

Appendix A (Chairman's statement re item 5)

"Earlier this year I wrote in St. Swithin's News that Quinton and Marston Sicca Parish Councils had created a joint committee to investigate planning matters associated with the land known as Marston Edge. That investigation would be based on fact, not speculation nor emotion. This is an interim statement as our investigation has not yet reached its conclusion. Whilst a caravan is considered by most of us to be a wheeled vehicle for living or travelling in, especially for holidays, that contains beds and cooking equipment and can be pulled by a car, under the Caravan Act it is in fact "any structure designed or adapted for human habitation which is capable of being moved from place to another (whether by being towed, or by being transported on a motor vehicle or trailer)." A park home can be covered by the word "caravan." In July 2018 following resident comment regarding adverts being placed at Marston Edge for around 55 park homes, I wrote Stratford District Council requesting clarification as planning applications had referred to glamping pods and touring caravans.

It transpired that SDC had already commissioned a legal review relating to planning at Marston Edge and in October Robert Weeks sent to me correspondence previously shared with Marston Sicca, which included a barrister's opinion on Marston Edge planning decision. In conclusion, the reported quoted the potential cost of compensation of around £11 million were SDC to rescind planning permission and lose any appeal. This would have been a huge risk with public money.

During October 2018 I made contact with Marston Sicca PC whose eastern boundary is immediately adjacent to Marston Edge to discuss the issue, and in November Quinton and Marston Sicca Parish Councils decided to create a joint investigation committee to look into both the permission granted for glamping pods etc that had become a site for park homes and the permission for a three bedroom, bathroom plus en suite annexe with study, living area and balcony over four garage spaces, which had been included in the same planning applications. It is stated on one of the applications that the residents of the annexe will not be paying any Council tax. Regarding the park homes, whilst the number of dwellings fall with the number requirement for CIL there is no financial contribution to infrastructure when each individual plot is below the threshold of 100 square metres.

The joint committee made contact with SDC and some members met with the leader of the Council and the then Chief Executive who agreed to put in place an independent external investigation. Our committee met with the appointed investigator a few weeks later. At that first meeting with the SDC senior team, we raised two specific areas of concern. These were the glamping pods and caravans which had turned into park homes, and the substantial annexe. In agreeing to our request, SDC said that the primary objective of the investigation would be to establish if the proper planning process had been followed, and to identify any omissions, errors or wrong doing that may have breached the Council's policies and procedures.

Part of the material given to the external investigator were four sworn affidavits. I quote part of one of those statements made by a resident of Welford Park. "In the process of organising an appeal against the SDC decision to refuse application 18/0113/LDP I was initially contacted by Mr Nicholas Allen of Avon Estates who visited my property on the 28th September 2018, whereby he suggested that any appeal against our application refusal would be a waste of time and then suggested that if we (names redacted) paid him the sum of £250,000 he could guarantee to get the restriction removed to enable us to live on the site for the full 12 months of the year, and at a subsequent meeting with residents, he stated that this fee was paid to him by both the owners of Welford Chase holiday park, and Mr Mike Brain from Marston Edge caravan touring and holiday park."

Persons with significant control at Marston Edge as showing today, the 3rd December 2019, and first dated 13th February 2018, are Mrs Jeanette Ann Brain and Mr Michael Brain each showing under ownership of shares to have more than 25% but not more than 50%.

We have today been informed in writing of SDC's comments in relation to the investigation. They say that the proper planning application and approval processes were adhered to in connection with the land. The necessary permissions that were granted in respect of siting and occupying caravans on the land were intended for touring caravans/camping tents and not the siting and all year round occupation of park homes. However, this committee is not satisfied and have a number of questions we would like answered. In particular whilst we note that whilst the planning applications were made in the name of SDC employee Mrs Brain, it is difficult to believe her husband who at the time was the serving District Councillor for the ward and had long associations with planning matters where he ought to have known the legal meaning of caravan, did not see and recognise the restrictive occupancy condition omission, and question it with SDC. In addition, we expect an extremely high degree of vigilance in processing planning applications when the applicant was not only a member of staff of SDC but was also married to a District Councillor who happened to be a member of the Planning Committee. That no Council tax will be payable on the three bedroom, bathroom plus en suite, study, living area, balcony and four covered car park spaces of the so called annexe to the four bedroom main house, rubs salt into the wounds of seeing the carbuncle on the landscape that Marston Edge Park Home development has already become, and which will increasingly add to the strains of our local infrastructure, whilst its park home residents will pay the lowest levels of Council tax.

Another area of concern relates to the discrepancy between the processing of conditions at Welford Park, and also a planning application for 27 pitches for a touring caravan park and ancillary building at The Moat, a location on the Chipping Campden Road just north of Marston Edge which was refused. The case officer was the same for some of the Marston Edge applications and The Moat. The refusal notes that it "would have detrimental visual impact on the character of the area when in use..." Also "the increase in vehicles associated with the use of the proposed caravan site would be detrimental to highways' safety..." We challenge why the same argument did not apparently relate to Marston Edge especially when the case officer had involvement in both sites. The Appeal Inspector's approval conditions stated: "5. The site shall not be used for the stationing of caravans other than during the period between 31 March and 1st October. 6. The caravan pitches hereby

permitted shall be occupied for holiday purposes by touring caravans only, and shall not be occupied by static caravans or mobile as a person's sole or main place of residents."

We are further at a loss as to why such fundamental conditions were not applied to Marston Edge when The Moat planning application already had them. Welford Chase which is within the Avon Estates portfolio has unrestricted year round living, yet Welford Park, not an Avon Estate sites and referred to earlier, does not. The Inspector currently considering this restriction has recently decided that the matter is now to be heard at a public inquiry. SDC's external investigation was completed early November 2019 and the results verbally presented to two members of our committee by the investigator at a meeting with SDC's Monitoring Officer and the new Chief Executive. The committee has not closed this investigation and will continue to explore matters. WE are open to any pertinent, factual information brought to our attention to assist us."