

East Northdown Farm,
Margate, Kent. CT9 3TS
01843 862060
friend.northdown@btinternet.com
10th April 19

Dear Mrs. Burford ,
Please find my initial comments on the various complaints below. In blue.

Dear Mr Friend

If the Council receives a complaint of an alleged breach of planning control then it has a duty to investigate. Any breach of planning is assessed and any enforcement action must be proportionate to any breach that has occurred. Any old complaints that have already been investigated are not generally re-investigated if a decision has already been made and the case has been concluded.

In this instance , it was agreed following the lengthy and costly planning review that investigations would not be pursued without strong independent evidence of a breach. I have already sent you a copy of the new policy following the LAO report on the review, on when representations alleging planning breaches with be followed up , and when not. It was made clear by Mr. Bunnett before the undertaking of the review by TDC that , upon its conclusion , each party must respect the outcome of the review and would not be entitled to re-raise these same old complaints, and the LAO determined that the review had been done in a fair way , and that TDC was not under any further obligation to re-investigate any repeated allegations.

I was only to be troubled if there was evidence of a completely new complaint, not already covered. I'm pleased to say there have not been any such cases since 2008/9. It would be a retrograde step if a complainant repeated previously settled matters afresh, to a new set of officers.
The onus should be on the Council, not me, to check such complaints against the formal records, rather requiring me to do so and provide evidence of what happened.

I feel that your omission to review the file such that the objection triggers an investigation as though it is a new one to be unreasonable.

The Council has received new complaints of alleged breaches of planning control and these are listed below.

The Council has received a complaint that approx 14 polytunnels in various stages of construction, have been erected at the above site. I have been unable to find any records of planning permission having been granted for these polytunnels. Can you please confirm if planning permission was sought and granted for the erection of the polytunnels and provide me with the planning reference number within the next 7 so I can amend our records. If permission has not been approved then please submit a retrospective planning application within the next 28 days.

The tunnels in question have been subject to continuous objections since being built in 2000, when they were granted a certificate of lawful use. They were subject to the 2005-2009 review , at which time the complainant objected to their use as part of the garden

centre , relating to the fact that this area was accessible by the public and so on (I have already sent you copies of the objector's schedule of complaints). It was suggested that due to their insubstantial nature , they were in poor condition and should be demolished. All of this land, which historically was in intensive horticultural use, to grade and pack cauliflowers, has since continued in horticultural use as a garden centre since the 1991 section 64 determination that the display of plants and produce is permitted on a 'pick your own basis'

In 2007/2008 it was agreed that these 'polytunnels' should be re-furbished to make them tidier and more substantial. I have sent you my letter to Mr. Fitt about this.

In 2013 the farm plan, it shows the positions of the proposed new tunnels , now subject to planning approvals, as well as showing the existing ones to be re-furbished to the same standards.

In 2014 and 2015 two new planning permissions were granted for 2 new 'tunnels' within the long established garden centre area , and it was made clear in the planning statement that the long established existing 'tunnels' would also be re-furbished to a similar standard, at the same time as buildings the new ones. Such amelioration of existing buildings does not require additional consent, their siting and design is established and consistent with other adjoining newly approved buildings, and is being done using the same materials as those approved on the newly approved buildings.

There is, therefore, absolutely no question of 14 'new tunnels' being built without permission!! Exactly the same complaint was raised in May 2008.

The same representation to the Council that these buildings did not have permission etc. was repeated in 2016 by Doug Brown on the complainant's behalf; the contents of which I refuted at the time , and my explanations were accepted by the Council.

Planning permission F/TH/15/1272 for the change of use of the land for motorcycling training was approved dated 23/02/2016. There was an informative on the decision notice advising the permission did not approve any structures on the land. It has been brought to my attention that a cabin is still in situ which does not have the benefit of planning permission. Any unauthorised structures should be removed from the land within the next 28 days.

The permission did not specifically approve the use of any structures etc. , however neither did it specifically preclude the use of containers etc. It does not seek to remove any permitted development rights. Emma Fibbens is aware of the containers and is satisfied that they are not structures that would require planning permission. Necessary movable containers are permitted in conjunction of the lawful use of the land under the GPDO. If a horse is allowed a shelter to get out of the rain – then why not a motorcycle trainee? There are no services to or fixings on any of them. The site has been assessed at a rateable value of £8,000. You cannot expect a business to operate in all weathers without some form of shelter and portable toilet. Secure night time storage is provided in the main business centre. The issue of the legitimacy of moveable structures is a perennial objection that has been investigated and determined on many occasions in the past over the last 30+ years. The same complaint was raised in May 2006, regarding the storage of a site office and farm equipment on exactly the same land and responded to at length by S. Albon in May 2006.

After liaising with a colleague from our Street Scene Department, I have been informed that land south of George Hill Road has been subject to road spoil being deposited. The information I have been given is that Virgin Media have been given permission to use the land for storage whilst works in the area are ongoing. I can find no record of planning permission for the change of use of the land for open storage having been

sought or granted. A retrospective planning application will therefore be required if the land is still being used for this purpose. If this is not the case then please advise me accordingly.

This is another perennial issue, which I have explained in my last email to you. There has been absolutely no contact with Virgin Media whatsoever, and absolutely no permission to them or anyone else to store anything on this site.

This area is subject to numerous permissions and approvals; its use for storage of bulk materials, composts, woodchip, soil etc. for use on the farm holding is long established and on a fully legal basis, also investigated at length during the review of 2006/2007 following the same complaints being made to both KCC and TDC then. The correspondence is all on the Council's file.

The various different bulk materials stored there are used for potting, landscaping etc, and road materials in the construction and repair of my hard-standings, tracks and container plant areas on the farm and nursery. I have all the appropriate environmental agency exemptions for the beneficial use of wastes on the farm, as established in 2006/2007. The road crossing, approved in 2014, was in part specifically intended to allow a more direct access route between the bulk materials storage and handling area and the nursery potting area. Exactly the same complaint of 'alleged tipping' on exactly the same land was raised in May 2006 and replied to in clear terms by Alan Goodman of KCC in a letter of May 2006.

I have already given you the planning application for block F, that clearly refers to the fact that such material will be used. I attach the plan of my existing use of the land south of George Hill Road submitted to Mr. Moore during our discussion of 2013

I await your response to the above alleged breaches which I would appreciate within the next 7 days.

Kind regards

Nicki Burford
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Thanet District Council

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