Collins Rich

From: Planning Service
To: Scott John
Subject: RE: Brosterfield caravan site application

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From: Steven Hardwick [mailto:]
Sent: 30 December 2014 10:59
To: Scott John; Maxwell Adam
Cc: Members
Subject: Brosterfield caravan site application

APPLICATION NO NP/ DDD /1214/1264 DATED 16/ 12 /14

Dear Sirs,

We write as the community action group Peak Park Watch (PPW) which has over 500 supporters. We are against the above application for the following reasons:-

1. The applications adjudication.

2. The application is not necessary.

3. The application poses further unacceptable significant financial risk to the public purse.

4. The application is entirely commercially driven.

5. The applications history.

By the numbers,

1. This application is not as described by the Chair of planning Paul Ancell "a normal application, which will be dealt with as such ". This application is an ill considered attempt by an Authority to cover up its own past serial lack of due diligences , and then a further attempt to inflict the consequences of these actions on the community by way of mitigation of these maladministrations . This application at best should never have materialised at all, at worst it should have been called in and dealt with independently. This application by any stretch of the imagination cannot be described as a "normal application", by any informed responsible person.

2. This application is not necessary, the site already has permission for 20 caravans (albeit currently static caravans) , this should be revoked and reasonably be replaced with an application for the same number of touring caravans, and using the existing access. This complies exactly with the original application, and according to the Authority's submissions into two court challenges, the intention of the original permission . For the sake of doubt PPW would support an application for the originally intended 20 seasonal touring caravans.

3. This application, calls for a new access on a dangerous bend, and additional load on the villages infrastructure. It will increase the " effective population" of the village beyond reasonable growth limits, and therefore cause financial "blight" to the houses values in both villages. Since the Authority, as was the case with the original abortive court challenges refused or avoided to take this "blight" into consideration until the last minute, the Authority could be again facing both individual and a "class action case" for decades. To put this into perspective, if 50 families say, and can evidence their homes had suffered financial blight to the extent of £10 K per household, (only circa 3% of average value) this could leave the Authority with a £500,000, bill, PLUS at least another £500,000, in legal fees. Well informed residents will be aware they can claim under the small claims County

Court structure, at a cost to them of a few hundred pounds and represent themselves. Is it it not enough that the Authority have already wasted nearly a million pounds of public money on this debacle , without risking at least another million covering it up.

4. This application, does not contain any traceable or transparent financial information. Since this application has only a commercial motive initiated by an evidenced financially naive Authority, then before any planning considerations can be heard ,there needs to have been sound financial justification for this publically owned asset being put into the public domain, including traceable valuations/ estimates for :-

a. The value of the touring caravan park as it stands with its existing access, without further public spend, but with static caravan permission revoked.

b. The value of the caravan / camping park with the yet to be heard planning application in place.

c. The cost of the planning costs and infrastructure.

d. The value of the land as amenity land, with the existing access.

The figures Members, the wider community and we reasonably assume the local villages expect the Authority to consider are (b) minus (d) compared with (b) minus (a) ,this will allow Members to decide if they wish to risk a further million pounds of public money to add to the near million it has already wasted, in perpetuating this evidenced debacle by blighting village properties, or draw a line under this particular situation, by refusing this application. This will also allow the Authority to take stock and concentrate on the at least two other caravan sites, and other properties which have similar negligently written permissions.

5.This applications, History (as a matter of record)

(a). A negligent/incompetent planning officer decided on a permission which allowed static caravans up to 20m x 6.8m with full 12 month occupation, by missing the single word “touring” out of the permission.

(b). The planning officers team leader, having examined the said proposed permission, negligently failed to notice the potentially disastrous error or its potential consequences, and signed off the permission.

(c). A well respected commercial company, in the business of purchasing sites for their growing static caravan enterprises of manufacturing units, and the running of residential caravan parks, having carried out their due diligences, purchased the site in good faith, with the clear and unambiguous planning consent to site 20 caravans.

(d). The company, known as Tingdene Homes then applied for permission for the site layout and landscaping, as was part of their further usual due diligence prior to breaking ground.

(e). On receipt of this application, Tingdene Homes were told by the Authority, that although admitting they had what was on its face an unambiguous legal planning consent, the Authority had not actually intended the permission to give consent for that which it clearly did.

(f). Rather than admitting the serious fatal error, and attempt to negotiate a fair negotiated settlement to revoke the permission, The Authority embarked upon the most irresponsible course of action by not once but twice trying to convince a court, that what was clearly written on a permission was not what it actually meant.

(g). This decision (f) by the Authority ultimately cost the Authority not only their own legal costs but also Tingdene’s costs which were factored into the final selling price.

(h).Prior to the Authorities irresponsible and abortive challenges the site was offered to one of our supporters for £350K

(i). At a meeting at Foolow village hall, Head of planning Bob Bryan was asked on tape by a Peak Park Watch committee member, “what is plan B when plan A, court challenges inevitably fail again”, Mr Bryan replied (on tape) “I wish, I really wish I could tell you otherwise, but I don’t know “.

