

REPORT TO: District Development Sub-Committee

DATE: 31 May 2007

DEPARTMENT: Development Services

REPORTING OFFICER: Head of Planning Services
(Robin Forrester, Principal Planner)

SUBJECT: **PLANNING APPLICATION – AGRICULTURAL
WORKERS CARAVAN AT BICKERTON
6.142.135.A.FUL**

WARD/S AFFECTED: Marston Moor

FORWARD PLAN REF: N/A

1.0 PURPOSE OF REPORT

- 1.1 To update members in relation to the consideration of the above planning application.
- 1.2 To seek members' agreement for the establishment of a procedure and timetable for determining the above application.

2.0 RECOMMENDATIONS

- 2.1 That members agree the following procedure and timescale in relation to the determination of planning application no. 6.142.135.A.FUL.
 - (a) That the applicant be informed that an agricultural appraisal prepared by a suitably qualified agricultural consultant, must be submitted for consideration no later than 20 June 2007.
 - (b) That the application be referred to a meeting of the District Development Sub-Committee on 12 July 2007 for determination.
 - (c) In the absence of an appraisal submitted in accordance with (a) above, the application will be considered at the Committee on 12 July 2007 and determined on the basis of the previously submitted information.

3.0 RECOMMENDED REASONS FOR DECISIONS

- 3.1 When the application was considered at the District Development Sub-Committee of 16 November 2006. Members considered that they needed to be presented with all of the relevant information hence the reason for requesting the submission of an appraisal.
- 3.2 It is Government advice that planning applications be dealt with as quickly as practicable. Consideration of this matter has been delayed due to the lack of an appraisal and it is considered to be imperative that a procedure and timetable is established as outlined in the recommendation.
- 3.3 For similar reasons, it is considered essential that the applicant should be informed that no further delays would be tolerated and that the established timetable will be adhered to, and the application take forward for determination.

4.0 THE REPORT

- 4.1 Planning application 6.142.135.A.FUL was originally submitted on 13 September 2006 and related to the temporary siting of a residential caravan for use by an agricultural worker.
- 4.2 There was no significant evidence submitted with the application to justify an agricultural need as noted in the "tests" contained in PPS7 Annex A.
- 4.3 The matter was discussed with the applicant and the application referred to the Planning Committee of 24 October 2006 with a recommendation for refusal.
- 4.4 The applicant provided some further information which was submitted after the preparation of the committee report and the information was therefore presented to members at the Planning Committee as part of the case officer's update.
- 4.5 Whilst officers indicated that the information was insufficient for them to change their recommendation, Committee Members were minded to support approval of the application.
- 4.6 On the advice of the legal officer the application was referred to the District Development Sub-Committee of 16 November 2006. Refusal of permission was recommended.
- 4.7 The Committee considered the officer report, and further comments made by the applicant, and Members considered that officers had failed to show that the agricultural holding was not economically viable, and the resolution was to grant permission.
- 4.8 However, a complaint was made to the Council's Monitoring Officer that the District Development Sub-Committee had not correctly addressed the issue and the Monitoring Officer suspended the Committee decision.
- 4.9 Following an investigation by the Monitoring Officer, his report was referred back to the District Development Sub-Committee on 25 January 2007 and

his recommendation to reconsider the planning application (as the original consideration was considered to be invalid) was accepted by the Committee.

- 4.10 It is considered to be essential that an appropriate justification of the agricultural need for the caravan is provided for Committee to consider. This is because the onus is on the applicant to demonstrate that his operation is viable, and meets the tests of PPS7 and Policy H7 (rather than for officers to show that it does not).
- 4.11 Following the Committee on 25 January 2007, a letter was sent (attached as Appendix A for members information) to the applicant outlining the issues that needed to be addressed. In a subsequent discussion with the applicant on 29 January 2007, he indicated an intention to appoint a consultant to undertake an appraisal of his enterprise.
- 4.12 The following list indicates the course of events which to date have not yet resulted in an appraisal being submitted.

26.01.07	Letter to applicant suggesting that a consultant be appointed to prepare an agricultural appraisal.
29.01.07	Applicant indicates consultant to be appointed.
05.02.07	Case Officer discussed matter with applicant. Application held in abeyance until consultant prepares report.
12.02.07	Letter received from agent indicating report to be submitted within 4 weeks (by 10.03.07).
02.03.07	Email sent to agent indicating that agenda deadline was approaching and the report was needed urgently – no response.
12.03.07	Email sent to agent indicating that his deadline had passed and requesting an indication of when the report would be available.
13.03.07	Email from agent indicates report will be ready within 21 days (by 04.04.07).
21.03.07	Reminder email sent to agent indicating that 04.04.07 deadline was essential such that report could be appended to Committee agenda for 23.04.07 (deadline for publication 13.04.07). Deadline not adhered to.
23.03.07	Further email to agent asking for indication by return, as to when report would be available – no response received.
04.04.07	Site meeting held between applicant and officers to review current situation. Applicant indicates that he would pursue agent for report.

