Dear Mr Williams

I incorrectly sent this letter earlier to Mr Warren Whyte. He replied that he would forward it to you but as I have not heard further I assume the process may have gone astray.

I wish to draw your attention to something that gives me considerable concern over the administration of planning application assessments.
The problem was brought to light in the course of assessing application (PL/21/1785/FA) for extension of Victoria Cottage in Taplow.
In essence there was doubt over the scale of extensions since a 1948 reference base. I referred the application to the South Buckinghamshire Planning Committee of the Buckinghamshire Unitary Authority (BUA) to ensure these doubts were well dealt with. At the Hearing, statements from the family of the previous occupants that described the scale of their extensions were treated as insignificant:

The case officer report said: “Though comments were received disputing this calculation, it was not considered that significant weight could be given to this.”

When the statements were re-submitted as Statutory Declarations (SD) the case officer report was revised as: “Following discussion with the Council’s legal team, significant weight has been given to these matters.”

The result was that an initial officer recommendation of “approval” was changed to “refuse” and the application was then duly dismissed by the Committee.

The issue that concerns me is that an objection submitted as an SD may be given greater weight is nowhere noted in the council planning website, so that objectors have no obvious means by which they might become aware of a need for one. It is surely significant that long serving members of the Planning Committee were unaware of this requirement. If I had not referred the Victoria Cottage case to the Planning Committee the problem would have remained hidden.
Even more significantly, it appears that when officers see an objection that would influence their decision if submitted as an SD they do not raise the matter further.

The result of this is that for a long time objectors may have seen their submissions discounted for no reason they are aware of and presumably in some cases this results in an incorrect decision as would have been the case of Victoria Cottage. This leads them naturally to have a view that the council

process is weighted towards applicants, which would clearly be undemocratic. I am not aware of statements by applicants being ignored as un-notarised and thus of “insignificant weight”?

I considered raising the concern directly with officers of the South Bucks Planning Group but think it likely that the same situation may apply in the other BUA Planning Groups.

The situation should be clarified with some urgency if residents are to retain faith in the process. I am not aware of any legislation that requires an SD for an objection to be given serious weight. However if it is part of BUA practice it should be clearly noted on the planning website that this is a requirement in certain circumstances with appropriate detail provided.
Also, when an officer sees such an objection that would be material if submitted as an SD then it should be raised further.

An example of a case where the officer decision might have been different was a recent application to convert a barn to a residence.
The applicant asserted that it had been fully in agricultural use for the relevant qualifying period for Permitted Development Rights (PDR) to apply. An objection was received that the barn had in fact been used for equine purposes. The application was granted. There may well be other relevant factors in this case but it leaves the public wondering (with hindsight) whether there might have been a different outcome if the objection had been made as an SD.

Since the GDPR policies of the BUA require removal of much of the documentation of a case from the web site following decision, it becomes difficult for objectors to know what happened after the event.

Although the matter of what weight to apply to objections applies across all applications I think it particularly important that there should be full clarity for those applications under Permitted Development Rights for conversions of agricultural and equine buildings within the Green Belt – a particular matter of concern within Taplow. PDRs are part of national legislation and BUA has to abide by these rights that can permit the creation of residential property within the Green Belt without showing exceptional circumstances. The concern here is that the PDR are usually critically dependent on the previous usage of the property. An applicant will naturally declare the usage to be that which will satisfy the PDR criteria. But for such cases the knowledge of local residents may point to a different view, as in the case above. For these objections to be potentially treated as was the objection to Victoria Cottage is unacceptable. It is surely incumbent on BUA to ensure that all objections to such conversions are

given full weight and consideration, which is not presently clear to residents following the Victoria Cottage episode.

In this context you may find the attached letter from a fellow councillor to a government department relevant.

I should be grateful for your views on this matter.

Roger Worthington, Chairman Planning Committee
Taplow Parish Council