



# Record of Decisions

## CEO Urgent Decision Session - Planning

Venue: Chief Executive's Office  
Date: Wednesday, 13 May 2020  
Time: 9.00 am

Officers Present remotely via Teams: Janet Waggott - Chief Executive, Martin Grainger - Head of Planning, Ruth Hardingham - Planning Development Manager, Glenn Sharpe - Solicitor, Jenny Tyreman – Senior Planning Officer, Victoria Foreman – Democratic Services Officer

### 6 PLANNING APPLICATIONS RECEIVED

#### 6.1 2018/1299/FUL: SMALL HOLDING, BROACH LANE, KELLINGTON

**Location:** 2018/1299/FUL – Smallholding, Broach Lane, Kellington

**Proposal:** Proposed change of use of land to a travellers site to provide 8 pitches including the erection of associated amenity blocks and external lighting

The matter had been brought to the Chief Executive for consideration under urgency as the Ward Councillor for the area where the proposal lies, Councillor McCartney, had requested that the application be heard by the Planning Committee for the following reasons:

- (1) the site lay outside the village development limits;
- (2) although the site was developed, very little of what was on the site had planning permission; and
- (3) Upper Common Lane was an unadopted private dirt track and having so many units down a private drive was against planning policy.

Furthermore, the application was a minor application which was being recommended for approval contrary to the requirements of the Development Plan, as Officers

considered that there were material considerations which would support a recommendation for approval.

Officers presented the application to the Chief Executive who noted that it was for a proposed change of use of land to a travellers site to provide 8 pitches including the erection of associated amenity blocks and external lighting.

An Officer Update Note clarified the reasons for the application having been brought before the Chief Executive for consideration and confirmed that pre-commencement conditions proposed have been agreed in writing with the applicant's agent.

Officers set out the material considerations for the recommendation for minded approval despite the conflict with the Development Plan, which were summarised as the existing level of local provision and need for sites, and the availability (or lack of) alternative accommodation for the applicants, the sustainable location, the use of previously developed land, the personal circumstances of the applicant and the extension of existing gypsy and traveller site.

As part of the decision-making process Members were consulted on the application. These comments were collated and presented to the Chief Executive as part of her decision making. Comments had been received from some Members of the Planning Committee, expressing several views.

Some Members felt that the application required further debate and should be deferred in order for a decision to be made at full Planning Committee, due to the perception of local residents who may question why the application was being considered via urgency procedures.

Officers explained that the application had received nine letters of objection, which would not result in the application requiring consideration by Planning Committee for a decision; therefore it was not considered that the application was particularly controversial. The application would have needed consideration by Planning Committee because it had been called in by the local Ward Councillor. Despite the reasons for calling the application in, the Ward Councillor's most recent comments reflect that the only issue they now seem to have with the application is how foul drainage would be

dealt with, and why this could not be dealt with other than by way of condition. The Ward Councillor had themselves stated that the application is not controversial.

Officers went on to explain that the application had been with the Council for just under 18 months, and during that time Officers had worked with the applicants to achieve an acceptable scheme. Amended plans had been received just before Christmas and required re-consultation. Since the re-consultation period ended, it had taken time to develop the report to a point where it could be brought before Planning Committee, or in this case, the CEO Urgent Planning Decisions Meeting, for a decision to be made.

Queries and concerns were also raised by Members regarding foul drainage on the site and the status of other traveller sites around the district at Newthorpe, Long Drax and Hillam.

Regarding foul drainage, it was explained that the applicant was exploring options available to them, and Officers were confident that a solution could be found; this could therefore be effectively dealt with by way of condition.

In relation to the other traveller sites in the district, Officers explained that the level of need identified in the Gypsy and Traveller Accommodation Assessment (2018) was 5 pitches for the remainder of the plan period (until 2027), all of which fell within the first five years. Beyond the plan period to 2033 the figure increased to 8 pitches. This need was generated only from those households that met the Government's definition of 'gypsy and traveller'.

The need for pitches had increased since the original survey work was undertaken, and Officers currently considered that an appropriate figure of need generated from households that met the Government's definition of 'gypsy and traveller' was 21, much of which was required immediately, and granting planning permission on the site would contribute to towards that need.

With reference to specific sites mentioned by Members, Officers explained that the Newthorpe site had come before the Chief Executive for consideration on 29 April, where a Mindful to Grant decision had been taken, subject to conditions and the application being referred to

the Secretary of State.

At Long Drax, Enforcement Notices had been served in relation to the change of use of the land and siting of caravans for residential purposes. The notices were appealed and dismissed. The matter was referred to Legal to prosecute for the failure to comply with the enforcement notices. However, the owner had submitted a planning application which was pending consideration, and enforcement action was on hold. The site was therefore currently unauthorised.

Lastly, at Hillam a five-year temporary planning permission was granted in July 2016 at appeal, but a Judicial Review has been lodged against the appeal decision, which is ongoing.

The Chief Executive agreed with Officers that there were no legitimate reasons to support a deferral of the application, and noted that there was still two weeks until the expiry of the re-consultation period, during which further comments could be submitted.

The Solicitor confirmed that they had no additional comments on the application.

The Chief Executive, having considered the report, Officer Update Note and representations from Members and Officers in full, confirmed that she agreed with the Officer's recommendation.

**RESOLVED:**

**That the application be MINDED TO GRANT subject to the expiration of the consultation period with no new material considerations being raised, and the conditions set out in the report.**

The meeting closed at 9.50 am.