

Thakeham Parish Council statement regarding – Falconers Farm (Woodpecker Orchard)

1. The planning facts in this case

Role of the Parish Council

Thakeham Parish Council does not make planning decisions, which are made by HDC. The PC's role is as a consultee on planning applications, and in relation to enforcement it is to flag apparent planning breaches to HDC and monitor HDC's actions thereafter.

Applications

Only two planning applications were made for this site, around 10 years ago. Both applications were objected-to by the Parish Council of the time, and refused by HDC.

- **DC/10/1445** for horse stables was refused in Oct 2010 on grounds of 'unacceptable form and scale of development' and 'undesirable sporadic development in the rural area'.
- **DC/11/0300** for a new entrance from Coolham Road was refused April 2011 on the grounds that: 'the entrance does not meet with national design standards, in terms of visibility sightlines and splays' and 'removal of a section of hedgerow ...has resulted in an adverse visual impact'.

It is important to note that there have been *no historical planning applications for either the farm shop operation or the mobile home on this site.*

Enforcement process

Following refusals above, HDC Compliance began enforcement action (EN/10/0476) in 2010 which was taken up again in 2015/16 under reference EN/16/0477 in light of appearance of a mobile home. This led eventually (June 2018) to enforcement notices to remove the mobile home, cease trading and remove the farm shop and to restore the land to its original condition. During this period the PC received numerous complaints relating to the planning breaches and in the 2019 planning appeal the PC supported HDC's position. The PC also received other complaints about aspects of the operation which were not within its remit and directed those complainants to HDC's Environmental Health team. The Planning Inspectorate appeal decision of September 2019 dismissed the appeal and upheld all key points of the enforcement notice (the appeal inspector's report [is available here](#)). 17 May 2020 was set as the compliance deadline but due to Covid lockdown this was subsequently extended by HDC to 17 September 2020. The site owners have been aware for a full year of the planning appeal-based direction to clear this site.

The current position

During the enforcement process above, the site owners made no further planning applications to seek to regularise the situation. We have just learned that a further application (DC/20/1617) was submitted on 25/8/20 but the PC was not informed or consulted about this as HDC have declined to determine this case because appeal decisions are considered the final step in a planning process. The PC cannot challenge this.

As the extended deadline for compliance with the appeal case outcome has now passed, HDC are now taking legal action, as is normal at this point. The Parish Council was not consulted about the decision to take legal action and has no further input to that process.

2. How this case relates to other cases

It is not valid to draw comparisons between this case and other cases relating to local businesses that have been through the planning process. The Parish Council, as a consultee, can only comment on the planning applications it receives, and it considers those cases thoroughly. Whereas in the Falconer/Woodpecker case the PC has received no applications to regularise either the farm shop or the mobile home situation, which would have given the opportunity to consider arguments relating to community benefits.

3. Principles at stake

As our residents expect, the Parish Council strongly opposes all developments that 'build first and ask permission later'. Any other approach sets very dangerous precedents – including in this case, road access not meeting required visibility standards, and defending our Neighbourhood Plan policies to protect our countryside against constant threats of inappropriate development, including the many people who would like to put mobile homes in local green fields.