

# DEPUTATION TO COMMITTEE MEMBERS - APP/19/01408 - JP&P HIGNEY

## Introduction

We, taxpayers and future generations will be the victims of a gross planning failure if due process in this case is swept aside. All we ask is that it's done properly. Unauthorised development is, and must always be at the perpetrators risk. The authority's responsibility is to see that due process gets done. In this case it means not allowing anyone to abuse or ignore planning law, policy and process. The chronicle of events up to now point to persons acting in your name knowingly standing by while an unauthorised structure was built in front of their eyes. Our calls to consider this retrospective application on what should be a level playing field is met with ignorance of law and government policy.

We alerted HBC planning last August at the start of the build when it could have been easily stopped. Only when it was finished was an application started. Planning enforcement even excused themselves on account of workload issues, when it would have taken minutes to issue a stop notice. That should be unacceptable in public service.

## Statement

If the Development Management Committee carefully considers our representations, from last August to now, it must consider this application as if no building has taken place. It means considering whether it should have been enlarged at all, or if necessary built where it would not harm the setting of this Listed building which has been our care for many years.

The greatly enlarged silage clamp has badly affected the setting of our Listed Building, not only visually but also by extended periods of operating including Summer months with added noise and pollution. These too are components of setting as advised by Historic England's published guidance. Your Council recognises the impact and has published the required Notice. It is perverse to do that and avoid the steps that Government directs should be taken to make a sound judgement. They are simple to understand: is there harm to the setting? If so is there a public benefit that outweighs the harm? If there is no public benefit, the application should be refused.

In registering the application the Council flies in the face of law and government policy. This mistake should be put right. It should not be put up for determination until the proper process has been followed and enforced. Otherwise without the required Heritage Statement, rigorous application of Local Plan and Government policies it will be open to challenge as invalid.

The law requires you, the Council to **give "special attention"** to preserving the settings of listed buildings. Government policy and published guidance for handling planning applications affecting listed buildings directs how this is done; to apply the National Planning Policy Framework and National Planning Policy Guidance. Historic England has published detailed guidance on how these policies should be implemented.

Where local councils fail to discharge Government policy and allow their officers to abuse their powers the Secretary of State has powers to intervene, for example under The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

The recommendation to approve is wrong. The officer assessment of setting has not followed guidance and is not competent given there was no visit to the affected Listed Building. The required applicant statement is missing. Any determination would be a public shame and be subject to overturning.

We assert that the application be held until the relevant regulations have been complied with. You should seek further advice on this matter or until such times we have received a response from Alan Mak MP and/or The Secretary of State.

In the event you decide to proceed with a decision you should refuse the application.