

**Chief Executive Officer Urgent Decision Session – Planning:  
Decision Record**

<b>Planning Application:</b>	2019/0030/COU - Milford Caravan Park, Great North Road
<b>Decision Maker:</b>	Janet Waggott, Chief Executive
<b>Other Officers Present at Remote Meeting:</b>	Martin Grainger - Head of Planning, Ruth Hardingham - Planning Development Manager, Gary Bell - Principal Planning Officer, Glenn Sharpe - Solicitor and Victoria Foreman - Democratic Services Officer
<b>Title of Decision:</b>	CEO Urgent Decision Session – Planning: 2019/0030/COU – Milford Caravan Park, Great North Road
<b>Ward(s):</b>	South Milford
<b>Type of Decision:</b>	<input type="checkbox"/> Key decision <input type="checkbox"/> Non key decision discharging (or connected to the discharge of) an Executive function <input checked="" type="checkbox"/> Specific delegation from Council or Committee <input type="checkbox"/> Grant of permission / licence <input type="checkbox"/> Affecting the rights of an individual <input type="checkbox"/> Awarding a contract or incurring expenditure which materially affects the financial position of the Council <input checked="" type="checkbox"/> Decision under urgency
<b>Details of decision:</b>	<p><b>Location:</b> 2019/0030/COU - Milford Caravan Park, Great North Road</p> <p><b>Proposal:</b> Change of use of land to 12 gypsy / traveller pitches and associated works including 12 mobile homes, 12 touring caravans and 12 dayrooms</p> <p>The matter had been brought to the Chief Executive for a decision under urgency as the proposal was contrary to the requirements of the Development Plan. However, Officers considered that there</p>

were material considerations which would support the recommendation for approval.

Officers presented the application to the Chief Executive who noted that the application was for a change of use of land to 12 gypsy / traveller pitches and associated works including 12 mobile homes, 12 touring caravans and 12 dayrooms.

Officers explained that an application for change of use of land from truck stop to use as a residential caravan site for Gypsies and Travellers was refused in July 2011. An Enforcement Notice alleging the unauthorised change of use of the land to a Gypsy caravan site was subsequently issued. Appeals against both the refusal of planning permission and the Enforcement Notice were considered at a public inquiry in early 2012. The appeals were recovered by the Secretary of State for his own determination and resulted in the Enforcement Notice being upheld, but planning permission being granted for a temporary period until 31 December 2014 for the use of the land as a residential caravan site for gypsies and travellers.

The Officer's report recommended that the Chief Executive be minded to approve the application, subject to the conditions and referral to the Secretary of State.

Officers explained that responses to the consultation on the application had been minimal, but with some comments received from Ledsham Parish Council around traffic volume and previous planning refusals for the site.

It was noted that inappropriate development in the Green Belt should not be approved, except in very special circumstances and that there were a number of issues that would require balanced consideration, including the need for Gypsy and Traveller pitches in the District, the impact on openness of the Green Belt and visual amenity. Officers suggested that additional factors could weigh in favour of the proposal, such as the potential displacement of existing households from the site therefore generating a greater need, the benefits of a settled base for the current occupants, that the existing site did not contribute positively to the landscape quality of the wider surrounding area and the relative sustainability of the site.

Officers considered that the very special circumstances that had been identified outweighed the substantial harm to the Green Belt such that a temporary permission only could be supported, but that the same conclusion could not be reached in respect of a permanent permission. The proposal to issue a second temporary permission was unusual, but it was believed to be appropriate by Officers in the current circumstances.

	<p>As part of the decision-making process Members were consulted on the application. Their comments were collated and presented to the Chief Executive as part of her decision making.</p> <p>Comments had been received from some Members of the Planning Committee, which expressed views around the weight given to the impact of the scheme on the Green Belt, the demonstration of very special circumstances in relation to a temporary or permanent consent, queries around the future alteration of conditions, assurance on the pitch capacity of the site, foul drainage and the effect of the development of the Local Plan on the length of the temporary permission proposed.</p> <p>There had also been some concern from other Members as to whether the application should be considered by the Planning Committee and not at the CEO Urgent Decision Session, given the potentially controversial nature of the proposal. Officers felt that given the limited third-party responses on the application, it was not as controversial as suggested.</p> <p>The Chief Executive asked questions of Officers relating to the length of time required for recognition of permanent residency on the site and why temporary permission was being recommended. Officers explained that ten years of residency after enforcement action was required on the site to qualify for lawful use, and that temporary permission had been proposed due to the current stage of development of the Council's new Local Plan and the associated effect this may have on the District's provision for gypsies and travellers.</p> <p>The Solicitor confirmed that after the application had been decided it would be referred to the Secretary of State for consideration. If the Secretary of State did not agree with the decision taken by the Chief Executive on this application, a public enquiry would be required.</p> <p>The Chief Executive, having considered the report and representations from Members and Officers in full, confirmed that she agreed with the Officer's recommendations as set out in the report.</p>
<p><b>Resolution:</b></p>	<p><b>RESOLVED:</b></p> <p><b>That:</b></p> <p><b>a) the Chief Executive Officer be MINDED TO APPROVE the application subject to the schedule of conditions as set out at paragraph 7 of the report;</b></p>

	<p>b) that the authority of Officers be confirmed to refer the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 with the Chief Executive Officer's resolution to support it;</p> <p>c) that in the event that the application was not called in by the Secretary of State, authority be delegated to the Planning Development Manager to approve the application subject to the imposition of the attached schedule of conditions, and that delegation to include the alteration, addition or removal of conditions from that schedule if amendment becomes necessary as a result of continuing negotiations and advice and provided such condition(s) meets the six tests for the imposition of conditions, and satisfactorily reflects the wishes of the Chief Executive Officer; and</p> <p>d) that in the event that the application is called in for the Secretary of State's own determination, a further report be presented to the Chief Executive Officer.</p>
<p><b>Contact details for further information:</b></p>	<p>Planning Officer: Gary Bell, Principal Planning Officer  <a href="mailto:gbell@selby.gov.uk">gbell@selby.gov.uk</a></p>
<p><b>Signed:</b></p>	<p><i>Janet Waggott</i></p> <p>Janet Waggott, Chief Executive</p>
<p><b>Date of Decision:</b></p>	<p>29 April 2020</p>