

Dear Councillor,

**OVERVIEW AND SCRUTINY PANEL (ENVIRONMENTAL WELL-BEING) -
TUESDAY, 12 FEBRUARY 2013**

I am now able to enclose for consideration at the above meeting the following reports that were unavailable when the agenda was printed.

**Agenda Item
No.**

6. AGRICULTURE WORKING GROUP (Pages 1 - 4)

To receive a report from the Agriculture Working Group.

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OVERVIEW AND SCRUTINY PANEL (ENVIRONMENTAL WELL-BEING)

12TH FEBRUARY 2013

AGRICULTURE WORKING GROUP (Report of the Working Group)

1. INTRODUCTION

- 1.1 The Agriculture Working Group met on 30th January 2013 when Councillors Mrs M Banerjee, D Harty and G J Harlock and Mr D Hopkins were present.
- 1.2 Miss H Ali, A Moffat and Dr A Roberts were in attendance at the meeting.

2. PURPOSE OF MEETING

- 2.1 The purpose of the meeting was:-
 - to receive an update on one of the recommendations proposed by the Working Group relating to the Council's procedure for dealing with applications where agriculture is a factor; and
 - to comment upon the policies relating to The Countryside contained in the Draft Huntingdonshire Local Plan to 2036.

3. USE OF CONSULTANTS WHEN DEALING WITH APPLICATIONS WHERE AGRICULTURE IS A FACTOR

- 3.1 The Working Group has been informed that a report on the use of consultants when dealing with planning applications where agriculture is factor had been submitted to the Development Management Panel on 21st January 2013. The Panel has endorsed the current working practices adopted by the Planning Service, and decided:-
 - (a) that the Head of Planning and Housing Strategy and/or the Planning Service Manager (Development Management) be authorised to decide whether agricultural consultant advice or special consultant advice is required to assist in the determination of applications where agriculture is a factor;
 - (b) that, in those circumstances when consultant advice is requested, all applications be subject to a desk-top assessment by the appropriate consultant;
 - (c) that, in the event that site visits are requested or considered necessary, either by the applicant or by the Head of Planning and Housing Strategy and/or the Planning Service Manager (Development Management), the cost of the visit be met by the applicant.
- 3.2 Having welcomed the recommendations which were endorsed by the Panel, the Working Group have been informed that there might be cases where the Council believe that it would be beneficial to undertake a site visit. In response to questions, it has been confirmed that the costs of such visits are usually in the region of £800 and where a visit is requested by an applicant, that applicant will be required to meet the

cost of it. The Working Group has suggested that this option should be made clear to applicants.

4. DRAFT HUNTINGDONSHIRE LOCAL PLAN TO 2036 – THE COUNTRYSIDE

- 4.1 Members have been provided with an opportunity to review an extract from the Draft Huntingdonshire Local Plan to 2036 relating to The Countryside. Members' attention has been drawn to comments previously made by Mr A Moffat that generally, agricultural buildings and operations can be permitted development by virtue of the Town and Country Planning (General Permitted Development) Order 1995, and do not therefore require a planning application, provided they are reasonably necessary for the purpose of agriculture within that unit". "Agriculture" is defined in the Planning Act but the question as to whether a building/operation is "reasonably necessary" has to be considered on its merits in each instance. Case law provides some comparisons but there is no national or local guidance as to when a building/operation would be "reasonably necessary". Mr Moffat has explained that, in the past, such applications have often been referred back to the applicant as the agricultural need has not been satisfactorily justified.
- 4.2 Members have queried the meaning of the sentence in the third paragraph of the draft policy (page 46 of the Huntingdonshire Local Plan to 2036) which states "Some places with a scattered form of development are also now considered to be located within the countryside". The Working Group is of the view that this statement should be clarified. It has further been suggested that small developments should be permitted in hamlet communities. The Working Group's attention has been drawn to the fact that enabled exceptions might be facilitated by the neighbourhood planning process.
- 4.3 In respect of the last paragraph under the "Homes" section of the draft policy (page 47 of the Huntingdonshire Local Plan), it has been confirmed that dwellings would have to be marketed for a minimum of 12 months before consideration will be given to the removal of agricultural occupancy conditions.
- 4.4 The Working Group has accepted the terms of the draft policy relating to the "Reuse of Existing Buildings" (page 47 of the Huntingdonshire Local Plan) but has stressed the need to ensure it is enforced.
- 4.5 The Working Group has queried the reasoning behind the inclusion of "Conington Airfield, Littlehey Prison, Wood Green Animal Shelter and Huntingdon Racecourse" under the "Operational Development" section of the draft policy (page 47 of the Huntingdonshire Local Plan). It has been confirmed that these sites had previously been considered in the context of the wider Local Plan. Mr Moffat has indicated that experience had revealed that such places will need to adapt over time but that a satisfactory case for any operational development would need to be made. Having then queried the absence of the Great Fen from the list, it has been confirmed that a separate policy exists for this purpose. However, as a result of the consultation, it is likely that other named sites will be included in the policy. Mr Moffat has undertaken to raise this point within the Planning Service.
- 4.6 A brief discussion then ensued on the "Employment Development" section of the draft policy (page 47 of the Huntingdonshire Local Plan). The view has been expressed that such buildings should only be permitted where there is access via made-up highway. As this appears elsewhere in the policy, the Working Group has concurred that the proposed wording for this part of the policy will suffice.

