

Annex B2 Public Consultation Comments

Appendix 1

Consultation Comment #20	Steering Group Response
<p><u>GENERAL</u></p> <p>It is not clear from available information how this Document was finally put together and policies decided upon. There has been a huge lack of transparency within the prescribed framework process.</p> <p>The Steering Group had a series of scheduled meetings. Some of these have been minuted, a significant and worrying amount not at all; some better (especially since the recent appointment of a paid minutes secretary) others less so. Some meetings were cancelled due to lack of even basic attendance.</p> <p>It is impossible to understand the process of policy development from these meetings as the bulk of minuted discussion seemed only to concern administration, in-fighting, resignations, lack of chairman, non-attendance and other sundry matters. Non-members were banned from attending meetings from 4/9/13 which further diminished transparency.</p> <p>There has been no provision of details of focus groups, their make-up, numbers, activity, frequency and type of consultation. Similar for the term Stakeholders who have been consulted (6/3/14) – who are they, what have they been consulted about and what was the response?</p> <p>There has been no proper explanation as to why the Document has been delivered so late, 6 months by the Committee’s own admission, nor an open admission of the potential consequences. It seems that much has been done in a rush at the end, policies have had to be dropped and errors in drafting made.</p> <p>There are marked differences between the State of the Parish document, Jan 2014, upon which all of the evidence for the Neighbourhood Plan is supposed to be based, and this final Pre-Submission Document; there is no available justification for the differences.</p> <p>It is perhaps no surprise then that the</p>	<p>To our knowledge this respondent has shown no interest in the NP process nor attended any of our consultation meetings.</p> <p>Their general comments are either wrong (our secretary is a volunteer, not paid) or misunderstood (there has been no in-fighting. A general change in working members during this process is reasonable).</p>

Committee sought outside guidance as to what 'proof' will be needed of its consultation process at its meeting of April 1st. It is unfortunate that this has not yet been adequately provided in order for villagers to make fair and adequately informed comment on this Document.

TOURISM

I was astonished to see that all mention of tourism has been excluded from the Document; the topic was of course included in its precursor, State of the Parish (Jan 2014). This exclusion decision was seemingly taken at the Steering Group meeting on 20/3/14. No explanation was given at all or was minuted. I note however that the meeting was heavily concerned with how very late the overall Document was in production against deadlines long passed. Perhaps tourism was dropped due to lack of time and/or available effort.

When the UK Government via various initiatives top to bottom is actively pushing tourism from within the UK and from overseas, and more locally West Sussex, Arun and the South Downs National Park are promoting the area hard, it seems unbelievable that East Preston wishes to go against the tide and ignore them, show no interest, even dissuade them, the tourists.

The Document seems to suggest that the Committee is of the opinion that the only people who use the local shops, cafes, restaurants, pubs and accommodation are villagers as no mention is made of their use by others, merely that they maybe park to go to the beach.

There is no reference to Tourism and certainly not to accommodation of such in the Document.

The State of the Parish report (Jan 2014), the precursor to the current report, did at least have a section specific to **tourism** (3.38, 3.39, 3.40 page 20).

3.38 states " *The parish is mainly a residential area with few facilities for visitors to stay. There are, however, an increasing number of properties available for holiday lets, continuing an historic pattern in the village where there are still some second homes not occupied*

Again does not understand that SG volunteers are not professional planners and need support (AirS & rCOH) to ensure we meet statutory requirements.

Tourism is not specifically a land use issue, the fundamental reason for a NP. The SG supports tourism as another local business source.

throughout the year.” Although I observe that it has been dropped, I do not know to what degree this paragraph was challenged at the time, especially the words “*few facilities for visitors to stay*”.

There are, by my own examination and estimation, – **at least** – 10 bed & breakfast properties, formal & informal, 20 furnished holiday let (FHL) properties, 50-100 second homes, and the more obvious pub/hotel rooms within East Preston. This means that on a the given warm weekend there is the potential 500-1000 extra residents enjoying the environment, spending money locally and maybe buying property. On top of this there is the even greater amount of day visitors, existing and potential. The Committee’s Report makes no mention whatsoever of these significant contributors to the village’s wellbeing and prosperity, existing and/ or potential.

This is not just a one bank holiday bonanza weekend but a year-round reality; **there are plenty of places for visitors to stay.**

The Document also states that the plan wishes to encourage employment development (4.52, page 30) via the development of retail and other commercial businesses. How on earth can businesses, especially in the hospitality sector, develop without the encouragement of tourism. Tourism is good for business, investment in infrastructure and employment. It should be encouraged and East Preston should have a positive policy – not ignore the issue completely.

East Preston Parish Council web site is helpfully available via translation into approx 80 languages – this is good for tourism and to be welcomed but seems at odds with its adversity to such – why is there such diversity of policy?

Local business clearly takes tourism seriously, as should the Steering Committee and EPPC. Web pages and allied promotional initiatives

Doubt accuracy of figures. If houses are let to visitors, they displace residents, and do not represent an increase in the population of the village.

profuse from local businesses.

On the same (above) given warm weekend the banners are out, ice cream for sale, fish & chips, rubber dinghies, sweets , cool drinks, eating outside, international, deli and local food, burgers on the beach, postcards, beer& wine all day, souvenirs, beachwear, sandwiches , beach toys and the endless like are actively welcoming and encouraging tourists.

Locals seem to say “**Welcome to East Preston**” whereas the Neighbourhood Plan says “**KEEP OUT**”.

