
From: Clare Carpen <[REDACTED]>
Sent: 28 February 2018 07:42
To: North2
Subject: Fw: 17/01466/F - APP/C3105/W/17/3191148
Attachments: image001.jpg; Planning Permission Letter.docx

Good Morning

I have posted the attached to you via recorded delivery, but I wanted to ensure you received it.

Yours sincerely
Clare Carpen

From: Clare Carpen
Sent: 09 February 2018 10:35
To: 'North2@pins.gsi.gov.uk'
Cc: [REDACTED]
Subject: Re: 17/01466/F - APP/C3105/W/17/3191148

17/01466/F - APP/C3105/W/17/3191148

Good Morning.

Further to the email below from Tom Plant, I have been advised to write to you concerning procedural matters in relation to the planning application. I will also be writing regarding my support for the fencing, however this will be sent under separate cover. My property is directly impacted in relation to the fencing decision outcome.

I have challenged the previous planning permission process in relation to dates. The reply I received from Tom Plant does not correspond to the dates on the planning application notice - 2017 (see image below). This needs addressing as it has therefore excluded the opportunity for me, as a resident, to provide support in relation to the fence.

I did contact the council planning duty officer (last year) once I was made aware of the planning situation, but was told my views would not be considered as the process had closed. I was not provided notification of the process even being underway.

The planning meeting on 28/09/17 Agenda Item 11 discuss the retrospective planning application from Bovis. My points of concern regarding procedure are:

Lewis Banks-Hughes states both sides of the swaile were consulted on the process - I do not believe a 'fair' consultation process between residents on both sides of the swaile was carried out, however residents that do not live near the swaile opposed this, yet those it directly affects were not even aware.

Councillor Corkin inform the Board of the objections to the fencing, but does not mention the support and therefore this does not demonstrate transparency for the Board to vote.

Councillor Corkin refers to a 'due and fair' process. A 'due and fair' process has not been undertaken as all residents were not contacted and advised on the retrospective planning process.

Councillor Corkinn makes reference to Bovis residents not being able to oppose the planning application as stated in their deeds (4.1.0). However, an objection was received from a Bovis resident who lives on the far side of the swale where the fence does not directly impact them. This evidence should have been rejected and not used as part of the decision making process.

I also challenge a potential conflict of interest, which appears not to have been declared by a Bovis resident objecting to the retrospective planning application who also sits as a Parish Councillor.

My contact with Tom Plant (first email) also asks why residents have not yet been informed of the appeal process. Had a Heyford resident not posted her letter received onto the Heyford Facebook page, residents yet again would not be aware of this process. The response I received from Tom Plant does not correlate, as I was told via telephone conversation by him that only those residents that submitted a response to the initial consultation process were contacted. This is incorrect as I am aware of one resident who did not enter a view on the process but did receive a letter. All residents directly impacted by the fencing were not contacted, yet again other residents who do not live near the swale were. How can this be?

The appeals process is already underway and residents who have not been contacted, have not been given the full time allocation period to respond.

I therefore ask for your response as to whether the process to date is a 'fair and due' process.

I will submit my letter of support for the fence to you, in due course, and I ask for a consultation letter be sent to my property so I do not have to reply on a Facebook post to ensure I have the correct dates for the appeal deadline.

Yours faithfully
Clare Carpen
6 Corbett Close

From: Tom Plant <Tom.Plant@cherwellandsouthnorthants.gov.uk>
Sent: 07 February 2018 14:55:08
To: 'Clare Carpen'
Cc: Paul Seckington; 'North2@pins.gsi.gov.uk'
Subject: RE: 17/01466/F - APP/C3105/W/17/3191148

Dear Ms Carpen

Further to your email below, the data that I have before me with regards to the validation of the application was correct.

I will therefore have to refer your email to the Development Management Services Manager Paul Seckington for both Cherwell and South Northants Council to address your concern.

However as stated in my email of the 6 March 2018, should you wish to make comments or objections with regards to this appeal, you are able to do so by sending comments direct to the Planning Inspectorate with regards to this appeal, north2@pins.gsi.gov.uk quoting the reference APP/C3105/W/17/3191148.

Going forward with regards to this appeal, please direct all comments with regards to procedural matters both with the planning application and appeal to to the Planning Inspectorate (copied into this email) using their reference number above.

With regards,

Tom Plant

Appeals Administrator
Planning Enforcement Team
Development Management
Place and Growth Directorate
Cherwell District Council and South Northants Council

DDI: 01295 221811

Tom.plant@cherwellandsouthnorthants.gov.uk

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I trust this is of assistance, but must stress that nothing in the above can prejudice the ultimate determination of any application by this Council and cannot prejudice any further actions taken by this Council.

