

## Minutes of Ufford Parish Council Meeting

Held on 7<sup>th</sup> January 2020 ~ 7.30pm

The Community Hall, The Avenue, Ufford

### Present

Cllr. Kathryn Jones (Chair)  
Cllr. Pat Edworthy  
Cllr. Stephen Mayhew

Cllr. Keith Bennett  
Cllr. David Findley  
Cllr. David Pearce

Cllr. Nick Crocker  
Cllr. Guy Foskett  
Cllr. John Skinner

Judi Hallett (Clerk)

Dist. Cllr. Carol Poulter

Cnty. Cllr. Alexander Nicoll

10 members of the public were present

#### **1. To receive Apologies for absence:**

Apologies for absence had been received from Cllr. Jane Hawthorne (Away). These were noted.

#### **2. To receive any Declarations of Interest on Agenda Items and any applications for dispensation:**

There were no declarations of interest or applications for dispensation.

#### **3. Public Session:**

##### **a) Reports or comment from any member of the public (notes only):**

- With reference to Application DC/19/4871/CLE, the following comments were made:
  - My comments have already been sent in to ESC but I have a question: Has the Council considered making its own application for Lawful Certificate? You could if you want to. The present application seems to be made under the wrong section of the Town and Country Planning Act (TPCA) 1990.
  - At the November meeting you spoke about whether or not the work had started. Have you established it has been started? *Chair explained the documentation on the Planning Portal and that the current application makes reference to them having started*
  - For work to have been started it has to comply with the planning application and permission that was granted; just digging a hole doesn't suffice. I would argue that what they have done doesn't comply with the permission. The plans show the entrance on the Old Bredfield Road being within the 30mph speed limit section of the road (evidenced by the 90m splay detailed). However, the work that has been done is in the 'national speed limit' section of Old Bredfield Road, i.e. not in accordance with the planning permission granted. Any splay within the 'national speed limit' section of the road should be 260m. *Chair: This has been challenged to Highways.* Yes they have done something but it is not in accordance with the planning application and therefore cannot constitute the project starting within the three year limit.
  - It is odd that they claim there is no status for 'tourism' legally; the original application spoke only of tourism.
  - Past experience shows that sometimes owners of land can be approached by travellers, asking them to establish a permanent site; this then encourages developers to put in the application for all year round use.

---

*Chair's initials.....*

b) Reports or comment from SCDC and SCC Councillors:

- **Dist. Cllr. Carol Poulter** – Cllr. Poulter reported on the following items:
  - Re. DC/19/481/CLE – I could speak to the planning office with reference to the PC putting in an application? The fears that have been voiced are very valid. Every application needs to be considered under its own merits but you need to put in safeguards and voice a very strong view on this matter. You have to make your opinion crystal clear; I shall support you. I am speaking to a senior planning officer next week, who didn't know anything about this situation when approached. Perhaps the PC should also meet with him to highlight the problems? We have to insist this matter goes to the ESC Planning Committee, as they may have a different opinion to the officers. Q. *Have you experienced this type of application before (LDC)?* Yes, they are not uncommon. They have to be dealt with in a very legalistic way. All objections have to be on valid planning reasons. *This is a legal argument in this case and not an application where material planning applications are taken in to consideration.* We need to concentrate on the original purpose as proposed.
- **Cnty. Cllr. Alexander Nicoll** – Cllr. Nicoll reported on the following items:
  - Re. DC/19/481/CLE – I am here to give guidance on planning in this case due to my background in planning matters. The spirit of what is now being proposed is in my view materially different to what was originally proposed to the councils (both ESC and UPC). This is now very much a legal matter. I also believe you need to challenge the "evidence" which is offered to demonstrate that the planning permission entered the implementation phase before it was due to expire, as was explained by a member of the public. If you feel relevant information is being hidden from you, you can always consider a FOI request, but this will take time and you don't have that. Some legal firms will offer *pro-bono* advice, but again time is not on your side. There is a 'fog' covering much of the steps taken to this point and it is unacceptable that local people represented by the PC still have no clear idea about what type of occupancy might actually arise on this site. This is an instance where you might want to consider talking to a journalist? If permitted this will leave the door open for a considerable number of uses on the site; some of which may be undesirable.

4. **To discuss and agree responses to the following Planning Applications:**

- a) DC/19/4871/CLE - The scope of planning permission DC/16/1034/FUL permits the all year round residential occupation of caravans falling within the statutory definition pursuant to the Caravan Sites & Control of Development Act 1960 and Caravan Sites Act 1968 and Cottages without restriction or limitation - The Old Stables, Old Bredfield Road, Ufford.  
Councillors made the following comments:
  - *Chair reminded Councillors of history of site:*
    - Original application had 28 objections, plus one from the PC, amended plans (regarding highways issues) were submitted at the last minute, further objections were sent in, SCC Highways suggested conditions, despite asking for it to be considered by Planning Committee it was decided by delegated powers, conditions were about highways and archaeology but strangely nothing about usage criteria, although this was in the planning officer's report. UPC filed a complaint which went back and forth for 18 months with a meeting planned but that never took place. The complaint was never fully answered.