(j). PPW wrote to Jim Dixon and Members to make clear further abortive legal attempts were negligent and wasting public money. We offered through one of our committee members, who had direct contact with Tingdene Homes, to negotiate a settlement figure, the Authorities only option. this was ignored.

(k). Jim Dixon panicked, and asked the Director of Tingdene , Mathew Gibbard if he would come in and see him. According to Mr. Gibbard, what followed was one of the most bizarre attempted negotiations he had ever been involved in, with Dixon behaving like a “second-hand car dealer”. Without the knowledge or approval of the board offered he Mr. Gibbard £500,000 and stuck his hand out to attempt to “shake”on a deal. This was refused because it did not cover the legal costs of 150-200K Tingdene had been put to with bogus challenge after challenge.

(l). On hearing of the meeting, PPW again wrote to the Authority, having taken their own legal advice, pointing out in the clearest possible terms that the Authority had only two options:-

(1) Buy the site at a known figure of £650-700k.
OR
(2) Face a residents class action for blight, which we conservatively estimated to be 3—5 Million .

(m). The Authority Members were notified, and the vote was taken to pay or risk bankruptcy. Jim Dixon was personally tasked with dealing with the purchase.

(n). At this time there was an access dispute with the owners of Brosterfield farm (a dispute which remains to date) which since Jim Dixon did not carry out any due diligence prior to purchase, and it would seem bought was effectively two fields worth at best £100k, apparently without appropriate access. The community are still awaiting to hear if the district valuer (D.V) was made aware of this dispute by Jim Dixon, before he presented the valuation Members were asked to vote for the spending of this significant amount of public monies.

Note, (The Authority have recently refused an FOI request by PPW, as to what the D V’s valuation was, and further, what was he assuming he was valuing in terms of access. Despite the fact a Public body should be accountable and transparent, this information has been withheld on the basis that it could negatively affect the selling price. This of course is utter rubbish, Any property will find its own level on the open market, and potential buyers should always rely on their own independent valuations or personal expertize. The real reason this information is being unreasonably withheld is that it will expose the truthfulness of the information the D.V was given, and on what basis he arrived at his valuation.)

(o). The Chair of the Authority, Anthony Favell triumphantly put out a press release , that the “Authority had saved a village from developers “ (conveniently forgetting to mention the truth of the matter as to why the said developers bought the site in the first place)

(p). This left the Authority at the time of purchase, with 3 options:-

(1) Offer to sell the caravan site/ 2 agricultural fields, to the owners of the access at a massive loss.

(2) Negotiate with the access owner for increased rights of access.
OR

(3) Wait a while until the debacle had diminished in peoples minds, then apply for planning permission themselves to push through the new access to a road on a de restricted blind bend - which going to cost them at least another 200k to put infrastructure in to get back perhaps 300k for a touring van site. PPW and no doubt all landowners and farmers in the PDNP will be monitoring how the planning committee are going deal with this totally unnecessary dangerous and expensive access, when the application inevitably finally arrives. (unnecessary because it is solely and entirely a commercial gain application by the land owner).

(q). Wind the clock on until late Oct ? 2014 and we are informed by a number of our supporters that Jim Dixon met with the residents of Foolow and apparently delivered the most inaccurate version of what actually had happened, with apparently the sole objective of attempting to rewrite the sites recent history and "misleading / cajoling the residents" into supporting this dangerous access and site growth to mitigate nothing else but the effects of the serial incompetence and negligence of Jim Dixon, his legal team, and his planning officers (who are still in post).

(r). The residents of Foolow and Housley, after the said meeting and through their parish chair have already confirmed in writing to Jim Dixon the rejection of his proposals and their objection to this application.

This application is outrageous, it is a blatant attempt by the PDNPA to grow a caravan site for what ,in site value and wider economics, is marginal at best, and takes no account whatsoever on the blight on the village and the inevitable financial repercussions against the Authority. There is also of course the additional risk of the site being purchased, either directly or indirectly by other than responsible holiday park owners. In short, and for most of the same reasons, this application is no less negligent than the original permission.

Conclusion--- This application is unnecessary, it is not what was originally intended, it is unaccountable, therefore dishonest and risk ridden, therefore should be refused unanimously. Then re submitted, if at all, with an application for 20 seasonal touring caravans using the existing entrance, which is precisely what, using significant public moneys, the Authority's appointed counsel attempted to convince a court on two occasions the Authority's officers had given permission for, and again in the Authority's officers view was appropriate for the site.

However if Jim Dixon did not carry out the due diligences PPW made him aware of in respect of the existing access for a viable caravan site, then this must remain part of his legacy to the PDNPA, and the site in this instance should be sold as amenity land, thereby expunging all future risks to the Authority, and ultimately the public purse.

Steven Hardwick

Deputy Chair
for and on behalf of
Peak Park Watch