document for the review. We were very concerned about the terms of them. These reservations have been described in a separate document – (see Appendix A) which was sent to HBC on the 02/10/2014. The issues raised in this correspondence remain unanswered by HBC.

1.3 At this stage we were already of the opinion that the **review could not be considered independent** and we repeated our request for an independent review by the Planning Advisory Service as originally promised. HBC informed us that Mrs Bahcheli review was the alternative to the PAS, HBC continued to maintain that the Bahcheli review was independent. Our concerns remained but we had no alternative but to wait for the report.

1.4 Sadly our review of the report has confirmed our initial reservations. We have serious concerns about the **independence of the report and its author**. We do not believe that this report can be considered independent. We believe that the scope and remit of the report constrains the independence of the author. In addition the fact that the author is also employed by HBC as the Case officer on future Rocklands applications further compromises her independence. We fear that this lack of independence and evident conflict of interest has compromised the report

1.5 Given the scale of the issues the report is very short on **recommendations**. The recommendations are not presented in a structured fashion and have to be teased from the body of the report. Many of the recommendations are written in a non-specific and ambivalent fashion. We agree and welcome these recommendations, but consider that they address only a small part of the problems and issues that have been raised by the Rocklands affair. The problems lie within the culture of planning, its complacency, its treatment of the general public and serious procedural and management problems. None of these problems have been addressed in the report or in its recommendations. The recommendations are listed with our comments in section 2.0. We have included a list of our recommendations in section 2.2.

1.6 We have serious concerns about the **comprehensiveness of the review**. There are many omissions, it fails to address many of the points raised in our submission and has not considered all of the evidence we provided. Obviously we understand that the affair is very complex. Mrs Bahcheli spent just 3 hours in conversation with the group and was then given a series of detailed documents amounting to 200+ pages. We are very surprised and concerned that Mrs Bahcheli did not pose a single follow up question to our submissions. Given the complexity of the affair it is difficult to believe that there could be no need for follow up questions and clarification. It also appears that additional documents that we produced, on the request of Mr Hubbard, giving further evidence on the issues were not included by Mrs Bahcheli. It is also unclear whether Mrs Bahcheli has had access to the Standen report which remeasured the building.

1.7 We have found serious **factual errors** in the report. We are of the opinion that these factual errors are significant and affect the conclusions and recommendations of the report. These errors are listed and categorised in section 4.0.

1.8 One significant error in the report concerns the **size of the approved building**, which is absolutely critical to the affair. Mrs Bahcheli fails to recognise that the size of the building has been consistently understated by the applicants and by the planning department. Mrs Bahcheli persists in the illusion that the footprint of the building is 8*9m (72 sq m), whereas the approved plans clearly show the footprint to be 9*10.15m (94 sq m) a fact verified for the group by a qualified draughtsman. The fact that the size of the building has been seriously understated meant that none of the consultees were able to make an informed opinion on the impact of the building on its environment. Given that neither the planning department nor Mrs Bahcheli have been able to read the approved plans correctly there is little chance that the external consultees would be able to understand the true dimensions. We maintain that this is a major factor and that the approval of HS/FA/12/952 was based entirely on completely misleading data. Mrs Bahcheli has failed to read the approved plans correctly and as a consequence has failed to investigate the issue properly. This error alone has fatally compromised the Bahcheli report.

1.9 The report has highlighted several **new facts** or suggestions that we were unaware of, most without any documentary evidence. These facts were, it seems known to HBC. We are concerned that HBC kept this information from us for such a long period of time. The knowledge of these new facts is welcomed, as they give a fresh perspective and raise several very important questions. These new facts are commented on in detail in section 3.0.

1.10 There are significant **omissions from the report**. Firstly, there are explicit omissions which are listed in the report, such as caravans and car parks. Secondly, and even more significantly, there are many issues that were reported to Mrs Bahcheli that have not been covered in the report. Many historic planning applications that have a bearing on the issues have not been reviewed at all. We believe these omissions are critical and affect the conclusions and recommendations of the report. These omissions are listed in section 6.0.

One of the reports most serious omissions is its failure to investigate Planning's total inability to spot the large scale deviations from the approved plans during the construction of the new building. The development was started three months before conditions were discharged using working drawings that were very different from the approved plans. There were fundamental differences between the approved plans and the building actually built. Planning failed to notice any of these differences including the facts that the building was far larger than approved, built in the wrong place cutting into the scheduled monument and all screening had been removed. It was the campaign group which spotted these differences and forced Planning to request a retrospective planning application. When this retrospective application was processed Planning still continued to understate the size of the actual building, refusing requests for remeasurement and stating the building was "within reasonable tolerances". It was only an independent remeasurement afterwards that confirmed the true scale of the building. If Planning had remeasured the actual building properly in the first instance we would not now be faced with a second retrospective application being submitted.

1.11 We have serious concerns about the **interpretations** of facts and matters of planning law in the report. We consider the author's interpretation to be personal and not definitive. We have concerns that the author interprets issues which are outside the scope of her remit and knowledge. We are concerned that the author's interpretation is biased in favour of HBC and is at pains to avoid explicit criticism of Rocklands.

1.12 We have serious concern that a large amount of the report concerns itself with **future Rocklands applications**. Our understanding was that the review and report would concentrate on

historic Rocklands applications. We believe that future applications should be out of the scope of the report. They are not included in section 2 of the report which describes the scope of the review.

It was disclosed on 8 October 2014, that Rocklands had been invited to resubmit a 'retrospective' application; yet Mrs Bahcheli's report was not completed until 21 October 2014. It is not understood why this decision was made prior to the results of Mrs Bahcheli's investigations being published, or why data from her report is being used as evidence before it has been presented to Cabinet for approval.

It was our understanding, when the review was commissioned, that Mrs Bahcheli was to look at the relevant planning history of the site and to conclude, using evidence gleaned, whether or not correct procedures were followed, and whether the reporting officers had come to the right decisions.

It is our opinion that the report has been used to pave the way for this further 'retrospective' planning application to regularise the now unauthorised building. It is stated in the report that this is the best way forward and that if the application is refused then the Council has a basis for enforcement action to be taken. We are clear that a further 'retrospective' planning application is not the right way forward as nothing has changed since 18 June 2014, when the previous 'retrospective' planning application was refused. The only development is that the actual measurements have been published, and it has been confirmed that the problems with the building are far worse than first imagined; there is a height increase of 59 cm over that approved; all of the elevations have increased by 40 cms; the footprint and orientation are not to the approved plans and the building has been moved closer to the existing property – it has also encroached onto the Iron Age Hill Fort.

We are concerned that the report has been written to justify decisions that HBC Planning have already taken for handling future applications. Large amounts of the report seem to have been written in order to prepare the foundations for future Rocklands applications. This has a feel of predetermination about it and does nothing to boost confidence in the independence of the report.