- July 2019 Application for discharge of conditions, UPC instigated a site meeting where SCC Highways were present, a list of issues were pointed out to them, it was explained how the second entrance (Entrance B) was never on the original plans and was never discussed, further amendments were submitted, suddenly the application was permitted, even though UPC had spoken to ESC to advise them they would be commenting. A very small amount of work was done on 12<sup>th</sup> Oct 2019, where permission was due to expire on 13<sup>th</sup> Oct.
- Current application – speaks of Section 191 of TPCA 1990 to ‘confirm’ the original application permits all year round occupation.
- S191 refers to *existing* use, Sec 192 is in regard to *potential* or *proposed* use – it seems that they are using the wrong section. The word ‘confirmed’ is used so that there is no need to submit a further application. This needs to be drawn to their attention strongly – we do not accept that this can *confirm* the usage
- Tourism has no planning meaning it is argued but it has a common meaning that must apply.
- Original application asked a series of questions that confirmed tourism usage and not permanent residency. They also refer to the Local Plan referring to tourism; point 5.4 d) being the most relevant. SP8 is referred to as well (this relates to restrictions for genuine holiday purposes)
- We need to be careful, in last application there were no restrictions.
- We have to argue this is materially different to the original application, we have to look to the original document. We should inform other objectors to argue on the correct basis and we need a wealth of numbers.
- This matter could potentially be referred to the Local Government Ombudsman. A decision can be set aside if unlawful action has been taken. We could perhaps take a look at web site to see if potential work could be put on hold.
- Legal department at ESC is separate from planning department. We could mention this process to our MP.
- *Q. to Carol Poulter: Can you do as much as possible?* Yes, I will get in touch with Philip Ridley tomorrow and will strongly ask for this to go to planning committee.
- If 191 is the wrong section to apply under then it will probably need a new application. Perhaps we could suggest it has not been administered correctly and use 191 as an example. I expect that this will be resubmitted under the correct section of TPCA.
- It needs probing that Planning Committee hear the application – this is perhaps worthy of the newspapers?? However, an item to the paper would need to speak of the application and not the decision of ESC
- Could you get a petition up? I was not aware until tonight how serious this is
- We need legal expertise, we could go down the crowd funding route? The way East Suffolk operates is outrageous. Perhaps we should add this to the Jan 21<sup>st</sup> Agenda?
- We need to look to ‘arrest’ this process. It needs a fired up and clear explanation on PUNCHLine, we want people to write in. A paper petition would take too long, it has to be electronic as we need the EADT to run the story early next week

- **Conclusion: Strong objection** - The Clerk was asked to take the following actions:
  - i. Re-adjust draft letter to show 4 points of concern: Use of S191 TCPA being incorrect, material differences between original and current applications, argument that 'tourism' was one of the reasons the original application was permitted and question whether the commencement started or not. Send draft to all for comment but get to ESC by 14<sup>th</sup> Jan
  - ii. Issue a PUNCHLine message to advise residents how they can object and point them in the direction of a good example letter on the Portal and also ask them to make their objections known to the PC (i.e. the virtual signing of a petition) so that these can be collected and strength of feeling can be demonstrated to the EADT
  - iii. Contact the EADT to ask if they will run an article
  - iv. Send a private e-mail to the Chair of ESC, the leader of ESC, our MP and the Local Government Ombudsman, citing clear public malpractice.
  - v. Request ombudsman to review the entire application from March 2016.
- b) DC/19/4896/FUL - Proposed first floor extension - 5 Goldsmiths, Ufford. Councillors made the following comments:
  - Essentially it is an extension over the garage
  - It is the same footprint and the roof is not higher
  - **Conclusion: No objection** - The Clerk was asked to send comments directly to ESC
- c) DC/19/4948/VOC - Variation of Condition 2 - DC/18/5042/ARM - All matters: Access, Appearance, Landscaping, Layout, Scale. - Amended Footprint to Plot 1 to give correct easement to gas main - Land At Hill Farm, Yarmouth Road, Ufford. Councillors made the following comments:
  - Very small change and redesign to plot one, now rotated around slightly but very little difference to the original plans
  - Q. Have ESC or the applicants checked out the H&SE regulations for dealing with gas mains? *That would be a matter for the contractors and the gas company*
  - **Conclusion: No objection** - The Clerk was asked to send comments directly to ESC

Action: Clerk

#### 5. To receive agenda items for the next meeting and agree date of the Next Meeting:

- Possible Crowd funding for fighting planning applications

The date of the next meeting was confirmed as **Tuesday 21<sup>st</sup> January 2020** at The Community Hall, The Avenue, Ufford.

Action: Clerk

The meeting was closed at 9.05pm

Signed: .....

Date: .....

Chair: Cllr. Kathryn M Jones

*Judi Hallett*

Clerk to Ufford Parish Council

---

*Chair's initials.....*