



## YAXHAM PARISH COUNCIL

To:  
Cllr Bambridge, Executive Member for Growth,  
Breckland Council

Pinebanks  
Station Road  
Yaxham  
Norfolk

CC:  
Cllr Nigel Wilkins, Chairman of the Planning  
Committee  
Cllr Paul Claussen, Mattishall Ward

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10<sup>th</sup> October 2018

Dear Cllr Bambridge,

### **Yaxham Parish Council's Concerns About Breckland Council Planning Department**

In the last 15 months there has been an increasing concern expressed by residents and members of Yaxham Parish Council as to the treatment of planning applications in the parish. Whilst this has not been the case in every planning application, it has been sufficiently frequent that we have chosen to set out for you the sorry history of the last 15 months. Particular issues are validation of incomplete applications, the often poor and inaccurate Officer Reports, and continued misrepresentation of the available services in Yaxham. As Cllr Claussen said at a recent application – we thought we had won many of these arguments at the LPWG meetings, only to be facing them all over again. Please note we seek to work with Breckland Planning officers to increase the accuracy and the process by which applications are considered, and to reduce the risk of judicial review and or successful appeals against Breckland Planning decisions.

#### **1) Planning Application 3PL/2016/1499/O & Appeal APP/F2605/W/18/3194045 Lanpro 25 homes north of Norwich Road, Yaxham**

August 2017 Officer Report to the Planning Committee was one of the worst we have seen. It read as if it was written for approval and then had “refuse” inserted. Despite this the Planning Committee refused the application, but it set up the circumstances for the Appeal on this refusal to be allowed.

Appeal – February 2018 – Officers accepted “written reps” rather than a “public hearing” as they did not think there would be much public interest – how wrong they were. Belatedly they sent a rather neutral request to the Inspector asking him to consider our points – Breckland Officers did not positively support this request. Not surprisingly the Examiner refused this request and the Appeal was allowed. The Parish Council seriously considered Judicial Review, and whilst Counsel’s advice recognised we had many good points, they did not amount to a sufficient case at law.

If the original officer report had been better compiled, and officers had noted the level of local interest and called for a public hearing then we may have stood a chance at appeal to correct all the inaccuracies and misleading statements made by the appellant.

**2) 3PL/2018/0021/D Development Site, Land Off Elm Close Yaxham NR19 1RW**

This massive application was submitted in January 2018 with one day remaining of the 2 year outline permission 3PL/2014/0820/O. This application was validated by Breckland within 1 day – unheard of in Breckland, presumably to avoid the challenge that it had been outside the 2 year deadline. We were told at the time by Jon Berry that validation had to be backdated to the submission date as the application provided all the necessary documentation. However, it was validated despite the fact that there were serious shortcomings with the application including the failure to supply a Surface Water Drainage Plan as required by condition 16 of the outline permission to be part of any reserved matters application. The poor quality of the application means it has still yet to come to the Planning Committee – some 9 months later. In our view this bears out our concerns that the application should never have been validated. Please note none of these criticisms are aimed at the current case officer whose sterling work on this application we can only support.

**3) 3PL/2018/0024/VAR Removal of conditions 13 and 21 and variation of conditions 12 and 16 of 3PL/2014/0820/O Development Site, Land Off Elm Close Yaxham NR19 1RW.**

For some reason the Parish Council's letter of objection in February 2018 which covered in detail the three related Elm Close planning applications was not registered by Breckland against each of these applications. As a result the officer report to Planning Committee recorded in July 2018 that "no response" had been received from Yaxham Parish Council.

**4) 3PL/2018/0394/D Erection of 2 dwellings & garage, Quince Farm, Spring Lane Yaxham**

This application in April 2018 was very thin on detail – no design and access statement, nothing about groundwater drainage, mains sewer connection, mains water or anything. The Parish Council told Breckland that this should never have been validated. However, the Officer Report & Decision recorded "no response" from the Parish Council, despite our submission being published on Breckland's website within the time limit set by Breckland and 5 days before the decision on the application being made in June 2018. The Parish Council Clerk protested this to the Case Officer in July – no response from Breckland. The Parish Council chased this in August and it was escalated and it was referred to Jon Berry on 9<sup>th</sup> August. On 24<sup>th</sup> August Jon Berry said he had all the information and would respond on his return from holiday on 3<sup>rd</sup> September. Six weeks have passed and still no response.

