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Officer sacked by South Derbyshire District Council over garden gate 'unfairly' dismissed

A FORMER council officer was "unfairly and wrongfully" dismissed when he was sacked after he failed to apply for planning permission for a gate at his home, an employment tribunal has ruled.

Philip Heath, the former conservation and heritage officer at South Derbyshire District Council, won his case for unfair and wrongful dismissal following a hearing held at Leicester Employment Tribunal.

The tribunal was told Mr Heath, who had worked at the council for 16 years, was accused of bringing the authority into disrepute after installing a gate without planning permission at his grade-two-listed home in Melbourne.

But the judge entirely rejected the suggestion that the conduct was wilful.

The issue was brought to the notice of the council when Mr Heath's neighbours complained after becoming the subject of planning enforcement action for putting up a trellis without permission. They noted that Mr Heath had done the same with his gate.

Following a disciplinary hearing held in October 2014, Mr Heath was dismissed despite what the employment tribunal Judge Camp described as his "relatively long and distinguished service, his clean disciplinary record and his apparently considerable local reputation".

Judge Camp referred to aspects of the council's evidence as "hopelessly confused" and "contradictory" and described the decision to dismiss Mr Heath as having involved "illogical leaps of thought and reaching decisions unsupported by evidence".

However, Judge Camp also added that Mr Heath was "blameworthy".

After the hearing, Mr Heath said: "I am extremely grateful to the many people in the local community who gave me both verbal and written support during 14 stressful months."

He continues to work in Derbyshire as an independent heritage consultant and local authority conservation officer.

A district council spokesman said: "It is, and always has been, the council's policy not to comment on personnel issues."

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Council planning chief sacked after installing garden gate without permission

Heritage officer who was accused of bringing South Derbyshire District Council into disrepute wins claim he was 'unfairly and wrongfully' dismissed

A council's planning chief was sacked after he installed a modern garden gate on his Grade II listed cottage without asking for planning permission.

Philip Heath worked as heritage officer at South Derbyshire District Council and is regarded as an authority on historical buildings.

But after 16 years' service, he was sacked after he failed to apply for planning permission for the gate at his £330,000 home.

His bosses claimed he had "willfully" failed to get the official go-ahead to erect the gate and ordered a disciplinary hearing after which he was given his told to leave.

But following a hearing at Leicester Employment Tribunal, he has won a claim that he was "unfairly and wrongfully" dismissed.

The 52-year-old was accused of bringing the authority into disrepute after installing a gate without planning permission at his 220-year-old home in Melbourne, Derbyshire.

The council claimed that, in his position of expertise, he should have known he would need permission, claiming he had "wilfully" failed to apply for this.

The row started after neighbours complained about becoming the subject of planning enforcement action for putting up a trellis without permission.

They were angered that Mr Heath had done the same with his gate at the side of his cottage, which was built in 1795. A retrospective planning application was then submitted by Mr Heath and later approved.

However, after a disciplinary hearing in October 2014, Mr Heath was dismissed despite what the employment tribunal was told of his "relatively long and distinguished service, his clean disciplinary record and his apparently considerable local reputation".

But the tribunal judge Christopher Camp entirely rejected the suggestion that the conduct was deliberate.

He referred to aspects of the council's evidence as "hopelessly confused" and "contradictory".

And he described the decision to dismiss Mr Heath as having involved "illogical leaps of thought and reaching decisions unsupported by evidence".

However, Judge Camp also added that Mr Heath was "blameworthy" to some extent.

After the hearing Mr Heath said: "I am extremely grateful to the many people in the local community who gave me both verbal and written support during 14 stressful months."