



# Botus Fleming Parish Council

## **PA22/09964 - Reserved Matters application for appearance, landscaping & scale - Land At Orchard Meadow, Hatt**

The latest incarnation of this planning application does not actually name any individuals that are actually making the application, but instead rely on the name of a limited company.

The applicant(s) has utilised "NHSW Ltd" with the registered address as Regal House, 48 Fore Street, Saltash, PL12 6JR.

However, a search with Companies House has not revealed the existence of any company called NHSW Ltd.

A further search has revealed that the acronym NHSW Ltd could possibly be New Homes Southwest Ltd (Company Number 05710865) that was previously registered at 51 North Hill, Plymouth, PL4 8HZ.

However, this company was dissolved and compulsorily struck off in April 2011. A compulsory strike off means that your company has been removed from the official register at Companies House and formally closed. It's sometimes referred to as dissolution and tends to be issued on the grounds that the company in question is no longer trading or has failed to conform to legal requirements.

There are three main benefits to incorporating your business: security of your personal assets, business reputation and more money in the bank. When you have a Limited Company business, your personal assets are safe from being attached to any business disasters.

However, by purporting to be a limited company could potentially be considered as fraud.

This is because a company is a distinct legal personality and therefore by pretending to be incorporated you are pretending to be an entity that does not exist.

A person who makes a false or misleading statement in connection with a planning application, knowing that it was or might be untrue or misleading, with the intent to make a gain for himself may be prosecuted under the Fraud Act 2006.

BFPC do not understand why the applicant(s) appears to have made this planning application utilising a fictitious company.

BFPC apologises unreservedly if our information is not correct.

## ACCESS

BFPC believes that it was and is an extremely perverse decision to grant these protracted planning applications.

The applicant(s) does not have permission to access the land that will allow vehicles or machinery to commence the landscaping and construction of any housing.

There are two possible access points. The first would have been accessed from a private lane next to Hatt Recreation Field. The present owners have refused permission to allow the applicant(s) to utilise the access point.

The applicant(s) then decided to apply to access the land from another private road.

The second access point in Carlton Villas is owned by Cornwall Housing Ltd.

The lane in question serves Carlton Villas, which comprises largely elderly, infirm and vulnerable residents and is completely unsuitable for the proposed use for this development.

This is a highly controversial and emotive issue for the residents and they would be greatly affected by this development.

BFPC are in sympathy with these views, many of which have been logged directly on to the Cornwall Planning portal as comments, or via the relevant County Councillor direct to the Planning Officers.

The lane has a 'blind corner' and the likely 8 additional vehicles entering and leaving on a regular basis will undoubtedly produce a new risk to the existing vulnerable residents.

There is a lack of parking spaces and there is an extreme narrowness of the Lane in question.

The road is insufficient to feed new developments or to deal with increased traffic flow, and vehicles that would be involved during a period of construction, increasing congestion.

There would be serious access issues for Emergency and delivery vehicles.

Carlton Villas Lane is “unadopted” and not on the Highways Plan and would incur development costs with road widening and resurfacing works.

Cornwall Housing Ltd registered their objections to the proposed access through land owned by Cornwall Council and managed by Cornwall Housing as part of the Carlton Villas housing estate.

In July 2021 BFPC were informed that a Council consultation had decided that the use of Carlton Villas as an access point had been denied.

This was met with a high degree of relief from many of our residents that had been very fearful of the consequences of the development.

BFPC were informed on 5<sup>th</sup> December 2022 that the current situation was that Cornwall Council were currently awaiting the outcome of an Ombudsman complaint and needed to review that before doing anything further.

BFPC assumes that the Ombudsman complaint has been made by the applicant(s) appealing against the decision by Cornwall Housing Ltd to deny access via Carlton Villas.

The link below is the process for the Ombudsman to investigate the complaint (Local Government & Social Services).

<https://www.lgo.org.uk/make-a-complaint/how-we-deal-with-your-complaint>

The Ombudsman are more likely to investigate complaints where the issues:

They are more likely to investigate complaints where the issues:

1. Have had a serious or long-term impact on people's lives
2. Affect many other people

BFPC will ensure that the residents have been informed and that the Ombudsman consults them.

The fact that there has been an appeal lodged by the applicant(s) against the decision by Cornwall Housing Ltd to deny access via Carlton Villas should prevent the consideration and granting of this current planning application.

BFPC and several residents have voiced their concerns that the previous planning applications have been granted in spite of the facts that the applicant(s) does not have the required permissions to utilise either of the only two possible access points.

