

FORMER FOCUS SITE, TAVISTOCK

CHRONOLOGY OF EVENTS

DATE	EVENT
2 April 2007	Planning Permission was granted for the Focus DIY store which permitted the use of the whole unit as a non-food retail warehouse (Class A1) A condition restricted the goods that could be sold from the store (eg to DIY/Hardware) and prohibited the sale of other goods (eg food and clothing) without the prior written permission of the Council.
11 July 2011	Planning Permission was granted to alter elevations, including a new shop front and associated works. This was normal practice as the application was for minor alterations and it was judged that the conditions on the original application remained applicable.
31 October 2011	A major food retailer, accompanied by the owner of the Focus Store, attended a meeting with Marion Playle and Jo Perry asserting that they had Counsel's opinion which confirmed that they could use the Focus Store for food retailing. Given the seriousness of the issue it was decided to seek our own legal opinion, rather than accept the fact on face value
21 November 2011	Legal were instructed to seek our own counsel opinion who themselves confirmed that case law now allowed food retail on the site.
Late November	An email was sent to Marion Playle from the major food retailer confirming that they were no longer interested in the site
23 December 2011	An application for a Certificate of Lawfulness for a Proposed Use or Development Application (CLOPD) was received from Marchfield Properties Limited for the proposed alteration and sub-division of the unit for unrestricted retail use (Class A1).
Feb 2012	Officers, with leading members, considered whether to issue the Certificate or not and decided to seek further legal advice as to whether a remedy was available.
12 March 2012	Counsel advised that High Court Action to quash the July 2011 Planning permission was the only remedy available. Given the impact an out of town supermarket could have on the Town Centre of Tavistock it was decided to recommend such action to Council
17 April 2012	Council were presented with a report recommending High Court Action – the decision was deferred pending the results of the retail study

15 May 2012	A further report was presented to Council. A decision was taken to pursue High Court action to quash the planning permission and to seek an extension of time to do so
June 2012	The claim was made to the court
22 August 2012	Marchfield properties lodged an appeal with the Planning Inspectorate against non-determination of the Certificate of Lawfulness (CLOPD)
9 October 2012	The judge ordered a hearing
22 January 2012	At the hearing the judge refused an extension of time
28 January 2012	Marchfield made a request to the Planning Inspectorate to delay the appeal for non determination of the CLOPD until after September 2013. The Council and PINS agreed.