



COTSWOLD DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE

12TH APRIL 2017

AGENDA ITEM (9)

APPEALS AGAINST REFUSAL OF PLANNING PERMISSION AND ENFORCEMENT NOTICE - THE OLD QUARRY, BROADWELL - RETENTION OF PERMANENT RURAL WORKERS DWELLING

Accountable Member(s)	Planning and Licensing Committee
Accountable Officer	Kevin Field Planning and Development Manager 01285 623000 kevin.field@cotswold.gov.uk

Purpose of Report	To consider the information submitted in support of the appellant's appeals and determine whether an essential need for a rural workers dwelling has now been proven.
Recommendation(s)	That the Committee assess the information provided and advises Officers as to whether it remains of the view that the essential need for a worker to be housed permanently on site is not proven.
Reason(s) for Recommendation(s)	Seven months have passed since the refusal of planning permission for a permanent dwelling, and information submitted with the appeal indicates that the business has moved forward.

Ward(s) Affected	Fosseridge
Key Decision	No
Recommendation to Council	No

Financial Implications	Failure to keep the reasons for enforcement action under review would potentially be considered unreasonable behaviour at the forthcoming appeal. The consequence of this could be that costs are awarded against the Council.
Legal and Human Rights Implications	These were fully considered at the time when a decision was taken to proceed with enforcement action.
Environmental and Sustainability Implications	None
Human Resource Implications	None
Key Risks	None

Equalities Analysis	No effect on protected groups identified
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Related Decisions	See details outlined in this report and the report to the Planning and Licensing Committee dated 10 th August 2016
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Background Documents	Documents related to the decisions outlined above
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Appendices	<p>Appendix 'A' - Report to Planning and Licensing Committee - 10th August 2016</p> <p>Appendix 'B' - Decision Notice 15/03931/FUL</p> <p>Appendix 'C' - Enforcement Notice requiring the cessation of the residential use and the removal of unauthorised buildings/dwelling</p> <p>Appendix 'D' - Appellant's appeal statement in respect of decision reference 15/03931/FUL and the related Enforcement Notice</p> <p>Appendix 'E' - Appendix E01 to the Appellant's appeal statement - 2016/17 Calendar</p>
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Performance Management Follow Up	None
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Options for Joint Working	None
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Background Information

1. This report is presented to Members following consultation with the Chairman of the Planning and Licensing Committee, the Ward Member, the Joint Strategic Director and the Group Manager - Land, Legal and Property.
2. Planning application reference 15/03931/FUL for a permanent rural worker's dwelling was considered by the Committee at its Meeting on 10th August 2016, as Item 3 on the Schedule of Planning Applications. A copy of the main text and plans to that report are attached at **Appendix 'A'**, but all of the associated appendices have not been reproduced. With the exception of confidential information, a copy of the documents previously considered at the Meeting can be viewed on the Committee Management Information Service pages on the Council's Website.
3. The decision notice was issued on 10th August 2016, the sole reason for refusal being that sufficient information had not been provided to demonstrate an essential need. A copy of the decision notice is attached at **Appendix 'B'**. The application details and the appendices to the appeal statement have not been reproduced in full as part of this report. If Members wish to see further documentation, they are requested to contact the Planning and Development Manager.
4. Subsequent to the refusal of application 15/03931/FUL, an Enforcement Notice was served seeking the cessation of the residential use and the demolition/removal of the unauthorised building/dwelling. A copy of the enforcement notice is attached at **Appendix 'C'**.
5. Many of the application and appeal documents can be viewed on the Council's Website. Some are confidential but they can still be viewed by Members in the office. The appellant's appeal statement minus the appendices is attached at **Appendix 'D'**.
6. The decisions to refuse planning permission and issue an enforcement notice are now the subject of appeal, to be determined by means of an Informal Hearing which is scheduled for 27th September 2017. The Council's statement is required by 2nd May 2017.

7. Item 4 on the August 2016 Schedule of Planning Applications was planning application reference 15/03100/FUL which sought permission for the retention of overnight accommodation for a stockperson on the same site. Temporary three-year permission was granted to this scheme. A similar permission had been granted on 17th July 2012.

8. Two temporary permissions have been granted on the appeal site. It is therefore reasonable to conclude that, subject to the Appellants' business developing to a stage when an essential need is proven, the Committee would have no objections to the principle of a rural workers dwelling being provided on site.

9. From the Appellant's appeal documents, it is evident to Officers that the agricultural merits of the case have changed since the date planning permission was refused. Comment was therefore sought from the Council's Legal Team, Members and Mr. R Fox, the consultant who provided specialist advice to the Council at the time when the application was determined. When the application was determined, Mr. Fox had concluded that there was an essential need for a worker to reside on site but the Committee was not satisfied with the evidence provided by the Applicant and did not agree with Mr. Fox's appraisal.

10. In respect of the appeal documents, Mr. Fox has advised that the changes to the business are significant and material. He remains of the view that the Appellants have demonstrated an essential need for permanent accommodation on site.

11. Officers requested Mr. Fox to be present at the Meeting, but he already had a prior commitment. It would therefore be helpful if Members could let Officers know if they require any further information in advance of the Meeting.

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