From: Clare Carpen [mailto: [REDACTED]]
Sent: 06 February 2018 21:02
To: Tom Plant
Subject: Re: 17/01466/F - APP/C3105/W/17/3191148

Dear Mr Plant

Following your email below please can you explain the dates on the attached which was issued on 16/08/17 with a 21 day consultation period. According to the conversation today and your email we had not moved into our property?

Yours sincerely
Clare Carpen



Sent from my iPhone

On 6 Feb 2018, at 16:18, Tom Plant <Tom.Plant@cherwellandsouthnorthants.gov.uk> wrote:

Dear Ms Carpen

Further to your email below, I have looked into this matter and it is standard procedure following a planning application to be determined, that the Council copies who were consulted / contributed to that original application.

From looking into this matter, it would appear your property was not occupied (date of liability for Council Tax 07/08/17), at the time of the planning application becoming valid (26/07/17), and therefore not consulted.

Only those notified or consulted in accordance with the Town and Country Planning Act 1990 (As amended) about the application which has given rise to the appeal, or who gave representations to the Local Planning Authority regarding the application need to be notified an appeal is taking place. This is stated in the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009/452 Part 2 and also in the Planning Inspectorate written representation appeals procedural guidance, links to both below.

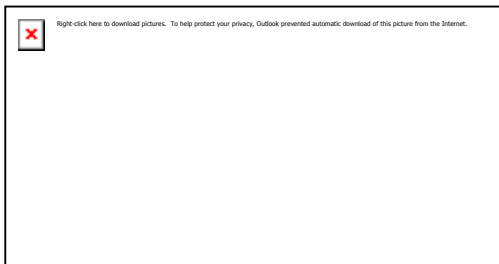
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<https://www.gov.uk/government/publications/planning-appeals-procedural-guide>



Planning appeals: procedural guide - GOV.UK

www.gov.uk

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I have spoken with the Planning Inspectorate, who agree that the Council has completed what it is required to do in notifying neighbours of the original planning application of the appeal.

For all procedural matters with regards to this appeal, please can I direct you to the Planning Inspectorate (copied into this email) using their reference number - APP/C3105/W/17/3191148.

Should you wish to make comments to the Planning Inspectorate with regards to this appeal, again send those comments directly to north2@pins.gsi.gov.uk quoting the reference above.

With regards,

Tom Plant

Appeals Administrator
Planning Enforcement Team
Development Management
Place and Growth Directorate
Cherwell District Council and South Northants Council

DDI: 01295 221811

Tom.plant@cherwellandsouthnorthants.gov.uk

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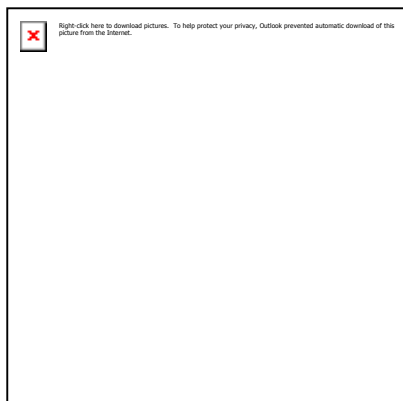
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I trust this is of assistance, but must stress that nothing in the above can prejudice the ultimate determination of any application by this Council and cannot prejudice any further actions taken by this Council.

From: Clare Carpen [<mailto:> [REDACTED]]
Sent: 02 February 2018 07:31
To: Tom Plant
Subject: Ref: 17/01466/F

Dear Mr Plant

I have been made aware of a letter issued by CDC dated 31/01/18 regarding Appeal Against Refusal planning ref: 17/01466/F.

I previously contacted the planning officer at CDC (2017) following the closure of the initial consultation period as I was not consulted on this process, at any stage, and I was only made aware of the matter from a neighbour retrospectively.

My property is directly affected by the potential removal of the fencing in question and as such I discussed with the planning officer my concerns regarding Health and Safety. I was told my concerns would not be considered as the consultation period had closed.

I am now writing to you to question your lack of transparency in your process by not contacting residents directly bordering the fence. It appears you have contacted those on the opposite side of the swale that do not border this fencing.

How can you continue with this formal appeal process when you appear not to communicate with every resident within the vicinity, albeit I am aware of one person

receiving your letter that opposed the fence last during the initial consultation period that is not directly affected.

I will be taking legal advice if I do not receive a satisfactory response following my email.