The author of the report will be the case officer for future applications and the report seems to be a preparatory document for these. We believe that these statements are in the report to justify planning decisions that have already been made by HBC Planning. This seems to be an inversion of the normal practice of making decisions based upon the findings of a report.

A list of these follows in section 5.0.

1.13 We believe that the report has gone well beyond its **scope and remit and has self-declared that planning applications**: HS/FA/12/00471 (the rejected application) and HS/FA/14/00406 (the rejected retrospective application) were either unjustified or could be disregarded as they had been handled incorrectly. Planning application: HS/FA/12/00952 (the approved application) , although seriously flawed, has had only minor criticism made against it, and weak suggestions made on how the application could have been handled better, or that more information should have been requested. None of her suggestions as to how things might be improved have led Mrs Bahcheli to think there should have been a different outcome on 952.

1.14 We are concerned that **historic Rocklands applications have not been considered in any detail**. The most serious being the failure to investigate the contradictions between HS/FA/11/43 - where the bungalow is described as having been residential for many years and HS/FA/12/952 - where it is described as having been a holiday let for 15 years. These mutually contradictory statements seem

to provide clear evidence that Rocklands have deliberately entered misleading facts on planning applications. These applications are listed in section 6.2.

1.15 The report reveals potential **evidence of predetermination**. The report states that HS/FA/12/471 (the rejected application) was discussed after the event by higher officers (5.6.11). We have requested further details of this but to date none have been supplied. Once an application has been determined it is not within the remit of HBC officers to deem an application unjustified. This can only be done on appeal by an inspector or by judicial review. We believe that this is evidence of **predetermination**. We believe that this throws doubt on the validity of HS/FA/12/952 and might explain the many strange omissions, errors and breaches of process that happened during the passage of it. The report does not explore this issue at all. This revelation requires immediate investigation by an independent external consultant.

1.16 We have some reservations about the **professional quality** of the report. The report is badly structured and quite difficult to read. It has many typographical errors. Even the reference numbers of planning applications are incorrect. The report fails to cross reference or provide sources for much of the evidence it quotes. It creates the impression that not enough time has been spent in its production. The report is clearly not of the standard expected for a professional report and suggests to us that significant editing has been required by HBC.

1.17 The report refers to **documents and sources for which no references are given**. We require to be provided with the details of these.

1.18 We are very concerned that the report relies on **hearsay evidence** from HBC and Rocklands. For example we have requested documentary evidence to support the claims made that Rocklands applied for permission to remove trees and HBC granted this permission. To date this evidence has not been provided. In section 7.2.2 it states that "the applicants refer back to verbal advice". We believe that the report is happy to take unsubstantiated statements from the applicant and HBC but places an almost impossible burden of evidence on the Save Ecclesbourne Glen Campaign Group, specifically over the removal of trees, the storage building and the size of the new building. We believe this illustrates bias and a lack of independence.

1.19 We note that the unauthorised siting of caravans, roads, terracing, occupancy of caravans, advertising or drainage have not been included within the scope of this review. They are all planning matters and are of great relevance to the Rocklands affair. In particular they indicate the lack of concern that the owners of Rocklands have shown for regulations and procedures and call into question the honesty of their applications. We request that these matters are investigated by an independent reviewer.

1.20 We note that breaches regarding the HSE regulations, Forestry Commission Regulations, Scheduled Ancient Monument Regulations, Hedgerow Regulations or Covenants have not been included within the scope of this review. They are matters of great relevance to the Rocklands affair. We request that these matters are investigated by an independent reviewer.

1.21 We request that our documents are filed with the Bahcheli report and are also presented to cabinet for review.

1.22 We believe that Mrs Bahcheli independence is in question as a result of the report and request that an **independent case officer is employed** to take over all Rocklands case work.

1.23 We believe that the report has failed in its objective of being independent. Given its many limitations and weaknesses it has done little to highlight or resolve the problems with planning that the Rocklands affair has demonstrated. These problems lie within the culture of planning, its

complacency, its treatment of the general public and serious procedural and management issues. None of these problems have been addressed in the report. If anything the failings of the report have served to strengthen our belief that it is essential to conduct a **fully independent enquiry** into the Rocklands affair and the practices and procedures of HBC planning in general.

1.24 We request that the Cabinet rejects the report and commissions a proper independent review of the Rocklands affair and the practices and procedures of HBC planning the affair has revealed.

2.0 Comments on recommendations

2.1 List of Recommendations extracted from the report.

Given the scope of the issues, the scale of procedural failures and the errors made by Planning we are surprised at how few recommendations the report actually makes. We believe the Report makes the following recommendations. Numbers refer to paragraph numbers in the report:

“4.4 The Council may consider improving consultation between departments, particularly as the Borough Council is a major landowner and manages the Country Park.”

Agreed.

“4.11 With the benefit of the measured survey, we know that the documents submitted to regularise the proposal were not accurate and the plans did not represent the building that has been constructed. There were other problems with the application proposals. I believe that a higher level of information should have been required to support the proposal and the discrepancies in the submitted drawings ought to have been queried.”

This is a very weak recommendation given Planning’s failure to notice these inaccuracies were instrumental in getting HS/FA/12/952 approved. Planning continued to ignore inaccuracies during the passage of HS/FA/14/406. The measured survey was only done after the 406 application was rejected because of public pressure. If the building had been remeasured prior to 406 being refused then we would not now be facing another retrospective planning application.

“4.25 The Council should have required a higher standard of information to support the planning applications. It appears to me that the misgivings about the Council processes and procedures could have been avoided if accurate and detailed information was submitted and could be relied upon.”

Agreed but needs to include details of what procedural changes will be implemented to achieve this.

“4.27 In general, the Council could have responded in a more receptive manner to complaints made by members of the public and could have been more consistent, decisive and thorough in their responses. Members of the public and the applicants felt they had been provided contradictory information.”

Agreed but needs to include details of what procedural changes will be implemented to achieve this.

“4.29 The Council could consider a review of its internal consultation mechanisms. It could also consider a change to its delegated agreement, to ensure that identical proposals for previously refused applications should be considered by committee.”

Agreed.

“4.30 There is also a case for considering a review of the procedures for signing off delegated reports. The Council needs to apply consistency in the application and interpretation of planning policy. “

Agreed.

“5.3.32 It would be highly appropriate to also consult with the Borough Council Departmental Head with responsibility for Hastings Country Park. “

Agreed.

“5.4.15 Nevertheless, in order to avoid any allegations of malpractice in the future, a higher level of information should be sought before considering a future planning application. “

Agreed but needs to include details of what procedural changes will be implemented to achieve this.

