

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 13 November 2020 at 1.00 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
G Barnell, E J Berry, Mrs C P Daw,
L J Cruwys, S J Clist, F W Letch,
D J Knowles, R F Radford, B G J Warren
and C J Eginton

Apologies

Councillor(s)

S J Penny

Also Present

Councillor(s)

R M Deed and R Evans

Present

Officers:

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning, Economy and Regeneration), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Eileen Paterson (Group Manager for Development) and Sally Gabriel (Member Services Manager)

96 **APOLOGIES AND SUBSTITUTE MEMBERS (00-03-24)**

Apologies were received from Cllr S J Penny who was substituted by Cllr C J Eginton.

97 **REMOTE MEETINGS PROTOCOL (00-03-27)**

The Committee had before it, and **NOTED**, the *Remote Meetings Protocol.

Note: *Remote Meetings Protocol previously circulated and attached to the minutes

98 **PUBLIC QUESTION TIME (00-03-45)**

Mr Byrom a local resident stated: I represent 250 residents of Sampford Peverell as the 'Rule 6 Party' in the appeal over the 60 houses at Higher Town, your agenda item 7.

The secrecy surrounding the report that you are to discuss leaves me having to guess what this meeting is about. Four possibilities come to mind:

1. Landscape issues arising from the decision on 29 July to change the settlement boundary in Policy SP2
2. Implications of the changed settlement boundary for the Section 106 agreement

3. The declaration by the Inspector back in June that it would be for the Council and for the Rule 6 Party to demonstrate that the highway works near the canal bridge must be determined at the Inquiry.
4. The rising costs of the Inquiry

Just over three months ago all was set for this Inquiry before it had to be postponed. But all the facts above about settlement boundaries and highways issues were known by then. Nothing has changed ... but I fear that officers have only recently noted the implications of one or more of these issues.

Question 1 – There have been no new developments in this appeal since early August, so why is this is all happening now?

My next point is simple. Members, any fears over the cost of this Inquiry stem from decisions made by your own senior officers last December.

The appellant asked the Inspectorate to decide this appeal by written statements, which is the quickest and cheapest process available.

It was officers of this Council that insisted that it be decided by an Inquiry, the most expensive model. I now fear that the costs of the Inquiry may be used to pressurise this Committee into dropping some aspect of its 'Reasons for Refusal'. But if the complexity of the issues warranted an Inquiry a year ago, they still warrant full attention at an Inquiry now. So ...

Question 2 – Officers, please will you explain why you opted for an Inquiry in the full knowledge that this would greatly increase the expense of the appeal in time, money and energy?

All this has to be based on guesswork. If I and other local residents were allowed to know the focus of today's agenda we could perhaps add information, insights and arguments that would help the Committee to make a fully informed decision.

For the third time in just over a year, you are effectively being asked to hide from us and to hide the issues from us – unless, of course, you vote not to go into closed session.

My final question is

Question 3 – If you do proceed in closed session, please will you inform me (and the appellant) of the outcome immediately this meeting ends?

Please answer these questions before you take a vote about going into closed session.

The Chairman indicated that responses would be given to Mr Byrom later in the meeting.

99 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-09-05)**

Members were reminded of the need to declare any interests when appropriate.

100 **MINUTES OF THE PREVIOUS MEETING (00-09-10)**

Subject to the inclusion of a note to Minute 92(b) which highlighted a statement from Cllr S J Clist stating that he had had discussions with officers about the principles of developing void or unused areas but that this had not prejudiced or pre-determined his decision with regard to this application; the minutes of the previous meeting held on 4th November 2020 were agreed as a true record.

101 **CHAIRMAN'S ANNOUNCEMENTS (00-12-14)**

The Chairman had no announcements to make.

102 **APPEAL - APPLICATION 17/01359/MOUT - OUTLINE FOR THE ERECTION OF 60 DWELLINGS AND CONSTRUCTION OF NEW VEHICULAR ACCESS ONTO HIGHWAY TO THE WEST OF THE SITE - LAND AND BUILDINGS AT NGR 302469 114078, HIGHER TOWN, SAMPFORD PEVERELL (00-12-22)**

The Committee had before it a *report of the Head of Legal (Monitoring Officer) providing an update and advice to Members with regard to the forthcoming appeal inquiry against refusal of planning permission.

Consideration was given to whether it was necessary to pass the following resolution to exclude the press and public having reflected on Article 15 15.02(d) (a presumption in favour of openness) of the Constitution. The Planning Committee decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was therefore:

RESOLVED that: under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information) and paragraph 5 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

(Proposed by the Chairman)

Note: Cllrs L J Cruwys and B G J Warren requested that their abstention from voting with regard to entering into Part II be recorded.

Following consideration of the papers, the meeting returned to open session.

The Head of Planning, Economy and Regeneration answered questions posed in public question time:

- With regard to why a report was before the committee; she referred Mr Byrom to the Part I report which explained the need for an update, the need to seek advice and to seek instruction.
- Why a formal inquiry had been opted for; the appellant had sought the written representations process but that method did not allow the opportunity for

evidence to be questioned or interrogated. She referred to a meeting on 2 December 2019 with members where a course of action was discussed, Following discussions between members and officers it was agreed that due to the public interest in the case that either an informal hearing or a public inquiry be requested. She also referred to a letter from the Planning Inspectorate where the original inspector decided to proceed on the basis of a public inquiry due to the significant level of local interest, the complexity of the issues raised as well as the submissions by the main appeal parties.

- Whether the appellant and interested parties would be informed of the decision of the committee, the officer confirmed that all interested parties would be informed as soon as was possible after the meeting.

Notes:

- i) Cllrs R F Radford and B G J Warren declared personal interests as they were both representing the committee on the appeal case;
- ii) * Report previously circulated.

(The meeting ended at 1.53 pm)

CHAIRMAN