- 10.04.07 Letter sent to applicant/agent indicating that Chief Planning Officer had agreed to delay consideration until May and deadline for end of April set for receipt of report.
- 30.04.07 Case Officer rang applicant to say report not received. Applicant to chase up agent.

4.13 Following the above, it is considered that the applicant has been given every opportunity to submit an agricultural appraisal to justify his proposal, with the initial request for such information being by letter dated 26 January 2007.

4.14 It is unacceptable for planning applications to be held in abeyance and "pending" for long periods. This report has been prepared to seek Committee's agreement to a procedure and timetable for determination. If the application is refused the Applicant will have a right of appeal to the Secretary of State.

5.0 CONCLUSION

5.1 It is considered that the applicant be given one further opportunity to submit a detailed appraisal to support his application and in the absence of such information, the application be determined on the basis of the information already received on 12 July 2007.

Background Papers -

OFFICER CONTACT: Please contact Rob Forrester if you require any further information on the contents of this report. The officer can be contacted at Knapping Mount, West Grove Road, Harrogate, HG1 2AE by telephone on 01423 556966 or by Email – robin.forrester@harrogate.gov.uk.

SUSTAINABILITY ASSESSMENT / POLICY CONSIDERATIONS

		Implications are		
		Positive	Neutral	Negative
A	Economy		✓	
B	Environment	✓		
C	Social Equity			
i)	General	✓		
ii)	Customer Care / People with Disabilities	✓		
iii)	Health Implications	✓		
D	Crime and Disorder Implications	✓		

If all comments lie within the shaded areas, the proposal is sustainable.

Mr I Wilson
3 Mill Lane
TADCASTER
North Yorkshire
LS24 8EU

Our Ref RRF/LAR/6.124.135.A.FUL
Your
Ref
Date 26 January 2007

((2;c,1))

Dear Mr Wilson

PLANNING APPLICATION FOR SITING OF ONE STATIC CARAVAN FOR USE AS A DWELLING AT WILLOW GARTH FARM, BICKERTON

I refer to the above planning application, and apologise for the delay.

As you will be aware, your application was considered by the District Development Sub-Committee on 16 November 2006, but following a complaint, the Council's Monitoring Officer intervened and instructed that the application be suspended whilst he investigated the procedures by which the Committee reached their decision.

I would advise you that the District Development Sub-Committee met yesterday afternoon (25 January 2007) to consider the report issued by the Monitoring Officer. The Sub-Committee resolved as follows:-

1. The District Development Sub-Committee should reconsider this application.
2. The information given to the Committee should include an assessment of the viability of the unit which explains the assumptions on which the assessment is based. The author of that assessment should be available for the Committee to question. The Committee should consider the viability of the unit on the basis of the evidence before it.
3. The Head of Planning Services should review the Council's procedures for assessing applications to which Local Plan Policy H7 applies, where a house is said to be essential to the needs of agriculture or forestry or where there is special justification.
4. The Head of Planning Services give consideration to including this issue in the next round of Member training.

continued .../

At the present time I cannot indicate the date of the Committee that will reconsider your application but what was apparent from the Committee's discussion is that they need to be presented with the complete details of your proposal. In discussions with you officers had previously indicated that planning applications relating to agricultural workers dwellings or caravans are generally accompanied by an agricultural appraisal and financial business plan, prepared by an agricultural specialist, to show how the intended farming enterprise meets the "functional and financial tests" contained within Annex A of PPS7 – Sustainable Development in Rural Areas. It is however important to note that any assessment in relation to the longer-term viability of your farming enterprise needs to be a realistic one based on the current land holding, as the possibility of obtaining extra land is not guaranteed and therefore cannot be taken into account.

I would strongly advise you to give serious consideration to engaging an Agricultural Consultant, who is familiar with preparing reports in relation to Annex A of PPS7, as this will present your application in the best possible manner.

I therefore intend to hold the application 'pending' for one month from the date of this letter in order to give you time to consider your position and let the case officer know whether you wish to add to your application by submitting an appraisal, or in any other way. If you do let us know that you wish to add further information to your application then at that point you may agree with the case officer a timetable for its submission and a target committee date. If I do not hear from you within one month of the date of this letter I will take the application to the next available committee for determination.

Finally consideration of your application has extended beyond the period of 8 weeks from the date of submission and because of this you have gained a right of appeal to the Secretary of State on the grounds of non-determination. Further information on how to appeal and the pros and cons of this option can be obtained from the Planning Inspectorate tel no 0117 372 6372 or visit www.planning-inspectorate.gov.uk.

The case officer, Mr Forrester (tel no 01423 556966) would be pleased to discuss the matter further with you.

Yours sincerely

Mr T P Richards
Head of Planning Services

copy: S Prosser, Chief Solicitor