“5.6.4 I recommend that other Council Departments are routinely consulted on matters within their responsibility. This is particularly the case with the Hastings Country Park, where the Borough Council is the landowner and management team. This would enable information about the changes to the area being considered more corporately. “

Agreed

“5.6.12 Those signing off delegated reports should seek to impose a more consistent interpretation of policy and decision-making.”

Agreed but needs to include details of what procedural changes will be implemented to achieve this.

“5.6.13 The Borough Council may wish to consider an amendment to its delegated agreement if it feels that applications such as this should routinely be considered by planning committee or where identical developments that had previously been refused are now being considered for approval. “

Agreed but needs to include details of what procedural changes will be implemented to achieve this.

“6.2.10 This (land stability assessment) is an action the Council could legitimately take in any future applications.”

Agreed.

“8.4.14 The Council could improve training for more junior staff, and ensure a more thorough overseeing of their responses to planning queries in the future. The accessibility of historic planning files could be reviewed.”

Agreed but it appears that it is not only junior staff that could benefit from more training.

2.2 Our Additional Recommendations

We agree and welcome the recommendations of the Bahcheli report. However we consider that they address only a small part of the problems and issues that have been raised by the Rocklands affair. We have been requested by HBC and Mrs Bahcheli to make further recommendations. Some of these are no doubt already included in existing policies and standing instructions, however they are not being followed.

2.2.1 All planning documents should be physically retained in the archives for 15 years. All documents associated with a planning application should be available online.

2.2.2 Pre-application discussions should be paid for by the applicant. It appears that a lot of pre application is currently given without charging applicants.

2.2.3 Site Notices should be posted closer to the actual development site and from various approaches in addition to the current requirements.

2.2.4 Previous site notices should be distinguishable from a newer one maybe by using colour coding?

2.2.5 The neighbourhood notification notices for sensitive applications, especially those within the vicinity of the Hastings Cliffs SAC, SSSIs, AONBs and SEMs, should be more comprehensive and stipulated in Standing Instruction. They should include councillors, heads of HBC departments, Residents associations and other interested parties.

2.2.6 The consultee list for sensitive applications should be broader.

2.2.7 HBC should follow its own policies and guidelines. Clearly structured sanctions should be published for officers that fail to do so.

2.2.8 The same case officer should, where possible be used for repeat cases on the same site.

2.2.9 Identical or very similar applications, where the first was refused, should hold objection comments in abeyance and then reuse them on the subsequent application.

2.2.10 All planning applications on or adjacent to HBC owned property must go the planning committee regardless of the number of objections without any exceptions.

2.2.11 Drawings/plans may not be accepted unless they meet standards defined by HBC.

2.2.12 Drawings should have dimensions on them.

2.2.13 Existing buildings must be shown in comparison to new on all applications.

2.2.14 Discharge of conditions needs to be scrutinised properly and by the Planning Committee where the development is sensitive, as defined above.

2.2.15 The enforcement policy (2012) should be ratified as soon as possible.

2.2.16 The 21 day consultation period should be extended whenever there is a public holiday within it. Any consultation period over Christmas should be extended by 14 more days.

2.2.17 Applications must be properly verified before the consultation process starts.

2.2.18 Application in sensitive areas including any development bordering our Country Park should be dealt with by senior officers.

- 2.2.19 Applications for sensitive areas, or bordering our Country Park should always go to the Planning Committee without exception.
- 2.2.20 Response to public enforcement queries should be double checked by two officers prior to responding.
- 2.2.21 The online web system for public comments should support formatting of comments. Currently all formatting is lost and thereby the structure of the argument.
- 2.2.22 Direct questions to officers should be answered in a timely fashion.
- 2.2.23 Specific questions about planning applications in the public comments stage need to be responded to within 3 days as the window for public comments is 21 days only.
- 2.2.24 The delegated officer's report to the Planning Committee should not be submitted until after the closure of the public comments period.
- 2.2.25 A full management review of planning processes, procedures and management should be carried out by an independent management consultancy company.
- 2.2.26 A full, independent public enquiry into the planning department should be carried out.
- 2.2.27 Planning should adopt a more receptive manner to complaints made by members of the public.
- 2.2.28 Identical, previously refused proposals should automatically go to committee, without exception.
- 2.2.29 A proper independent enquiry should be commissioned into the Rocklands affair. The scope should include the full history of Rocklands, the limitations of the Bahcheli review and future applications.
- 2.2.30 An independent planning consultant from an external authority should be appointed to replace Mrs Bahcheli as the case officer for all future Rocklands applications.
- 2.2.31 Imaginary buildings should not be used for comparison purposes in planning applications.
- 2.2.32 Notification notices to a body such as the Friends of the Country Park, or Resident associations should be posted in a letter addressed to the address of the organisation not an individual.
- 2.2.33 Identical drawing numbers should not be allowed on multiple applications. Identical drawings must not be reused.
- 2.2.34 Applicants should be penalised for stating untruths on applications, and applications containing them should be rejected, with further action possibly taken.
- 2.2.35 Any application bordering HBC property must go to the planning committee without exception.
- 2.2.36 When the delegated report recommends approval and the planning committee votes to reject, the planning committee should draft and approve rejection reasons. This should not be left to the planning officer who recommended approval of the application.
- 2.2.37 Any conditions imposed on an application must meet the NPPF standards for enforcement and must be capable of being enforced.

2.2.38 Guidelines on what constitutes a minor amendment (section 73A) and what constitutes a full application (section 91) should be codified, approved by Council and followed.

2.2.39 LDPs should be available on the web site in a clear fashion stating the start date , end date and any replacement LDPs.

2.2.40 HBC should follow National Policies and guidelines.

2.2.41 No changes should be made to any part of an application or its supporting documents once the public consultation process has started (i.e when it has been posted on the planning website). If changes are necessary the application should either be withdrawn or be extended by a further 21 days and all objectors should be informed of the changes.

2.4.42 The application should be fully verified, all supporting documents checked, all consultees listed, and all supporting documents made available before the public consultation process begins.

2.4.43 If an application goes to appeal all objectors should be notified of the appeal process and invited to comment.

3.0 New Information revealed in the Report

3.1 That HBC Planning determined that the application HS/FA/12/471 (the rejected one) was unjustified.

The report reveals that HS/FA/12/471 was discussed after the event by higher officers. We believe that this is evidence of **predetermination** and throws new light on the affair.

We are led to believe that the planning department had decided without any authority that the rejected HS/FA/12/471 application had been rejected without justification. We believe that HS/FA/12/952 (the approved one) was handled from the start with the view to getting it passed. We believe this to be predetermination and a strong basis for HS/FA/12/952 to be declared invalid.

Application HS/FA/12/471 was rejected by delegation rather than waiting for a heritage statement. We believe that this was done to avoid it going to the planning committee. If the planning committee had rejected the application then any future applications would also need to go before the planning committee. This would make a predetermined outcome more difficult.