**5) 3PL/2018/0422/O Land to the north of Homefield, Dereham Road, Yaxham  
Outline permission for the erection of 6 dwellings with all matters reserved**

Officers emailed interested parties saying this was going to the 30<sup>th</sup> July 2018 Planning Committee meeting, but it was not actually on the agenda for that meeting and there was no Officer Report published. Only after vociferous representations from Yaxham did Breckland eventually email interested parties on the preceding Thursday/Friday that this application would not be going to the 30<sup>th</sup> meeting. It has to be a fundamental part of good practice that a planning application has to be on the publicly available agenda for a Planning Meeting when the agenda is first published, for that application to be considered by that meeting. How else will the general public know it is to be discussed?

When this application was included on the 3<sup>rd</sup> September agenda – no emails were sent out to interested parties, including the Parish Council, to alert them to the fact this was now being considered.

The Officer Report to the Planning Committee was a disgrace. It made no reference to the new NPPF2 and all the NPPF references were to the old NPPF. It wrongly dismissed all the Yaxham Neighbourhood Plan policies by reference to the December 2016 Written Ministerial Statement.

This was wrong, because only policies deemed to affect housing land supply are considered out of date when the LPA cannot show a 5 year land supply, and because NPPF2 had superseded the WMS. In addition the Officer Report was materially wrong about the services available in Yaxham, stating:

*1.6 The broader Yaxham does benefit from a primary school, shop, community facilities and some employment opportunities.*

The School is full – Norfolk County Council (NCC) agrees and there are 103 currently on roll out of a theoretical maximum of 105, and no room for expansion as recognised by NCC, and stated by the Governing Body and Diocese. There is no shop. Yaxham Waters shop has permanently closed. There are little or no employment opportunities in the village: Yaxham Waters having reduced staff with the shop closure; and most businesses being one-person operations.

When we raised these issues Officers responded to us, but not to the Planning Committee and did not issue a supplementary agenda to the Planning Committee. It was left to us to make sure that the Planning Committee had all the information. At the Planning Committee Officers admitted there were issues with the Officers Report.

The consideration of the Application by the Committee was then seriously compromised by Officers introducing extraneous information about foul drainage from another planning application that after 10 years has yet to be formally resolved and which information was not available to the Planning Committee. We have always been told that you can only consider a planning application on the merits of the information in that planning application. To do otherwise is to risk judicial review or reversal at appeal.

Then, when the Committee voted on the application they accepted amendments to the conditions proposed by the Parish Council and put to the Committee by the Chairman. However, Officers were not finished. Despite the vote, an Officer then told the Committee that this was not an advisable course of action, and caused the decision to be changed.

We are not challenging the decision, but this appeared to be one of the poorest performances by officers in handling and presenting an application for the Planning Committee to consider.

**6) 3PL/2018/0702/F Land Adjoining White Cottage, Paper Street Yaxham NR19 1RY  
Proposed New Residential Dwelling.**

The Officer Report to the Planning Committee again misrepresents the service available in the Parish of Yaxham and its two main settlements of Yaxham and Clint Green.

*1.4 In terms of economic and social sustainability, Clint Green is identified as a defined settlement in the development plan but it is not identified for a specific level of growth within the settlement hierarchy. Yaxham, approximately 1km away contains some everyday services and facilities including a public house, village / farm shop, cafe tourist accommodation, and recreation areas. Clint Green itself contains a primary school and a shop.*

How many more things could be wrong with this statement? As already stated there is no shop in the parish, no public house and only one recreation field. There is no shop in Clint Green – there may be in the future, but there is not one now, and the school is at capacity. We did not oppose this application, but were aghast at the Officer Report. A resident took issue with the Report and a supplementary agenda was published. However, this was in such convoluted English that it was still unclear.

**In Summary**

Each of these instances could be seen as a frustrating one-off. However, for such mistakes to be made more than once suggests that there is a systemic issue – whether it is the lack of

attention to detail or lax observation of due process. We trust that Yaxham has not been singled out for special treatment, in which case there are wider problems. We therefore request a meeting with you and senior officers in which to go through these issues and consider how we can work together to help rectify the issues for the future, and reduce the risk of judicial review or failure of planning decisions at Appeal.

We look forward to your response and to meeting to discuss our concerns and those of our parishioners.

Yours sincerely,

Peter Lowings,  
Chairman