- 4.7 Having regard to the draft policy relating to “Touring caravan or camping sites” (page 47 of the Huntingdonshire Local Plan) it has been reported that only seasonal use is permitted at these sites. Mr Moffat has confirmed that the erection of new buildings for tourism purposes has deliberately been omitted from the draft policy owing to difficulties defining this type of use. The Council currently has a number of enforcement cases relating to such.
- 4.8 Councillor G J Harlock has queried whether the policy covers seasonal agricultural workers. It has been reported that such information is available within the Huntingdonshire Local Plan. Discussion has taken place on the need for these workers to have access to facilities such as showers and toilets. It has been noted that depending on the period, temporary occupancy of agricultural land for agricultural purposes does not require planning permission. In addition, if a building is regarded as an agricultural building then there would not be a need for planning permission to provide facilities within it.
- 4.9 Members have queried the wording in the fifth paragraph of the “Reasoning” section of the policy (page 48 of the Huntingdonshire Local Plan) which states “If the functional need is genuine”. Comment has been made that the word “genuine” should be replaced. Mr Moffat has reported that consultants employed by the Council who advise on development management matters will assist the Council in this respect.
- 4.10 It has been reiterated to the Working Group that dwellings supporting a new enterprise should be temporary in nature, either by way of a caravan or through a structure which can be easily dismantled. In such cases, temporary permissions will be granted for a period of up to three years.
- 4.11 The Working Group has discussed the meaning of the first sentence of paragraph six of the “Reasoning” section of the draft policy (page 48 of the Huntingdonshire Local Plan). It has been reported that agricultural properties generally are around 150-200 square metres in size and that there is an expectation that agricultural workers should be able to afford to live in these properties. Personal requirements of applicants are not considered when planning applications are determined but consideration is given to the ability of the business to support it. Comment has been made that moderate extensions to such buildings are often allowable. Members of the Working Group are of the view that the Planning Service will receive similar applications in the future.

5. CONCLUSION AND RECOMMENDATION

- 5.1 The Working Group has undertaken an in-depth study into the Council’s planning policy framework as it relates to agriculture. Following discussions with the local Linking Environment and Farming representative and the National Farmers Union, Members have developed a list of matters that ought to be addressed in the Council’s policy. Having examined the relevant part of the Draft Huntingdonshire Local Plan to 2036, they are satisfied that all of the most significant ones are covered. Members have requested Officers to review the list of issues previously identified with a view to determining whether any remain. This will be reported on at the Environmental Well-Being Panel’s meeting, so no further meetings of the Working Group will be required.

- 5.2 As the Working Group is generally satisfied with the content of the draft policy relating to The Countryside within the Huntingdonshire Local Plan to 2036, subject to their comments outlined in Section 4 of this report, the Panel is recommended to note the content of this report.

BACKGROUND INFORMATION

Agriculture Working Group file held by Democratic Services Section.

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