

Mr N Foote
2 The Gables,
Bourton,
Gillingham,
Dorset,
SP8 5BQ

8^h May 2016

Dear Mr. Foote

LETTER of FORMAL COMPLAINT – BOURTON PARISH COUNCIL

I am writing to you in relation to your letter dated 13 April 2016 and my initial response to you dated 18th April 2016.

As stated in my initial response I have provided all councillors with a copy of your letter and given them opportunity to make any comments or representations. I have also reviewed the points raised by the parish council in relation to your planning application and considered these against the training that councillors and clerks receive in relation to planning applications from the Dorset Association of Town and Parish Councils (DAPTC) and the guidance provided by the National Association of Local Councils (NALC).

As the parish clerk it is my role to ensure that councillors do abide by the code of conduct which would include circumstances such as bullying or poor behaviour towards the public, other councillors or council staff. While I appreciate the planning process can be at times frustrating and that some applications will not always be supported by neighbours, residents or statutory consultees it is a process that is designed to challenge applications and ensure planning legislation and policy is followed in the United Kingdom. The Bourton Parish Council and the individuals do take this responsibility seriously and in my experience have tried to maintain a balanced approach to all applications and whenever there are issues such as disclosure of pecuniary and non-pecuniary issues the individual council always err on the side of caution.

As part of the training both councillors and myself have received guidance concerning 'material planning considerations' to take into account when considering applications. These include road access and such things as parking spaces and access or egress to the property. This can include private drives but what it cannot include is if there are private disputes over rights of way. Similarly previous planning decisions can be considered by statutory consultees and the planning authority. Therefore my understanding of what the parish council can consider and make comment upon as a statutory consultee was appropriate in the case of your application. Interestingly this was further confirmed at a recent training session attended by parish councillors in the month of April 2016.

In relation to the comments made by Councillor Morgan at the January meeting I have discussed these with her and she has acknowledged that she should have made it clearer that her comments were based on a complaint made to her by a resident and her interpretation of information provided in correspondence from yourself to the district council.

'As for the large tractor and trailer that they mention, the tractor has now been moved and the trailer is a small 5ft car trailer that we have moved to the other side of our property. As mentioned 2 The Gables has 4 private spaces, not restricting the private ROW, within the curtilage of the property'. Response to Mr McDonald of NDDC dated 8/11/15.
I appreciate you amended this to 3 spaces to Mr McDonald of NDDC dated 6/12/15.

Councillor Morgan understands the point you make and would like to assure you that the comment was made as a generalization and not a personal criticism and offers her sincere apologies to you concerning this reference made in the January meeting.

In your final two paragraphs you refer to the defamation of your character by councillors and a prolonged vendetta against you based on the role the parish councillors have within planning legislation and policy I do believe they have met their obligations and have not exceeded their authority. I would like to reassure you that neither the Parish Council nor individuals on it have any vendetta against yourself and at no time have knowingly defamed your character.

In your letter you list seven points for which I provide the following response:

1. The parking of the tractor. I have advised councillors that should any further members of the public raise with them this matter they should advise them to seek legal advice

- as it is more than likely a civil matter and/or contact the district council enforcement officer for them to consider whether there are any matters within their jurisdiction.
2. As this was an application that the parish council had raised objections to and that had led to amended proposals parish councillors have either been updated about the application or made further comment upon it. As has been done with recent applications at the Bourton Mill Site and Rugby Cottage.
 3. Please see response to point 4.
 4. As previously stated my interpretation of the legislation, policies and training provided does allow for the parish councillors to comment on the areas that they did. This is further supported by the original stance of the Conservation Officer who on the 13/9/15 did not support the original application and included reference to the Bourton Village Design Statement (VDS) which are 'material planning considerations' and 'mean that they are a consideration which the council must take into account when determining planning applications'. Please note the Bourton VDS was adopted as a supplementary planning document at the district council's Cabinet meeting on 30 September 2011.
 5. As previously stated Councillor Morgan acknowledges the point you make and offers her apologies to you.
 6. The parish council does have a Code of Conduct that is based on the NALC 'model' issued under the legal briefing 09-12 of 29th June 2012. The code is based on the 'Nolan Principles' for public life and is reviewed on an annual basis by the parish council along with all other policies of which copies are available via the village website within the parish council section which ensures we comply with the publication scheme for bodies such as a parish council.
 7. I would like to take this opportunity to assure you that your application has not been singled out for 'enhanced scrutiny' The parish council take seriously its role within the planning process and at times does make representations that applicants and residents do not always agree with. This is I believe one of those occasions ultimately though it is the planning authority who make the final decision, in this case North Dorset District Council. I do believe that the points raised by the parish council and other consultees and residents has led to compromise, a point well made by yourself in one of your responses to the district council. The main concern of the parish council was that the original application could be considered to be one asking for an additional dwelling. A view clearly supported by the district council comment under 'Condition 4' of the granted permission which states that 'the development hereby approved shall only be used as ancillary accommodation in connection with the use of the main property as a single private dwelling house and shall at no time be converted to a self-contained unit. Reason: The Local Planning Authority considers the site to be of insufficient size to accommodate an additional dwelling and in accordance with Policy 1.8 of the North Dorset District Local Plan'.

It is my intention to have this as an agenda item at the May meeting and place your letter and my responses with the minutes on the Parish council section of the village website. This will ensure all residents are aware of your complaint and the parish council response as requested in your letter dated 18th April 2016.

Yours sincerely

Mr I J McVie
Clerk to the Bourton Parish Council