

BHT submission to Richard Holmes , planning officer LDC Bembridge Harbour Houseboats
TCP/27560/D, P/00328/16 20.06.2018

Dear Richard , TCP/27560/D, P/00328/16

Thank you for your email of the 15.06.2018 where you advise you have had no new submissions from the applicant since the 14.03.2018 when you received Mr Shrimplin's last letter. In May you informed me that the applicant was engaged in legal discussions on the wording with your legal officer, Justin Thorne.

BHT note that this application was received on the 07/03/2016 and validated immediately.

BHT note, as advised by Mr Chick, that a revised description relating to 34 houseboats or other vessels was agreed before Mr Chick wrote the committee report for the other residential application TCP/11822/Y, P/00637/14 in the first week of December.

Despite being agreed well before the committee meeting of the 12 /12/2017 (with potential implications on the merits of that application) the harbour authority applicant did not apply for the change of description for 34 houseboats/ vessels until the 12/01/2017 (well after December's committee decision).

Now in the long period since publication of the new description (over five months) and having had the complete factual information from the applicant since a plan submitted and published on 01/02/2018 , no decision is yet made . Whether coincidentally or not, this period runs parallel with the negotiations on the s106 on TCP/11822/Y, P/00637/14, that are also incomplete.

You have rightly proposed deletion of reference to 34 houseboats/ vessels, as unsupported by the facts. As you are aware, this Trusts supports the revised description you propose, subject to some word re-ordering for clarity. Justin Thorne has helpfully written to confirm that he supports your approach.

With these extra ordinary time scales ,a cynic might wonder if, (just as the original LDC application appeared after the committee decision on the residential application of 12.2015 and the revised description just after the committee decision of the 12.2017), the harbour authority is delaying pursuing its case for 34 houseboats/ vessels in the LDC until after the s106 is completed on TCP/11822/Y, P/00637/14 , and residential permission issued, where an LDC decision for 34 houseboats / vessels may have an impact on the validity of the LPA's decision on TCP/11822/Y, P/00637/14 .

You have already confirmed to me that the LDC application stands alone and is not connected with any other application, including that for 34 houseboats . The applicant clearly feels differently as it will not provide the information you have asked for (in September 2016 !) to validate the planning application for houseboats until the LDC is decided.

We find the harbour authority's conduct extraordinary - it wants 34 houseboats. In addition to the one extra houseboat within the application site already, it has six other houseboats or houseboat-type vessels elsewhere in the harbour, it is understood all or certainly some awaiting plots within the LDC application site, and has been progressing sales on two other adjoining "

plots”, where the proposed purchasers advise they have been in touch with you (which would bring the total to 34). Yet the applicant has dragged its feet for more than eighteen months since submitting its planning application (as opposed to LDC) for 34 houseboats which would secure the permission it seeks.

In submitting that application The applicant clearly acknowledges that a change of use of the land outside the 25 leasehold sites identified on its revised application site plan would be required.

It must be most unusual for a simple LDC application to go undecided for two and a quarter years and for a decision not to be issued until somewhere between four and a half months (most charitably) or eleven months after all facts have been established.

As you are aware, the LPA is empowered to amend the description of development to reflect its own findings of fact. There has been no new information for findings of fact since 24.07.2017. What is stopping the LPA from acting appropriately and now granting the LDC in its own terms? Or, if it considers that its own terms are too great a departure from the application description, to refuse the Certificate ?

Can you please explain , as your recent emails for the last few months have simply advised “no change”.

Best Regards

Jeremy Gully

As Chair Bembridge Harbour Trust

NB. There is a further concern around the uncertainty and worry caused to existing Houseboat owners on which we have received some advice , in summary:

“The authority’s inactivity / delay on these two applications could have serious implications for the accommodation rights of the homes of 25 households, contrary to the terms of Article 8 of the Human Rights Act which guarantees everyone the right to respect for their home;

The harbour authority chose not to inform the 25 houseboats for which it had granted leases that it was applying for an LDC, causing confusion and uncertainty as to their rights and lawfulness of use. The harbour authority notified the owners of the planning application in September 2016, as required by the planning act, but has failed to update them, so owners have been left in doubt as to the formal planning status of their homes for the last two years. The LPA has made the position worse by leaving the application “ in limbo” for 18 months - apparently to allow the harbour authority to decide over an indefinite and unlimited period whether it wishes to submit the further environmental information requested by the LPA for the application to be registered. There is no basis or precedent for such (in)action by the LPA and it is in breach of its own Code to deal with matters expeditiously (and openly).

In the two year period of uncertainty which has been created, it is understood that the harbour authority has asked new owners not to apply for planning permission for new plots (i.e. outside the 25) which are being purchased, suggesting instead that they will be able to rely on the forthcoming LDC. Existing owners, frustrated by the delays and uncertainties concerning their homes, have been applying for overlapping individual LDCs. This makes the position even more confusing and

uncertain; a situation created by the harbour authority with the inaction of the LPA a contributing factor. The informative with the LDC when eventually granted will have to be very carefully written to ensure that it is clear that there are overlapping LDCs for the same use and same plot, unless the LPA grants an LDC for 25 minus the number with individual certificates. This situation is not one of good or clear or open planning, and need not have arisen”.