Application HS/FA/12/952 was submitted with a heritage statement which was the only significant change to the previously rejected application. No objections were lodged so it was decided by delegated authority.

We believe that this scenario needs to be investigated in great detail, as it helps explain the many strange omissions, errors and breaches of process that happened during the passage of application HS/FA/12/952.

3.2 That Rocklands asked the Council before carrying out tree works and HBC gave consent.

Mrs Bahcheli states this as fact. Until we have seen the supporting documents this should be considered as unsubstantiated as it is highly prejudicial in any future action that may be required to require the replacement of trees.. The rest of this section assumes that this information is correct.

This vital assertion was kept from us until the release of this report. This could explain HBC behaviour. They have chosen to ignore evidence and to set almost impossible levels of proof in order to cover themselves from this mistake. Combine this with the Country Park team's failure to notice anything happening on the Rocklands site and the Environment department's failure to inspect the site, and the handling of the tree issue begins to make sense. HBC may well have known they are complicit for some time and have tried a variety of strategies to cover themselves. Denial, lack of evidence, requests for further evidence, ignoring proof on the ground etc.

This new information is referenced in the following sections of the report:

"4.20 We are aware that the Council made errors in reporting the status of the trees on the site in on-going queries about works to trees. Officers reported to the landowners that no consents were required to undertake work to trees. This was also reported to members of the public and to the local MP. It was relatively recently that this error was recognised."

"8.1.2 ... Council officers have provided incorrect information both to the landowners at Rocklands"

"8.3.2 ...Hastings Borough Council officers inform me that the applicants had, at an unknown date in 2010, contacted the planning department and asked whether works to trees could be undertaken Mr. Price also contacted the Council on 29th April 2010 about trees being removed from the site. I am informed that officers checked to see that no Tree Preservation Order covered the site and that the site was not located within a conservation area (which includes restrictions on tree removals). As neither of these applied to the site, the applicants were informed that no further consents would be required to remove trees from the site. This concurs with correspondence from the applicants' agent."

"8.3.3 This was in error, and officers did not check the planning history of the site. This situation was compounded, as the initial response was subsequently utilised in future responses to applicants and objectors and the local Member of Parliament. It was not until April 2014 that the Council admitted that it had given wrong advice in error."

"8.4.5 Correspondence from GVA (ENF 14/00246 GVA letter dated 15 May 14) states that in 2010 Mr. and Mrs. Guilliard asked the Council if they could top the trees which were getting too tall. They were told that no consents were required, and as a result they did not knowingly breach the 1978 condition. The letter also informs us that 2 fir trees were removed and a third was blown down, and that the Guilliards would be happy to replace them. Further deciduous trees were lost in the landslide."

"8.4.10 The Council must also consider the advice it gave to the applicants in allowing works to trees to be undertaken."

This information has apparently been known since April 2014. Since this date we have been given contradictory information from HBC on trees:

This information indicates that HBC are entirely complicit in tree removals and the destruction of the Glen. HBC are responsible for tree removals and they should be liable for the reinstatement of trees on a one to one, like for like basis.

HBC failed to reference the condition protecting trees and failed to investigate conservation status correctly. Areas bordering a conservation area are subject to the same rule concerning trees - six weeks written notice needs to be given to HBC before any tree work is done. We have no evidence that Rocklands did this.

This new information makes sense of HBC's extreme reluctance to consider any tree removal evidence. It seems they already knew they were responsible.

There seems to be 4 errors made here:

- Failing to check conditions
- Failing to check conservation area status correctly
- Failing to consider imposing TPOs
- Failing to inform the Country Park team

The Bahcheli report fails to answer the following questions:

- Why have HBC kept this fact from the campaign group for so long?
- Do any documents relating to this exist? An unknown date makes this sound like hearsay. It is essential to see the documents from 2010.
- Is their supporting evidence for this claim?
- What works were allowed?
- The site is adjacent to a conservation area and therefore requires a written application with six weeks advance notice. Was this done?
- Why HBC did not tell the Campaign Group back in April.
- Why HBC have requested further detailed evidence of tree removal from us knowing that this information undermines the case for enforcement
- Why have officers given written contradictory answers to the group:
 - Mr Satchell said "he was not aware of any tree removals"
 - Mr Batchelor said "he was not aware of any tree removals"
 - Mr Satchell repeating Rocklands claims that "only bushes had been removed"
 - Mr Crawford made a tree visit in May and never reported back
 - Mr Wilken's statement that he did not believe any trees had been removed
 - Mr Boorman's statement that trees were removed by the landslip only

We have requested the following information from HBC:

- Copies of all correspondence concerning trees between HBC and Rocklands (and its agents)
- Details of which officers on which dates gave permission to Rocklands to remove trees
- Details of the correspondence on an "unknown date" in 2010
- A copy of the GVA letter *ENF 14/00246 GVA letter dated 15 May 14*

We request the following actions:

- HBC accept full responsibility for tree removals post 2010 and should reinstate all the trees removed, on a one to one, like for like basis..
- HBC should take up Rocklands offer to replace the 3 fir trees
- Trees removed before 2010 are still in breach and should be replaced by Rocklands
- HBC must add a clause to the site licence to ensure that dead trees and hedgerows are replaced on a maintenance basis.
- HBC must ensure that ALL trees at Rocklands are protected by TPOs.

3.2 That Rocklands asked the Council before building the storage building and were told it was OK

“7.2.2 In response regarding the storage building, the applicants refer back to verbal queries about the planning for a store. I am told they received contradictory verbal advice about whether planning permission was required for the building. The applicants suggested the building is more than 4 years old.”

We need to see the supporting evidence for this. This seems to be just hearsay.

3.3 No local enforcement plan is in place

How can you operate an effective enforcement policy without one?

4.0 Factual Errors in the Report.

We have categorised factual errors in to 3 categories.

- Errors that might have a material impact on the conclusions of the report
- Errors that might have a material impact on the future dealing of an application.
- Other errors that don't fall within the 2 other categories.

The following lists the paragraphs in the Bahcheli report which we consider to contain errors within the above categories. These need to be read in conjunction with the Bahcheli report and our detailed comments document.

