



**REPORT of
THE OVERVIEW AND SCRUTINY COMMITTEE WORKING GROUP**

to
**OVERVIEW AND SCRUTINY COMMITTEE
24 SEPTEMBER 2024**

**MEMBER SCRUTINY ITEM REQUEST – PLANNING APPEAL AT WOODHAM
MORTIMER**

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to bring to the attention of the Committee a Member scrutiny item request and the conclusions of the Overview and Scrutiny Committee Working Group (the Working Group).

2. RECOMMENDATION

That the Committee determines this scrutiny request in the light of the Working Group's conclusion and the requested further information as set out in the associated briefing (**APPENDIX B**).

3. SUMMARY OF KEY ISSUES

- 3.1 A scrutiny item request has been submitted by Councillor S J N Morgan. The pro-forma based on his request is at **APPENDIX A** to this report. The request sought a review of various issues including the Council's conduct in relation to an appeal against the refusal of application 22/00344/FULPP-11053774 for a travellers' site beside the A414 at Woodham Mortimer. Planning permission was granted on appeal, subject to conditions, on 21 August 2023 for the change of use of land for 2 gypsy/traveller pitches comprising the siting of 1 mobile home and 1 touring caravan per pitch on the site.
- 3.2 The Working Group received an initial response from Officers to the points of concern raised, which can be summarised as follows:
- Failure to secure and monitor compliance with a planning condition as part of the permission granted on appeal – the requirement for an implementation timetable alongside details of the work submitted is being pursued by Planning Services. It is not considered that the permission granted on appeal has lapsed and there remains a position of partial non-compliance with the condition in question. A subsequent application for an alternative layout to that approved on appeal was submitted but withdrawn. It is anticipated that it will be re-submitted with correct documentation and information to overcome the previous reasons for refusal and therefore it would be inappropriate to consider enforcement action at this time.
 - With regard to the presentation of the case on appeal against the refusal of the original application, it should be noted that the Council incurred costs on the basis that the first reason for refusal could not be reasonably substantiated. Although the Council's case was presented by planning consultants, due to the fact that Officers would have been professionally conflicted by virtue of their

original recommendation of approval, it was not possible for even professional planning consultants to counter certain facts. This meant it was difficult to demonstrate that the Council had met its statutory requirements in terms of Gypsy and Traveller Accommodation, that there was evidence of harm to amenity arising from the stationing of caravans, and that there was any form of nuisance.

- 3.3 The Working Group decided to refer this matter to the Committee without a specific recommendation as to the need for further scrutiny as such, but rather requesting further information and explanation around the issues of harm to amenity in the locality, and also the existence of any form of nuisance.
- 3.4 It was noted that this matter had caused much concern in the locality, and that whatever the outcome of this scrutiny request it would be necessary in the interests of openness for the concerns to be answered and explained better to the public.

4. CONCLUSION

- 4.1 The Working Group has noted the initial Officer response to the questions raised and the information received and sought further information on two points as referred to above for consideration by the Committee so that the Council's position can be better explained to the public and that some of the concerns expressed by local residents can be allayed.

5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2023 - 2027

5.1 Provide good quality services.

- 5.1.1 Thorough scrutiny processes support improved performance and efficiency which in turn will contribute to the quality of services provided, and functions undertaken by the Council.

6. IMPLICATIONS

- (i) **Impact on Customers** – None directly, but individual scrutiny reviews will enable the impact on customers to be assessed.
- (ii) **Impact on Equalities** – Equalities are considered as part of the reporting on review work undertaken by Officers.
- (iii) **Impact on Risk (including fraud implications)** – Scrutiny reviews enable potential Corporate Risks to the organisation and their mitigation to be identified.
- (iv) **Impact on Resources (financial)** – Scrutiny reviews offer the potential for an assessment of financial impact to the organisation.
- (v) **Impact on Resources (human)** – Scrutiny reviews offer the potential for an assessment of any resource impact to the organisation.

Background Papers: None

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