

COUNCIL

9 April 2018

PLANNING APPLICATION (2017/0993/FUL)

CUCKOO FARM, KETTON

Report of the Director for Places (Environment, Planning & Transport)

Strategic Aim:	Sustainable Growth	
Exempt Information	No	
Cabinet Member Responsible:	Mr N Begy	
Contact Officers:	Gary Pullan, Development Control Manager	01572 720950 gpullan@rutland.gov.uk
	Nick Hodgett Principal Planning Officer	01572 758263 nhodgett@rutland.gov.uk
Ward Councillors	Mr G Conde Mr G Brown	

DECISION RECOMMENDATIONS

That Council:

1. Refers the planning application back to Planning and Licensing Committee for further consideration.

1 PURPOSE OF THE REPORT

- 1.1 To consider planning application 2017/0993/FUL, Cuckoo Farm, Ketton.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 At its meeting on 13 March 2018, the Planning and Licensing Committee considered the above application.
- 2.2 The Committee resolved to grant planning permission. The decision was subsequently referred to Council by 4 members of the Planning and Licensing Committee in accordance with Procedure Rule 110.
- 2.3 The reasons given for referral are as follows:

Not in accordance with Officer recommendation and reasons for approval were vague and not material planning reasons.

No consideration was given to conditions

- 2.4 Following the referral by 4 members of the Planning and Licensing Committee the referred decision has been added to the next Ordinary Council meeting. Should Council vote in favour of the referral, it will be referred back to the Planning and Licensing Committee for reconsideration. Should Council vote against the referral, the decision of the Planning and Licensing Committee taken on 13 March 2018 will stand and take effect immediately.
- 2.5 Other background information including the main issues is included in the original report in the Appendix to this report.

SUSTAINABILITY

- 2.6 In terms of the sustainability of the site, members were unclear as to why decisions on other sites were relevant to this proposal. The response of officers was that one of the duties of a planning authority is to apply its own policies consistently, and to that extent other decisions do have relevance; decisions that the Committee has made elsewhere in the County, together with Appeal decisions, are therefore relevant material considerations.
- 2.7 It was stated at the meeting that the glamping site on the A6003 south of Preston, which was refused by the Committee only on the grounds of unsustainability, was further from Uppingham, than the current site is from Ketton. For clarity, that site is 1000 metres from the roundabout on the A47 at Uppingham, and 1990 metres from Uppingham market place.
- 2.8 The distances into Ketton from this site are set out in the original report. An appeal is pending on the Preston site and the approval of this application would be a consideration for the Inspector on that appeal.
- 2.9 There is no set distance from settlements for this type of use. For the re-use of rural buildings the preamble to Policy SP6 (Housing in the Countryside) states that they should be within 2000 metres of a town centre, 1000 metres of a Larger Service Centre or 500 metres of a smaller service centre.
- 2.10 The Inspector in the recent Bisbrooke appeal found that the site was not in a sustainable location, being closer to Uppingham than the current site is to Ketton.
- 2.11 Reference was also made to the Cottesmore Neighbourhood Plan which has set a sustainability limit of 800m from the village centre shops to new development. This has been upheld in an appeal. This is not an adopted policy elsewhere in the County but shows that sustainability can be measured in relatively short distances.
- 2.12 Some members considered that the proposed farm shop on site would help make the proposal sustainable. It is not possible to condition the retention of the shop at all times, otherwise the use would have to cease if it were to close for example if it

was not viable. Produce from the farm itself can be sold in a farm shop, converted from existing buildings, without the need for planning permission. Goods cannot be imported for such a use.

3 CONSULTATION

3.1 As set out in the original report

4 ALTERNATIVE OPTIONS

4.1 If the application is not referred back to Committee for further consideration it must be approved in line with the Committee decision on 13 March 2018.

5 FINANCIAL IMPLICATIONS

5.1 If the application is approved in accordance with the original committee decision, it is unlikely that there will any financial implications unless the decision is challenged in the Courts.

5.2 If the application is referred back to the committee and refused there may be some costs associated with an appeal. If the Appellant sought a Public Inquiry the costs would be considerably more than in an exchange of written statements as Counsel would have to be appointed as advocate for the Local Planning Authority. The Planning Inspectorate makes the final decision on the appeal process and it is unlikely that an Inquiry would be deemed appropriate in this case.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

6.1 Procedure Rule 110 of the RCC Constitution sets out the rules for referring a decision taken by a Committee or Sub-Committee exercising a regulatory function. Where conditions under Procedure Rule 110 are satisfied, the decision of the Committee will usually be referred to the next Ordinary Council Meeting. Should Council vote in favour of the referral it will be referred back to the Planning and Licensing Committee for reconsideration. Should Council vote against the referral, the original decision of the Committee stands and takes effect immediately. Council are not being asked to consider the planning application itself, nor its merits, but rather the decision taken by the Committee on 12 March 2018 and the reasons for the referral, in order to decide whether there are grounds for the referral.

6.2 See Alternative Options above and the Planning Policy section of the original report in the Appendix.

7 EQUALITY IMPACT ASSESSMENT

7.1 An Equality Impact Assessment has not been completed because there are no service, policy or organisational changes being proposed. All applicants for planning permission are treated equally.

8 COMMUNITY SAFETY IMPLICATIONS

8.1 Community Safety is capable of being a planning consideration. All relevant considerations are set out in the original report.

9 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 9.1 The application was recommended for refusal as it is not in accordance with the Development Plan and there are insufficient material considerations that would justify setting the policies aside in this case. The full case is set out in the original report and the background section above.

10 BACKGROUND PAPERS

- 10.1 No additional background papers

11 APPENDICES

- 11.1 Appendix A – Original report to Planning and Licensing Committee

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.