4.1 Errors that might have a material impact on the conclusions of the report

1.5, 1.6, 1.7

4.3, 4.5, 4.6 , 4.10 , 4.12 , 4.20 , 4.22 , 4.23 , 4.26

5.1.5

5.2.9

5.3.4 , 5.3.12 , 5.3.17 , 5.3.18 , 5.3.24 , 5.3.25 , 5.3.26

5.4.2 , 5.4.3 , 5.4.5 , 5.4.6 , 5.4.7 , 5.4.10 , 5.4.11

5.5.4 , 5.5.8 , 5.5.9 , 5.5.31 , 5.5.32 , 5.5.33 , 5.5.34 , 5.5.35 , 5.5.36 , 5.5.37 , 5.5.38

5.6.3 , 5.6.5 , 5.6.6

6.1.5

6.2.11 , 6.2.12

6.3.2 , 6.3.5 , 6.3.7

6.4.2 , 6.4.3 , 6.4.11

6.5.21

6.6.1

7.2.1 , 7.2.2 , 7.2.3 , 7.2.6 , 7.2.9 , 7.2.11

8.4.2 , 8.4.3 , 8.4.7 , 8.4.9 , 8.4.11

4.2 Errors that might have a material impact on the future dealing of an application.

4.1.7 , 5.2.9 , 5.3.23 , 6.5.26 , 6.5.30

4.3 Other Errors

1.2 , 1.3 , 6.2.3 , 6.2.6 , 6.2.7 , 6.4.1 , 6.4.6 , 7.1.1 , 7.1.2

5.0 References to Future Rocklands Applications

We believe these statements are outside the scope of the review as they cover future policy. They are not included in section 2 of the report. Including these in the report confuses Mrs Bahcheli's role as reviewer and future case officer. We believe that these statements are in the report to justify future planning decisions that have already been made by HBC Planning. This seems to be an inversion of the normal practice of making decisions based upon the findings of a report.

These are the clauses from the Bahcheli Report which we believe reveal this intention:

4.15	<i>Notwithstanding the above, the action now being taken is the most appropriate in the circumstances. Seeking a fresh full application, with a full compliment of supporting evidence, will provide a secure baseline from which to consider future enforcement action. If the application is approved, the holiday let building will be in accordance with a full planning permission. If it is refused or dismissed at appeal, the Council will have the best information on which to base future action.</i>	
4.16	<i>Enforcement at this stage is only appropriate if that application is not forthcoming within a reasonable deadline.</i>	
5.2.9	<i>The applicants were advised to provide the information that was missing from HS/FA/12/00471, to demonstrate the need for the replacement holiday let, to address the impact on the country park and to address each reason for refusal. These issues will all be material to the consideration of a future application.</i>	
5.5.39	<i>In order to address this issue, it would be appropriate in any fresh application to include a full tree survey and landscaping proposals.</i>	
6.1.6	<i>In the interim, the applicants have informed the Borough Council in writing that it is their intention to resubmit the application, once the measured survey of the site has been undertaken. It is appropriate that the Council provides the applicant sufficient time to prepare and submit such an application, within a reasonable timeframe. A deadline has been imposed on the applicants.</i>	
6.4.12	<i>As a matter of judgment, and considering the current situation, I believe it would be justifiable for the Borough Council to seek a fresh full application with full details on landscaping, drainage, land stability, levels and a detailed assessment of the impact on the wider landscape and the conservation area.</i>	

6.5.25	<p><i>Requesting a regularising application, that accurately reflects the building as it currently stands, is an effective and appropriate form of action. Once the application is compiled with a full complement of supporting information, the actual building can be considered.</i></p> <p><i>If it were approved, the build would conform to an up-to-date and fully justified planning consent. If the application is refused, the applicants will have the opportunity to appeal that decision. If the appeal is dismissed it provides the Council with secure evidence base on which to base any future enforcement action.</i></p>	
6.5.26	<p><i>I am aware that National Planning Practice Guidance suggests that one regularising application for breaches of planning control is appropriate. Nevertheless, the application HS/FA/14/0406 was deficient and it was not possible to properly assess the proposals.</i></p>	
6.5.27	<p><i>The Council has now applied a deadline for the applicants to resubmit a planning application for the current built form. This course of action is, in my opinion, the most appropriate at this time.</i></p>	
6.6.6	<p><i>Requesting a full planning application, with the benefit full supporting evidence, is the most appropriate course of action in the circumstances. The decision on a properly made planning submission, whether to approve or refuse and whether a decision is upheld at appeal, will provide a secure baseline from which to consider subsequent action.</i></p>	

6.0 Omissions from the Report

6.1 Explicitly Omitted from the Report

The report explicitly excludes the following:

- The Coffey Report or issues relating to the cause of the landslip.
- Issues with regards to the licensing conditions and permissions.
- Issues regarding unauthorised siting of caravans, new roads, terraces or the occupancy of the caravans.
- Issues regarding advertising, drainage or other matters relating to subsequent breaches of planning control.
- Breaches regarding the HSE regulations, Forestry Commission Regulations, Scheduled Ancient Monument Regulations, Hedgerow Regulations or Covenants.

We believe that the planning issues and the landslip issues are inter-related and need to be considered as a whole. HBC have always tried to keep the two issues separate. We believe that the developments at Rocklands are contributory factors to the landslip and should have been referenced in this report.

There has been a separate investigation into licencing conditions. We have commented on this in a separate submission to Cabinet.

We fail to understand why the unauthorised siting of caravans, new roads, terracing , occupancy of caravans, advertising or drainage have not been included within the scope of this review. They are all planning matters and are of great relevance to the Rocklands affair. We have requested that these matters are investigated by an independent reviewer.

Breaches regarding the HSE regulations, Forestry Commission Regulations, Scheduled Ancient Monument Regulations, Hedgerow Regulations or Covenants are relevant and also require investigation. We have requested that these matters are investigated by an independent reviewer.

6.2 Issues reported in our submission but not addressed

A large number of issues covered in our submissions to Mrs Bahcheli have not been mentioned in the report.

Because of the large volume of omissions and time constraints we have not been able to list them within this document. We have submitted a marked up copy of our submission document which highlights all the omissions.

The areas with the most serious omissions are shown in summary level below. These have either been omitted entirely from the report or covered only partially. For the full details of the area of omission it is necessary to refer to the marked up copy supplied.

Summary of omissions from our submitted documents

Application Hs/FA/12/952 – The approved application for the new building

Pre Application Processes

- John Waterhouse states that the new building is in the same footprint and would be quite hard to see. It also compares the new building to a building that was never built and never compares the new building to the existing bungalow. This is the start of a process of obfuscation to conceal the true size and impact of the building. This pattern continues throughout the whole lifetime of the application and we believe was a deliberate (and successful) attempt to hide the true scale of the new building from the consultees.

Application and other documents from Rocklands

- Original Application has false information
- Design and Access statement has false information
- Additional Information has false information
- Proposed Plans 11/396/1a and 11/396/2a are unclear and contain incorrect measurements for the existing bungalow footprint. This should have been rejected by the planning department

Public notification process

- Planning notice posted outside main gates of Rocklands. This is a good 500 meters from the site of the development. We believe this notice replaced the previous site notice in exactly the same place and thus easily missed by any interested party passing the notice.
- The application was submitted just before Christmas 2012; this further reduced the opportunity for the public to be aware of the application.

