

Individual Member Decision Record



This form records an individual member decision and is published in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and the Openness of Local Government Bodies Regulations 2014.

Decision Maker:	Councillor Mark Crane, Leader of the Council
Lead Officer:	Martin Grainger, Head of Planning & Interim Head of Regulatory Services
Title of Decision:	Resource required for Planning Appeals
Ward(s) Affected:	All
Type of Decision:	<p>Key decision</p> <p><input type="checkbox"/> Non-key decision discharging (or connected to the discharge of) an Executive function</p> <p><input type="checkbox"/> Specific delegation from Council or Committee</p> <p><input type="checkbox"/> Grant of permission / licence</p> <p><input type="checkbox"/> Affecting the rights of an individual</p> <p><input type="checkbox"/> Awarding a contract or incurring expenditure which materially affects the financial position of the Council</p> <p><input checked="" type="checkbox"/> Decision Under Urgency</p>
Details of decision:	<p>Two appeals have been lodged with the Planning Inspectorate against refusal of planning permission by Planning Committee contrary to Officer recommendation. As such, consultant representation is sought to defend these decisions at appeal. This is normal where committee have made decisions contrary to the view of officers. It is obviously difficult for an officer to defend a decision that is contrary to their professional opinion particularly in an appeal context with cross examination etc.</p> <p>Both the applications are complex and multi-disciplinary. The appeal applications are as follows:</p>

	<p><u>Scarthingwell Golf Club, Barkston Ash (2020/1013/FULM)</u> - This full application for the erection of 99 holiday lodges with reception building and reconfiguration of the golf course was refused by Planning Committee in September 2021. The appellant has requested a hearing on the basis that examination by the Inspector is required to consider the Green Belt issues and financial/viability aspects associated with the enabling development and the future of the golf club. A consultant team has been appointed by the applicant to progress the appeal covering financial aspects as well as planning and technical matters and so the Council will need to defend its position on the various grounds. A figure of £50,000 is estimated to be required to cover the cost of the hearing.</p> <p><u>Land South of Electricity Substation, Rawfield Lane, Fairburn (2021/0633/FULM)</u> – This full application for the construction of a battery storage facility was refused by Planning Committee in December 2021. This has now been confirmed as a hearing and is likely to be complex in character given the subject matter. A consultant team is required to defined the Council’s position including planning and landscape consultants along with legal advice and input. A figure of approximately £50,000 is estimated as required to cover the likely cost of the appeal.</p> <p>Officers from the Planning Team have been working with procurement colleagues to understand that best way of addressing this work and to gain and understanding of likely costs. The figure for the first appeal highlighted is based on actual likely costs although Planning Officers are working with the procurement team to see if its possible to reduce by using different staff. The second is an estimate and may need to be reviewed. However, given the necessary time taken to award this work linked to the timeframes set by the Planning Inspectorate it is now time critical to get a decision on funding.</p> <p>Resolved: That as the matter is urgent, and the decision cannot await a full meeting of the Executive due to the timetable for the appeals the Leader agrees that £100k be used from the Operational Contingency fund to support this work.</p>
<p>Reason for decision:</p>	<p>This urgent decision is needed to ensure that the Planning function can defend the Council’s decisions with regard to the two applications highlighted.</p> <p>As this virement is outside of delegation to the Chief Finance Officer and Lead Member for Finance and due to the urgency, it requires a decision to be signed off by the Leader (FPR Rule 4).</p>

Alternative options considered and rejected:	<p>Given the professional officer recommendations on these applications and current workload pressures on the service there is no realistic, practical alternative.</p>
Member Interests: <i>(Name of any Member who has declared a conflict of interest in relation to the decision and details of any dispensation granted by the Head of Paid Service if appropriate)</i>	
Legal, Financial or other implications:	<p>Financial</p> <p>The financial implication of this decision is to approve the drawdown from Operational Contingency of £100k to cover the estimated costs of two appeals that have been lodged with the Planning Inspectorate against refusal of planning permission by Planning Committee contrary to Officer recommendation.</p> <p>Given the amount involved (estimated to be £100k), this is above both S151 Officer and Lead Member for Finance delegation this will require an Executive decision.</p> <p>Officers from the Planning team continue to work with procurement on the likely costs.</p> <p>Following advice from the S151 Officer, it is suggested this is requested to be drawn from the Operational Contingency. There is £289k remaining in the Operational Contingency before this drawdown.</p>
Background papers:	<p>None</p>
Contact details for further information:	<p>Martin Grainger, Head of Planning and Interim Head of Regulatory Services, mgrainger@selby.gov.uk</p>
Signed:	<p>Signature redacted Councillor Mark Crane Leader of the Council</p>
Date of Decision:	<p>7 July 2022</p>