

COUNCIL

Planning Question Update

Portfolio Holder: Councillor Brownridge, Cabinet Member for Neighbourhoods and Cooperatives

Report Author: Lori Hughes, Constitutional Services Officer
Ext. 4716

13TH September 2017

Background

Councillor McCann asked a Cabinet Member question at the Council meeting held on 12th July 2017 as follows:

“Oldham Planning Committee & its chairman do a good job in applying planning law and setting conditions on some developments that are unpopular but cannot be stopped on planning grounds. Someone is always upset.

However when conditions or actual detail of a condition are not followed by a developer then I feel there is a lack of urgency and/or positive action in enforcing such matters.

There are many cases, and I have sympathy for departments short of resources, but in the case of Well-I-Hole Farm PA335111/14 not only has the developer failed to conform with conditions set by the council, but also by the Inspector who allowed the applicant’s appeal.

So landscaping has not taken place around an area granted permission for all year occupation by caravans by the Inspector, whilst areas with time limits on occupation have in fact had caravans on them.

Numerous representations have been made for action to be taken against this flouting of planning and so I ask that serious consideration be given to legal action.

Would the Cabinet Member be able to offer any hope, although I am aware resources are stretched, for a developer to ignore conditions since 2014 is 'taking the mick' on a grand scale?”

Councillor Brownridge responded to the question and as part of her response said a briefing note would be sent due to the amount of information.

Full Response to the Question

There is a long and rather complicated planning history associated with the Well-i-Hole Farm site insofar as camping and caravanning facilities are concerned. Planning permission was granted in 2011 (under application reference PA/331248/11) for a change of use of the site to a caravan and camping site. The planning permission was subject to conditions including:

Condition 5 – Restricting the caravans being occupied as holiday lets between 31 October in any one year and 1 March in the succeeding year; and,
Condition 6 – Preventing caravan or tent pitches remaining on the site for a period exceeding 28 days in any calendar year.

A subsequent application was made in 2014 (PA/335111/14) to vary these conditions. The Local Planning Authority did not determine the application within the 8 week target date and the applicant lodged an appeal with the Planning Inspectorate on the grounds of non-determination of the application. The Planning Inspectorate allowed the appeal thus granting planning permission for the change of use to caravan and camping site without compliance with condition numbers 5 and 6 previously imposed. However, this approval was subject to the other conditions imposed therein, and two new conditions.

The first of the new conditions limited the use of the land for the temporary siting of a maximum of 49no. pitches for caravans and tents. It also prevents caravans in zones 2 and 3 (which are the larger fields to the north and west) being present for a period exceeding 28 days in any calendar year and no caravans can be present on these parts of the site between 31 October and 1 March. However, importantly, the condition intentionally excludes reference to Zone 1 which is the smaller area of hardstanding adjacent to the existing farm buildings. In other words, the omission of Zone 1 means that caravans are not subject to the above restrictions.

The second additional condition prevents the use of Zone 1 until a scheme for soft landscaping has been submitted and approved in writing by the Local Planning Authority.

An application has been received to discharge condition 2 through the submission of a landscaping scheme. However, the plans originally submitted contained species which were not appropriate to the countryside location (a requirement of the condition), and contained errors relating to the size and layout of Zone 1. Amended plans have been submitted which appear far more acceptable in striking a balance between providing a degree of screening whilst not appearing out of context with the surrounding open character of the Green Belt land. A final decision is due to be made very shortly to formalise this position.

Whilst it is acknowledged that Zone 1 is being used for caravans, with some having been present for more than 28 days, it is considered unreasonable to pursue enforcement action at this time due to the significant progress that has been made with designing an appropriate landscaping scheme which protects, as far as possible, the open Green Belt land surrounding Zone 1 whilst enabling screening of the site.

In respect of zones 2 and 3, planning enforcement officers will continue to monitor the site, and will request to inspect the register of occupants for each calendar year that the owner is required to maintain for inspection by the Local Planning Authority.