Expert Opinion/Comments

- That of the High Weald AONB was based on incorrect information and was therefore flawed. This led to them contradicting their previous comments on development at this site.
- Heritage statement was based on incorrect information and was flawed:
- Advice given within the Heritage statement was ignored:
- Advice given by English Heritage was not followed
- ESCC archaeology statement was based on incorrect information and was flawed.

Planning Processes

- The Application did not go before the Planning Committee but was delegated. Cases where there is a presumption not to develop should go before the Planning Committee.
- That there is a degree of confusion between past approvals, the current existing bungalow and the new development.

Delegated Report from Planning

- Description and dimensions are incorrect:
- The visual impact of a new cube like structure is understated
- The consultations are flawed and based upon understated dimensions and an assumption that screening would be increased

The application breaches many local development policies most of which were not taken into consideration.

- The application was only considered against the following policies Impact on street scene/design, impact on landscape/AONB Impact on Historic Assets and Tourism . Despite clashing with these it was approved.
- The Reasons given for the previous refusal HS/FA/12/00471 were still relevant but were no longer considered relevant by Planning on the new application.
- Several LDP policies which were checked in the previous refusal were not considered when this Application was accepted. These policies are breached by the new development.
- Many relevant policies in the LDP were not taken into consideration when this Application was accepted and that the development breaches these policies.

The Screening conditions were ignored by Rocklands

- The new plan shows existing screening, all this screening was removed by the developers 3 months before HS/CD/13/00792 was submitted. Despite condition 5 requiring increased screening.
- AONB,Heritage and Natural England had all made their comments based upon the fact that screening would be increased not completely removed.

Planning have failed to monitor the development since permission was granted

- To date all deviations from plan have been spotted by the public not Planning. Planning were asked to do a full check of the building to ensure that all dimensions had been adhered to. Planning refused to do this.
- The developers started work on the development in October 2013 nearly 4 months before HS/CD/13/00792 was approved. Trees were removed (before screening conditions were established) and the construction of the new building was quite advanced by the 21/01/2014. Planning did not control this. No enforcement action has been taken.

The Actual Building constructed is even Bigger

- This retrospective planning application has been refused by the planning committee on 18/06/2014. The changes from approved plans have therefore not been approved and the building can only be legally built to the dimensions specified in the original plans.

Application HS/FA/14/00406 (14/05/2014) the refused retro planning application

- Described as minor amendment
- Drawings supplied were inaccurate and did not reflect all the changes made from the approved plans.
- Drawings were changed after application was received. How can this be possible for a retrospective application?
- Members of the public and consultees cannot judge the application on the drawings supplied,
- Drawings have Drainage, Parking and Access changes marked as revisions. These changes are not referred to in the text of the retrospective planning application.
- Consultation to the AONB, Natural England and English Heritage bodies was flawed
- Planning have failed to take any effective enforcement action against the developers

Planning Application HS/FA/12/00471 (28/05/2012)

This was the first application for the new building. This application was correctly refused.

- **Application form has incorrect information**
- **Proposed Plan 11/396/1a is unclear and contain incorrect measurements for the existing bungalow footprint.**

Planning Application HS/FA/11/00403 (19/0/2011)

This as an attempt (which was rejected) to remove condition 2 on the approved changes to put in an extra floor and would have allowed the building to be used as a permanent residence.

Application Form

6 Conditions removal

The approved proposal was to form 1st floor accommodatin to the existing bungalow, which currently has no restriction for its use.
The Bungalow is not for Holiday use. It is for private residential accommodation.
The bungalow was used as a private residence at the beginning of the 1900's and was the home of Major Swinton when Rocklands House was used as a Private School then and the next owners lived in the Bungalow when Rocklands House was used as a Guest House and Hotel.
As the proposal is merely to extend and NOT for a change of use, the imposed condition will prevent the building being used as it is currently.

This explicitly states that the bungalow is residential accommodation. This is the exact opposite of what is claimed on the additional information document for HS/FA/12/00952 which states that the bungalow has been used for 15 years as a holiday let.

One of these statements must be false.

Planning Application HS/FA/10/00492 (08/07/2010)

This application was not reviewed by Mrs Bahcheli at all.

This application is significant in that it was approved by delegated authority and gave permission for the bungalow to be enhanced with a roof extension. In reality this was a complete rebuild transforming what was a small unobtrusive building into a large visually intrusive one. This approved application is referred to in the new application and is used as one of the grounds for allowing the new building. We believe that it would not have been possible to actually build this new building without completely demolishing the existing bungalow and starting again. By their own admission the owners of Rocklands stated in the HS/FA/12/00952 additional information that "*Rocklands Bungalow is now more than 100 years old, built of rendered insulation board and timber frame and is well and truly past its best and certainly would not now support the first floor extension for which we already have planning permission*".

Many of the problems found with the later approval can also be found in this older approval. This earlier application is as flawed as the one in 2012.

That the documents supplied with HS/FA/10/00492 contained factual errors:

- **Original Application**
 - 7. Incorrectly states that no trees or bushes were on or adjacent to the site. As a consequence no tree survey was carried out.
- **Design statement**
 - Suggests that this is a minor roof alteration when in fact it is a build of an entire new first floor.
 - Mentions that bungalow used to have a first floor, no evidence is provided to support this assertion. It is considered unlikely, especially given its stated construction of timber frame and insulation board.
 - These statements were used uncritically by Planning, High Weald, AONB. All made decisions based upon false information namely:
 - The size and impact of the new building was understated
- **Proposed Plans 3647EX, 3318/200EX and 3647-1**

Guidelines for drawings on planning portal state *that: "All plans and drawings must have a scale bar, key dimensions, direction of north original paper size and scale clearly marked.*

 - **None show a scale, dimensions, original paper size and scale** so difficult to assess the size of building.
 - See the general notes on the plan, which confirm this and state not to be used for building work!
- **Block Plan**

No visible scale
- **Location Plan**

No visible scale

The building is presented as a holiday let. In a subsequent application the building is represented as a permanent dwelling. The grounds for rejecting the previous application L2 and L3 no longer seem to apply to this application.

That the **public notification process** was inadequate:

- Only 4 people on the list.
- There are many residents in Barley Lane that are closer than Rocklands cottage. None were informed.
- No local groups such as the Friends of the Country Park, Hastings Old Town Residents Association were contacted.
- No Departmental heads of HBC informed. HBC owns the Country Park.
- As a consequence no objections were received and the planning decision did not go to the planning committee but was delegated to a planning officer.

That the expert opinion sought from the **High Weald AONB** was based on incorrect information and was therefore flawed.

