



NEWTON POPPLEFORD AND HARPFORD PARISH COUNCIL

Chair: Cllr. H Jeffery, The Stables, Hoppins, Southerton, EX11 1SD

Proper Officer: Paul Hayward, Plumtree, Old North Street,

Axminster, EX13 5QF – 07711 929227

parishclerk@newtonpopplefordpc.co.uk

**Cllr. M Howe
Chair, Development Management Committee
East Devon District Council
The Knowle
SIDMOUTH
EX10 8HL**

Sent by Email

15th July 2017

Dear Cllr. Howe

Re: 17/0159/FUL – East Hill Pride Farm Shop, Newton Popleford.

Further to the recent decision of the DMC to approve this application, contrary to the views of both the ward member and the parish council, acting on behalf of the residents of Newton Popleford and Harpford, we wish to convey to you our grave concerns over this consent..

As evidenced in the consultee comments previously submitted in opposition to this application, Council is unhappy that, despite a clearly worded condition of a prior application (12/2414/FUL) which stated that the temporary structure was to be removed within 3 years of the 20th March 2013 ie 20th March 2016, the applicant chose to not comply with that condition but instead sought a new planning approval based, almost entirely, on economic grounds with no censure, enforcement or affirmative action by the LPA other than a suggestion that a loophole in the Local Plan (E4) could be suitably exploited to justify the new application.

This unpopular decision has now established a precedent within the parish, and daresay across the entire district, which means that landowners, who have been tasked with conforming to conditions on one application, can simply ignore those conditions when economic factors dictate, with the apparent complicity of the local planning authority, and certainly against local democratic opinion.

Such leeway, based on a solely economic argument, would not pass muster if claimed by a private householder to justify extensions or enlargement of their residential dwelling based on their financial position, but this is exactly what has happened on this occasion. Council fully understands that each planning application must be considered on its own merits but, in this particular case, Council feels most aggrieved at the repeated enforcement and planning breaches that the applicant engages in; be that failure to comply with conditions, misrepresentation of planning necessity or spurious financial expediency.

Continued Overleaf

Council wishes to highlight the distinct possibility that this holiday let will become a permanent dwelling, contrary to newly proposed condition 2, and asks; who will monitor the enforcement of this condition i.e. maintenance of booking registers and, if breached, what action will the LPA take to rectify the situation? Will it simply suggest that another application be submitted to “regularise” the problem or will it take bold, positive action to protect the rural communities that it purports to serve from this egregious example of “creeping and overt” urbanised development in the AONB.

We would welcome your response to this correspondence as the matter will almost certainly come up for discussion at the next meeting of Council in late July.

With kind regards and best wishes.

Yours sincerely

**For and on behalf of Chair and members of
Newton Poppleford and Harpford Parish Council**

parishclerk@newtonpopplefordpc.co.uk

cc. *Chris Rose, Development Manager*
Cllr. V Ranger, Ward Member Newton Poppleford and Harpford Ward

Response received from Cllr. Howe (written version of verbal response) 25/7/17

Planning policy has changed a lot since 20th march 2013 at both local and national level, unfortunately planning can only deal with current policy, not past policy that has been overtaken by events.

Not sure E4 is a loop hole it went out to public scrutiny and the Independent Planning Inspectorate before being approved, and is there to support rural businesses due to the benefits to the business and tourism in the area. Although I personally agree with your sentiment that this is not a greatly worded policy, we need to look to a review of the policy at the 5 year review if possible, as we can't change policy's in the local plan without the scrutiny for such a document.

No application sets a Precedent that is planning fact, every application has to be determined on its own merits, But the policy exists and like you I would expect others to use it in other applications, we already do have another. And while the economic benefit was a factor in the approval, the bottom line was that no harm could be identified that was significant enough to justify refusal of planning permission. We can not defend an appeal on the basis of local opinion.

Economics of a application do not feature as part of householder applications so yes you are right.

East Devon did not take enforcement action to seek the immediate removal of the temporary structure as Government Guidance on Enforcement is that we should pursue all other avenues before doing so, Including the consideration of an application, Should the application have been refused they we would have taken Enforcement action, Although the applicant could then appeal both the decision and the enforcement action.

Because this has been done as a S106 that is to try and limit this possibility in the future, but anyone could put in another application to attempt that type of change, No one can prevent everyone's right to make any application for planning permission.

Our central area Enforcement Officer will monitor the occupation of the holiday let, But if the Parish Council believe at any time that it is being occupied as a separate dwelling they should advise us so we can investigate and if necessary prosecute against the breach of the S106.

Regards

Cllr Mike Howe

Chair Development Committee
Clyst Valley Ward
East Devon District Council