

## Meeting re Cufaude Lane traveller site – 8<sup>th</sup> March 2018

Present: Matthew Evans, Head of Planning and Infrastructure, BDBC  
Gregg Chapman, Assistant Planning Manager, BDBC  
Mark Fletcher, Principal Planning Officer - Compliance and Enforcement, BDBC  
Cllr Venetia Rowland, BDBC Ward Member for Bramley and Sherfield on Loddon  
Cllr Nick Robinson, BDBC Ward Member for Bramley and Sherfield on Loddon  
Cllr Malcolm Bell, Vice-Chair, Bramley Parish Council  
Cllr Chris Flooks, Chair, Planning Committee, Bramley Parish Council  
Maxta Thomas, Clerk, Bramley Parish Council

**Injunction** – Gregg Chapman gave an update on the status of the injunction on the site. The site was served with an injunction in 2014. However, due to an oversight, this injunction did not cover the entire site, leaving an area at the front of the site not covered. This area is what is occupied at present. A whole site injunction, including the area not previously covered, and the entire field, was served on 21<sup>st</sup> December 2017. However, as injunctions cannot be made retrospectively, this did not cover those caravans already on site.

There are currently three planning applications associated with the traveller site at Cufaude Lane. BDBC gave an update on the status of each application. These are as follows:

- **17/00942/FUL – Plot 3.** This application was submitted in early 2017, and the site was occupied at roughly the same time. The site is in the area not covered by the original injunction. The occupants have appealed the application due to non-determination, and this is likely to be heard in May 2018. It was noted that the application was likely to be refused in any case.  
Post meeting note: the date for appeal has been set by the Planning Inspectorate for June 2018.
- **18/00006/RET – Plot 4.** This was occupied in late December, after the full site injunction was served. The occupants applied to vary the injunction, which meant that they could not immediately be removed from the site. The case was heard in early February, and the application to vary the injunction was denied. There was a further appeal from the applicants to appeal this decision – this was also denied. Notice to quit within three weeks was served on the occupants immediately after the original hearing in early February. However, due to the appeal, the occupants were not moved on once this period expired. BDBC is looking into the next actions on this.  
Post meeting note: the planning application was refused by BDBC on 14<sup>th</sup> March 2018
- **17/04276/FUL – Plot 6/7.** The application was submitted to BDBC in late 2017, and is due to be determined by 18<sup>th</sup> April.

Various concerns and issues were discussed, as follows:

- BDBC officers stated that the reason for an appeal, whether it be non-determination or specific reasons due to being refused, will make no difference to the Planning Inspector.
- BDBC officers noted that the Plot 3 application was not determined within the statutory time due to officers not being given all the necessary information by the applicants.
- The criteria for validating new planning applications were questioned. BDBC officers noted that these criteria are very specific, and if they are met, then an application must be validated. This does not necessarily mean that all the information required to make a

decision has been submitted, and officers are expected to work with applicants in the statutory period to obtain this information.

- BDBC officers noted that non-determination appeals are generally on applications that are likely to be refused, and that appeals on this basis often speed the process up.
- Ward councillors and Bramley Parish councillors questioned why the legal process has taken so long from first occupation at the site, and in particular why it has taken 9 months to vary the injunction. It was felt that the legal department in particular appear to be very slow in their responses. There were also concerns about accountability. BDBC officers responded, advising that blame should not be attributed going backwards, and that focus should be on moving matters forward. BDBC officers further noted that since the current Legal Officer has taken on the case, matters have moved on significantly and quickly.
- Bramley Parish councillors noted that the appearance to residents is that non-determination appears to be a convenient way of BDBC opting out of their responsibility. Residents are considerably dissatisfied with the response by BDBC. BDBC officers stated that a great deal of work has been going on in the background – the appeals will be defended against by BDBC, and that there is no ‘opting out’ of responsibility.
- BDBC officers stated that they are spending considerable time on the issue, and cannot do anything more because of procedures and other work.
- BDBC Officers responded that due process must be followed, and there are legal procedures which do inevitably take some time.
- Bramley Parish councillors and Ward councillors also strongly stated that local residents are becoming extremely frustrated with the whole situation, particularly with the length of time it has taken for no apparent action. It was noted that there is a great deal of anger in the community about the issue. BDBC officers responded that moving forward BDBC is doing all that can be done taking account of the circumstances, available controls/powers, and the need for balanced consideration.
- BDBC officers confirmed that enforcement appeals are currently taking around 12 months. This is a Planning Inspectorate (PINS) average time period, and BDBC has no control over this.
- BDBC officers stated that any new occupation at the site should be enforced fairly quickly now that the whole site injunction is in place. The injunction is open ended and does not have an expiry date.