- The AONB opinion is based upon plans that are unscaled and do not specify the dimensions of the new building.
- The AONB opinion is based upon an understanding that existing screening would remain and be increased.
- The new building certainly impacts on the natural beauty of the area as referred to by the AONB. Witness the large areas of vertical walls visible from all over.

That **no expert opinion** was sought from **English Heritage** or a **Heritage statement** sought.

That the **Application did not go before the Planning Committee**. This is astounding for such a development in such a sensitive site.

The following areas of the **Delegated Report from Planning** are flawed:

That the **Description** is incorrect:

- Quotes disabled access yet has stairs and no lift.

That **consultations** are flawed:

- **High Weald AONB** made a judgement based upon unclear drawings and dimensions and an assumption that screening would be retained.

That the approval based upon the following policies was based upon incorrect information:

Impact on the AONB/Countryside(L2/L3)

- The old bungalow was completely invisible from outside of Rocklands. The new proposed building would be very visible from the East Hill and Ecclesbourne Glen.. This is not mentioned anywhere.

Instead the changes are stated as being an improvement to the area as the changes make the building appear more *in keeping with the character of the site and wider AONB* and *in keeping with its surroundings*(another building that is barely visible from outside Rocklands).

- The **visual impact** of the new building is very widespread.
 - It would be seen from large areas of the East Hill. The old building was not visible.
 - It would be seen from the memorial bench. The old building was not visible.
 - It would be seen from the slopes of the East Hill leading down to Ecclesbourne. The old building was not visible.
 - It would be seen from many vantage points in Ecclesbourne Glen. The old building was not visible.

The only policies checked during the approval process were DG1,DG3,L2,L3,T6,T7

These policies are breached by the new development.

- DG1 Development Form
- L2 High Weald AONB
- L3 Development outside the Built-Up Area
- T7 Development within caravan sites

That **many relevant policies in the LDP were not taken into consideration** when this application was accepted

That the effects of **light pollution** from the building was not taken into account. It is likely to be detrimental to the environment and wildlife of the country park.

That the effects of **noise pollution** from the building was not taken into account. It is likely to be detrimental to the environment and wildlife of the country park.

Planning Application HS/FA/08/00869 (10/12/2008) – Replacement for Bungalow

This application was not reviewed at all.

Another before Christmas application.

This was rejected by delegated authority as it was considered against LDPs L2 and L3.

That the documents supplied with HS/FA/08/00869 contained factual errors:

- **Original Application**
 - 14 States NO,NO,NO on biodiversity
 - 16. Incorrectly states that no trees or bushes were on or adjacent to the site. As a consequence no tree survey was carried out.
 - 19 answered No should be Yes
- **Proposed Plans 3318/200EX, 3318/201**

Guidelines for drawings on planning portal state *that: "All plans and drawings must have a scale bar, key dimensions, direction of north original paper size and scale clearly marked.*

 - **None show a scale, dimensions, original paper size and scale** so difficult to assess the size of building.
 - See the general notes on the plan, which confirm this and state not to be used for building work!
- **Block Plan**

No visible scale
- **Location Plan**

No visible scale

Building is presented as a holiday let. In a subsequent application the building is represented as a permanent dwelling.

Hs/fa/08/819 Roof changes to apartments

Not reviewed at all.

Hs/fa/04/ Approval of apartments 6 holiday

Not reviewed at all.

Appendix A – Remit and Scope of Mrs Bahcheli

Email to Simon Hubbard 02/10/2014

Dear Simon

We were provided with a document (attached) describing the remit and scope of Mrs Bahchelis review some weeks after the review commenced.

[Apologies for the delay in replying](#). We have now had the opportunity to review this in detail.

Our attached document lists our concerns and comments on this.

Our major concerns are:

- The review cannot be considered to be an independent review. The consultants role is compromised as she will be undertaking responsibility for the case work for applications and it is our understanding that she reports to the head of planning.
- We are unclear as to the scope of her work and from the document previewed it is our view that important areas of enquiry would be ignored.
- We note that there is no definition of what the objectives of the review are and are very concerned that the consultant will it seems, confine her comments to a number of “general points” of which she may or may not choose to comment on.
- We are concerned that the consultant will not comment on the validity of decisions. This seems to us to be an essential part of the review.
- We are concerned that the review has no powers of enforcement.
- We are concerned that it appears unclear who the consultant will report back to.
- We are concerned that the following issues are not explicitly referenced and will not be reviewed:
 - Roads
 - Car Parks
 - Terracing
 - Caravans
 - Landscaping

We [welcome Mrs Bahcheli's review](#) but believe that it cannot be described as an independent review and is not a substitute for the Planning Advisory Service (PAS) review which was initially promised. We will be pressing for a PAS review and for an independent external investigation into the planning department.

We are awaiting the results of [Mrs Bahcheli's](#) review and would be grateful for an indication of when these will be available.

Best regards

Chris Hurrell
On behalf of the Save Ecclesbourne Glen Campaign Group

Copy of Document

Rocklands Planning Consultants Brief

We have now had the opportunity to review this brief in detail. Noting that we found the document itself confusing and ambiguous and therefore difficult to interpret we have the following general concerns:

- The review cannot be considered to be an independent review. The consultants role is compromised as she will be undertaking responsibility for the case work for applications and it is our understanding that she reports to the head of planning.
- We are unclear as to the scope of her work and from the document previewed it is our view that important areas of enquiry would be ignored.
- We note that there is no definition of what the objectives of the review are and are very concerned that the consultant will it seems, confine her comments to a number of “general points” of which she may or may not choose to comment on.
- We are concerned that the consultant will not comment on the validity of decisions. This seems to us to be an essential part of the review.
- We are concerned that the review has no powers of enforcement.
- We are concerned that it appears unclear who the consultant will report back to.
- We are concerned that the following issues are not explicitly referenced and will not be reviewed:
 - Roads
 - Car Parks
 - Terracing
 - Caravans
 - Landscaping

The Consultants Brief follows with our annotated comments.

Rocklands Planning Consultants Brief – 28th August 2014
Procedural Review

I will undertake an independent review of Council procedures relating to:

- *The granting of delegated planning consent for the new building (holiday let) in 2012 (Ref HS/FA/12/00952). This will include a review of the key issues considered when granting planning permission following a prior planning refusal, statutory and local policy compliance, adherence to internal planning procedures and relevant good practice. It will also cover public consultation policy and practice.*

We think that all of the issues pertaining to HS/FA/12/00952 should be taken into consideration and not just the determination of the application. This should include the pre-application discussions and the false and misleading evidence that was submitted with the application. HS/FA/10/00492 is particularly relevant as it was heavily relied on when making their decision. There should be reference to the refusal of HS/FA/12/00471 and why it was refused, and why the reasons for refusal were not addressed in the subsequent planning application. Why was a refused application put back on the table for consideration? How was it allowed to submitted refused plans?

