

The Clerk to Botus Fleming Parish Council,
By e mail

19 April 2020

Dear Mr Cook,

LAND AT ORCHARD MEADOW.

EASEMENT OF ACCESS AT CARLTON VILLAS, HATT [APPROVED PA19/ 01685]

I write because we are puzzled by Botus Fleming Parish Council's [BFPC] apparent position on the grant of an easement of access at Carlton Villas to facilitate recently approved development and our company requests clarification.

Cornwall Council's adopted Local Plan sets out the County's policies on housing development including criteria for selecting suitable land in villages. Planning permission has now been granted twice for development of the remaining land known as Orchard Meadow, Hatt, for four dwellings. First in 2017 [PA17/07968] and again in 2019 [PA19/01685].

After the initial delegated decision in 2017, at the request of BFPC and the Ward Councillor, the 2019 decision was made by the appropriate full Planning Committee. On both occasions the land has been assessed as complying with Cornwall's housing development policies. Conditions are attached to the permissions to ensure that the development is properly regulated during the construction phase and during occupation of the dwellings. The decision also shows that, in Cornwall Council's view, Carlton Villas access is in need of substantial improvement [Conditions 10, 11 & 12 are deemed necessary].

During the two planning applications a long list of objections were raised by the "general needs" occupiers of nos. 19-26 Carlton Villas, by occupiers of nos. 1 and 2 Orchard Villas, by most residents accessed by Cross Farm lane, by BFPC and by the Ward Councillor. These objections included access considerations and impact on neighbours. The Parish Council has in writing; verbally at a full site meeting; and verbally at the Planning Committee meeting, discharged its duty of care to its parishioners by stating objections. However, none of the objections, individually or in combination, were considered by the Planning Committee to be of sufficient merit to justify refusal of permission. In terms of land use, the development is adjudged to be acceptable by Cornwall Council [owners of the access land at Carlton Villas] and their decisions in 2017 and 2019 have force in law. That is democracy at work.

Despite this full and detailed planning process sought by objecting parties, local residents continue to complain and campaign to prevent implementation of the approved development. This they are entitled to do with the Ombudsman and Courts processes available to them. However, our concern is that, according to the minutes of the BFPC meeting held on 22 January [item 421(a)], BFPC is supportive of these objectors continuing efforts. This brings into question whether, by now continuing to support objectors of the approved development, BFPC, as a statutory body and an arm of local government, is acting in the public interest and according to its Code of Conduct under the Localism Act 2011. For example, BFPC is giving us, as land owner [and the developer], the impression now of:

- a. acting preferentially to objectors; and
- b. failing to be objective in not constructively facilitating the approved development; and
- c. failing to act in the general public interest [namely by opposing provision of approved housing that accords with the Development Plan]; and
- d. failing to give adequate reasons for maintaining opposition to the approved development; and