Policy 1: Housing

General Principles

Under **General Principles** iii (page 22), the Document states *“The Neighbourhood Plan requiresproposals to change the use of a dwelling to enable holiday letting to demonstrate that they will not harm the amenities of the local residential area;...”*

This is a strange paragraph as it demonstrates a complete misunderstanding of the law. Property owners are not required to submit any such proposals, so they cannot possibly exist nor therefore can rules be created for them. Enabling holiday lettings is a free choice for homeowners and is done by over 60,000 homeowners in the UK. This mistake is again repeated in para 4.23 below.

If a property owner wishes to apply for change of use from residential to, for example, restaurant, hotel, nursing home, commercial leisure, religious retreat, sports instruction, event venue etc then, as expected, normal planning procedures would apply. Furnished holiday letting (FHL) **does not** require a change of use planning application.

I would suggest that the Committee takes legal advice on this matter, if it has not done so already and may wish to examine fully the judgment of the Court of Appeal in Moore v Secretary of State for Communities and Local Government that was handed down in September 2013.

Short Term Letting of Dwellings

Para 4.22 (page 24) states *“Planning permission will only be granted for the change of use of residential property to sui generis commercial leisure accommodation.....if the commercial use will have no adverse effect on the amenities of neighbouring properties”*. This time it is correct to say that change of use planning permission is required (unlike for

The SG have reworded this section to make it clearer that a decision whether holiday letting represents change of use, which requires planning permission, depends on the circumstances of each case, and is based on planning law. . A Neighbourhood Plan cannot change the regulations which determine whether planning permission is required, but it can change the conditions for granting such planning permission.

Furnished holiday letting **may** require a change of use planning application. It depends on the circumstances

Furnished Holiday Lets). However it is entirely a matter for Arun to decide on the granting or otherwise of planning permission and there Document states that this will continue to be the case. It is therefore inappropriate for the Parish to pre-judge higher rulings. By all means state that objections are likely to made or should be made, similar wording to earlier paragraphs.

Para 4.23 (page 24) states: *“It is becoming increasingly common for residential property in the parish to be let for short periods, perhaps seven, four or three days. Letting a residential property in this manner constitutes a change of use from residential to sui generis commercial leisure accommodation. This change requires planning permission.....”*

Again this paragraph demonstrates an unacceptable level of misunderstanding and misrepresentation of the law.

Letting a property for short periods does not in law necessarily constitute a change of use to commercial leisure accommodation, as is incorrectly stated in the document, and therefore requires planning permission. There are certain circumstances where it might, eg where the property is let as a venue or quasi hotel to disparate unconnected groups and/or individuals, but in the vast majority of cases such properties are let as Furnished Holiday Lets (FHL) which does not require change of use planning permission. The rest of the paragraph is therefore irrelevant as the Parish has no right of control over location of FHLs. This paragraph is therefore grossly misleading.

As stated above, I would suggest that the Committee takes legal advice on this matter, if it has not done so already and may wish to examine fully the judgment of the Court of Appeal in Moore v Secretary of State for Communities and Local Government that was handed down in September 2013.

Policy development, short term holiday lets

It seems clear from the tone of the above mentioned paragraphs that the Steering Group is anti short term holiday lets. This was reinforced by comments made by Peter Vincent

to my representative at the Public Meeting on 7 May. He also repeated the above misinterpretation and misrepresentation of the law as well as claiming there is no benefit to local businesses from this type of tourism.

I have made my points on the benefits of tourism above. I know as a result of countless conversations face to face with local businesses (mostly in hospitality and retail) as well as comments from guests that a great deal of benefit accrues to local commerce. In addition, by the very nature of these holiday lets, they require the services of local people – maintenance, cleaning, showing in/out etc; this is positive for the Parish. Furthermore I have, as have others, invested considerable amounts of money in upgrading previously run down almost derelict properties; this has had substantial benefits for the look and standard of the Parish.

Anyway, despite these and other benefits to the Parish of Furnished Holiday Lets, the Steering Group has come out against them. This might be OK if there was clear evidence of this stance reflecting neighbourhood opinion. There is no such evidence.

I have looked back over all relevant documentation:

Village Design Statement 2008

East Preston Action Plan 2012

Open Day comments June 2013

Neighbourhood Plan Survey Report Oct 2013

Final State of the Parish 2014

Plus: Housing & design focus group feedback, minutes of Steering Group meetings.

At no point in any of the above are there any negative comments or observations whatsoever about Furnished Holiday Lets; in most cases there is no mention at all.

The precursor document (State of the Parish

Not relevant.

Not relevant – although there were representations against holiday homes

Not true. ADC has issued an enforcement notice against 4 The Drive, East Preston.

2014) to the Neighbourhood Plan upon which the Plan is supposed to be based states : 3.38 states “ *The parish is mainly a residential area with few facilities for visitors to stay. There are, however , an increasing number of properties available for holiday lets, continuing an historic pattern in the village where there are still some second homes not occupied throughout the year.*” So how does a comment such as this, emphasising, recognising and accepting the historic and continuing presence of holiday lets, it theoretically being the last word before drafting the Plan, get firstly dropped and then replaced elsewhere with these extremely negative comments and attempts at policy. There is nothing linking or justifying the change or the Policy intent.

I have already mentioned the lack of transparency in the whole process of creating the Plan – here is a blatant demonstration of this in action.

I am aware that this important work is carried out of a voluntary unpaid basis, and that people have invested a lot of their own personal time in creating the Plan. However if it worth doing it should be done well, with full transparency to the constituents and it should be accurate, complete and truthful.