Some members of the Parish Council were present at a Planning Committee site visit and voiced these concerns. The Planning Officer accompanying the site visit told the Planning Committee to ignore the stalemate access problems and that the "applicant's solicitors would sort access out". The same Planning Officer repeated this during the last Planning Committee meeting.

It is BFPC's contention that access is a fundamental consideration in any planning application and issues in this area are a common reason for refusal of planning permission.

Councils take advice on access from the highway authorities, which can recommend whether planning permission is granted or refused. Both access points in this case are privately owned and both owners have refused permission. The planning applications should never have been granted.

BFPC believe that it's not just new access points that should be scrutinised, but also existing ones where there would be a considerable change to the type of property or number of houses that the access serves.

## **CONSTRUCTION**

The sizes of the proposed houses are considered far too large and overbearing on the small plot for development.

Affordable Housing is one of the Cornwall Council's highest priorities, but none of the proposed houses could be considered to be as "affordable".

The Government has also officially diluted proposals for mandatory local house building targets.

The proposed housing development proposes traditional 20<sup>th</sup> century structures that do not rely on sustainable and renewable energy that would limit the carbon footprint on the village's environment.

Cornwall Council is committed to achieving Carbon Net Zero by 2030. This development would do nothing to further that ambition. There appears to be no provision for solar panels, electrical charging points for EV's or for adequate insulation to modern standards. This is not a sustainable design template and Cornwall Council that has made this commitment should not permit this development.

Ecological destruction and tree infrastructure disruption and affect to a known "bat run".

The proposed development area contains 3 mature oak trees, which are protected by Tree Preservation Orders. The level of the new development is somewhat lower than the existing road and we believe that it will subsequently cause a major disruption to create the new access and ultimately reduce the parking area to the detriment of our tenants.

In 2018 Cornwall Council announced that the housing development target to be built by 2030 for the villages of Botus Fleming and Hatt was reduced to nil (0). This was due to the parish's very poor infrastructure and amenities being taken into account.

The National Planning Policy Framework (NPPF) confirms that Hatt does not meet the conditions as a sustainable community in the areas of economic, social or environment.

Cornwall Council's Sustainability Appraisal also confirms that Hatt does not meet the standards for sustainability.

The village of Hatt has very little services for the existing residents and anything claimed to the contrary would be erroneous and could be considered to be partisan and viewed with a degree of suspicion.

Cornwall Council's Local Plan also supports this stance.

Private vehicles would be required to travel to and from Hatt, as there are little or no employment opportunities.

There are no schools in the immediate area, no doctors' surgery or any other meaningful services.

The proposed development would not add anything to the infrastructure or sustainability of Hatt and indeed would only add to the strain on the very limited resources and also add to the parish's carbon footprint.

Botus Fleming Parish Council announced a Climate Emergency in May 2019.

Due to the poor public transport links and the complete lack of footpaths or cycling paths linking the two villages to our nearest towns, a development that would introduce the potential of a further 8 plus vehicles into the community should not be supported.

This development if permitted would affect our biodiversity and contribute to the village's carbon footprint through additional motor vehicles and non-sustainable or renewable energy.

Additionally it would add to the problems of sustainability and lack of amenities and services in the village and negatively affect the lives of our parishioners through urbanisation.

## CONCLUSION

Why has the current planning permission not been acted upon?

The answer is simply that the applicant(s) has no legal right of way to access the land either for construction or subsequent habitation.

This was well documented at the time of the previous application and although technically we understand this is a civil matter it does make rather a mockery of a new application, part of which would also require access along the “unavailable” lane and the “unavailable” access point in Carlton Villas.

BFPC has assumed that planning applications should be transparent and this application is either pointless or has been lodged for an ulterior motive.

BFPC obviously accepts that planning departments have to follow guidelines, but it is our contention that they should also and vitally importantly follow the principles of common sense.

There is no genuine or overt need for these houses in the area, save pure profit.

The upset and danger created by this development to so many people and the unanimous objection from residents and the BFPC to the previous application suggest to us that this application should be refused.

The previous permission was highly contentious and unexpected without a full planning committee meeting and raised questions from Botus Fleming Parish Council.

The landowner has been unable to process that consent because of his inability to obtain legal access as already mentioned completely negates the whole process.

Botus Fleming Parish Council unanimously **DOES NOT** support this Planning Application.

**Botus Fleming Parish Council**

**8<sup>th</sup> December 2022**