Your sincerely
Clare Carpen

6 Corbett Close
Upper Heyford
Oxon
OX25 5AS

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<F - Neighbour list - responses.pdf>

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6 Corbett Close
Upper Heyford
Oxon
OX25 5AS

23 February 2018

For the attention of the Planning Inspectorate

Retrospective Planning Permission 17/01466/F

Letter of SUPPORT for the fencing to remain

I am a resident adjacent to the fence in question. The impact of the planning permission potentially being refused, on this appeal, directly affects our property and therefore I write in **support** of Bovis' application for the fence to remain. The reasons are:

SAFETY

Our private driveway and parking space border the public footpath. The fence was not erected at the stage of us moving into our property and as a result, our driveway seemed to be used as the public footpath. This involved adults, children, dogs, bikes etc. using the drive as a quicker route from Camp Road to the cut through of Corbett Close and vice versa. This causes us great concern as when entering the long drive way to our property we are not expecting to be faced head on with children/toddlers/dogs etc. on the drive. (SEE PHOTO 1)

One of our parking spaces juts out into the line of the path. If the fence was removed our parking space and manoeuvring to enter/leave the space will be directly next to the path without any protection. With blind spots from the angle of the path, it is a harrowing thought of not being fully aware of pedestrians and importantly children (being smaller in height) etc. being on the path at this particular time. This is distressing for us as the owners of the drive and for the residents of Heyford using the path who are not expecting a vehicle to be entering/leaving the space. Our car doors will also open directly onto the public footpath, which again, which could cause serious injury. I ask for your consideration particularly in respect of this situation. It causes us great concern. (SEE PHOTO 2 and PHOTO 3).

Bollards were erected on footpaths near the play park to keep children safe when playing. If for any reason the fence planning was opposed, this would effectively make the bollards useless, as yet again cars, delivery trucks and lorries would be able to access this area. Prior to the bollards this happened on a frequent basis as vehicle users tried to drive one side of the swalie to the other. This is completely unacceptable and would again raise major concern for families with young children, dog walkers and residents using this area.

PUBLIC FOOTPATH

During the Planning Meeting held on 28 September 2017 (Item 11), at no point did Councillors raise the above parking situation or public/private space. There does not seem to have been any mention of the delineation needed between the public footpath and the private space including parking.

The footfall using the public footpath, adjacent to our property, has increased and will continue to increase overtime, particularly as Phase 3 of Bovis' development has commenced and families walking around the estate and wanting to access the playpark will need to use this pathway to do so. Surely public safety is paramount to this decision making process.

THE FENCE

The fence itself is 'simple in design' (Planning Meeting held on 28 September 2017, Item 11). The original planning permission, at this meeting, was refused on the grounds of 'permeability' and 'accessibility'. However, only those residents accessing their private property need 'accessibility' which if the access points were completed in accordance with the planning design, this would not be an issue for those residents. With regard to permeability, again, same reason only those residents accessing private property need access. The permeability/accessibility reasons are exactly the point to protect residents on Health and Safety grounds and why the fence needs to remain. Other fences have been erected around Heyford and yet no one seems to have challenged them, and one in particular does not even serve a purpose! (SEE PHOTO 4).

SWAILE

In contrary to the comment by Lewis Banks-Hughes during the Planning Meeting held on 28 September 2017 (Item 11), the Swaile **does** hold stagnant water. Children can drown in as little as 2", (kidshealth.org) so surely this matter should be revisited by the Health and Safety Executive. We bought our property based on the fence protecting our child, with additional learning needs, from the Swaile.

FULLY INTEGRATED COMMUNITY

During the Planning Meeting held on 28 September 2017 (Item 11), Councillors speak of a fully integrated community with no delineation. Heyford is surrounded by fences and large iron gates dividing sections of the village, how can one fence, less than one meter tall, be causing so much conversation and attention. The fence serves a purpose and has not been erected to divide the community, but erected for the safety of **all** residents whether using the footpath or living adjacent to it.

EXTRANEIOUS COMMENTS

During the Planning Meeting held on 28 September 2017 (Item 11), Councillors discussing the planning application made comment on the following, all of which being extraneous to the process: Bovis' reputation and sheets being hung from windows

Berlin Wall

Children hurdling the fence

These comments should have been discounted from the process and decision making that took place.

PROCESS AND TRANSPARENCY

I also wrote to you on 9 February 2018, under separate cover, in relation to the process undertaken by the Council regarding transparency and consistency and I also ask for this correspondence to be considered during the decision making process.

Yours Sincerely,

Clare Carpen



PHOTO 1 (left)

Red line depicting direction of public using private drive if the fence is removed



PHOTO 2 and PHOTO 3 (below)

Parking space juts out into the footpath





PHOTO 4 (left)

Erected fencing not being challenged, nor serving a purpose.