The applicant was allowed to submit evidence after the consultation period even though they were aware during a pre-discussion meeting that the evidence would be required in the determination of the application. Three sets of evidence was supplied after the consultation period but there was no further consultation period for either the objectors or third party representation. The required evidence was not submitted and the new building was compared to the extended bungalow application which the applicants (the Guilliards) stated was incapable of implementation. Irrelevant policies were considered during the determination of the application and relevant policies were ignored.

The review should include the following previous applications:

- HS/FA/12/00471 Refused New Building
- HS/FA/11/00043 Refused change of use to residential
- HS/FA/10/00492 Approved extended bungalow

Does this include conformance with standing instructions for handling cases?

• *As above, a similar review of the key issues considered in preparation of the 2014 retrospective application (Ref HS/FA/14/00406) which was subsequently refused by the planning committee on 18th June 2014.*

Does this include conformance with standing instructions for handling cases?

Does this include the way in which this application was presented, or how the 'Council' determined that the application was for a 'minor amendment'. Government Guidelines were not followed and we were told that it was the Development Control Management's personal opinion that it was a 'minor amendment'. Why were the plans changed during the consultation period when it was a retrospective planning application? Why were the new plans not available for viewing until the day that the committee report was written? Why were objectors/consultees not allowed the full 21 days of the consultation period before it was put on the list to go to committee? There were many errors in the officer's report that were not corrected prior to the meeting. The application was presented as being in a 'Conservation Area' but was changed during the planning committee meeting. The committee members were told that policy C1 was not relevant, when in fact it is. Mr Crawford made amendments to his report during the meeting. The report should have been accurate before it was submitted. The wrong section of the Town and Country Planning Act was used and a three year implementation period given for a retrospective planning application when the date of decision should have been the same as HS/FA/12/00952.

Additional amendments were added to the plans which were unrelated to the holiday let site, which the planning committee was told to ignore – why were they there as an 'amendment' if they were not relevant to the application on the table?

Mr Crawford gave false information during the meeting which could have swayed the committee into giving a more unfavourable decision.

• I will make general comments where I feel it is necessary regarding the appropriateness of other historic planning consents covering the Rocklands caravan site, including any relevant historic conditions.

Historic conditions that must be considered are:

All conditions pertaining to HS/FA/78/00708

• For clarity I will not conclude on the validity of decisions or whether any could be revoked. I understand the council will seek separate advice on these matters where it is considered necessary.

We thought that it was her brief to look at the relevant evidence, and on how the applications were handled and would then determine whether the correct decision was made. What is the point of the exercise if she is not going to determine whether correct procedures were followed, which could have a bearing on the final outcome. Mr Hubbard said at the very beginning that they would look into whether the permission could be revoked – This was discussed at one of our meetings with Andrew Palmer, Ray Crawford, etc. What is the point of the exercise if she is not going to conclude whether the application should have been refused? How is the Council going to be seeking legal advice on whether or not the permission should be revoked if she is not going to weigh up the evidence either way and make a final decision.

• With regards to the store on the site, which has been constructed without planning permission, I will explore the enforcement practices undertaken by the Council on this issue and report back to the Council.

Does not include taking enforcement action, only reporting back.

We are not sure how this is relevant as there have been no enforcement action taken on this building. The building has been there for more than 4 years but a Certificate of Lawful Use is not applicable. A 'Certificate of Lawful Use' is not applicable in a Conservation Area and Rocklands is in an AONB, which is a National Conservation Area designated by 'Natural England'. The storage unit cannot be regularised by issuing a 'CLU'. The building may have been there for four years, but it is in an area previously refused planning permission, and an area that no buildings, cars or caravans are permitted – stipulated in previous planning refusal.

• With regards to the loss of the trees on the development site over the period from the date of the original consent. I will explore the enforcement practices undertaken by the Council on this issue and report back to the Council.

Does not include taking enforcement action, only reporting back.

The Council admits that the trees were removed without permission and concluded that they had to remove the trees to accommodate the bigger building. The submitted drawings show trees to be retained, along with additional screening. The submitted plans do not conform to the agreement as the developer has added additional structures which will change the line of the proposed tree screening. The existing hedgerow on the north east boundary of the property has been removed to accommodate a disabled ramp, which has not been approved. There is no way now that the additional tree screening can be implemented. This is the reason that the discharged condition on HS/FA/12/00952 was added as a condition on HS/FA/14/00406. A 'Breach of Condition Notice' should be issued in respect of Condition 5 of application: HS/FA/12/00952. They have also breached condition 2 of the same permission – hence the retrospective planning application.

In respect of objections from the public, I will listen to their grievances, and will advise the Council of any inconsistencies or issues related to Council practices that I consider to be valid criticism of the way in which the Council has handled planning applications at Rocklands caravan park.

We would expect a point by point response to the issues highlighted in our errors and omissions document explaining any points that she disputes with us.

I will listen to the comments of the owners and/or their agents and will advise the Council of any inconsistencies or issues related to Council practices that I consider to be valid criticism of the way in which the Council has handled planning applications at Rocklands caravan park.

There is no mention of any investigation into the accuracy of applications submitted by Rocklands.

My role is to report back to the Council on the processes undertaken by the planning service in dealing with applications in conjunction with statutory requirements and local agreements and recommend where necessary how future applications of a similar nature might be handled differently.

It is unclear who the consultant report back to? Is it the elected members, the leader of the council or the management of planning (the very department being reviewed).

Retrospective Planning Applications & Appeals

I understand that the new building has not been constructed in line with its consent. Subject to the views of the Council, having taken the appropriate legal advice, I will act as the case officer in dealing with any appeal and/or retrospective planning application that is submitted by the owners to deal with noncompliance of planning on the site.

Acting as a case officer is a conflict of interest and means that the review cannot be considered independent.

For the avoidance of doubt this may cover the new building, the bin store, tree removal or tree planting, solar panels and or any other issues that arise.

Other issues need to be considered:

- Roads
- Car Parks
- Terracing
- Caravans
- Landscaping

This will include making recommendations for or against the granting of permission depending upon the strength of the planning arguments.

There is absolutely no mention of taking enforcement action. There seems to be a presumption to allow retro planning applications for all issues. Why is there no consideration of taking enforcement action? Why not the issuing of Breach of Condition Notices?

Exclusions

I will not unless further agreed with the Council cover:

The Coffey report or issues relating to the landslip

Issues with regards to the licensing conditions

Issues regarding advertising and drainage.

Why are Issues regarding advertising and drainage excluded? Both of these issues are unauthorized and/or in breach of planning conditions.

The following enforcement issues all reported by us have not been explicitly mentioned and are not on the exclusion list either::

- Roads
- Car Parks
- Terracing
- Caravans
- Landscaping