

Note for File 22 December 2023 -

Issue with validation of AGRIC apps at Riverside Farm – Action needed to be taken to try and overcome problems picked up after the issuing of a decision notice refusing prior approval 23/02098/AGRIC

Various discussions had taken place between Charlotte and Andrea and then myself and Greg over the determining of a AGRIC application at Riverside Farm (discussions had centred around the application being for a internal access track) Pete had visited the site to try and find out if works had commenced (existing enforcement matters are ongoing at the site) – the photos taken were inconclusive and we resolved to refuse prior approval on the grounds that it wasn't considered necessary for the purposes of agriculture. To assist in workload I reviewed the report which assessed the application against regulations for a access track (whilst the description of the development was admittedly titled hardstanding the information that I looked at made reference to a track and I determined it on that basis)

The decision was sent out and a response received from the applicant 12pm asking how to appeal the decision and making reference to the hardstanding being required to protect bales in storage. This suggested the application was for a hardstanding not a access track

At roughly the same time issues were being discussed by BSU in relation to a fee that had not been tied up with an application. BSU found an email from the applicant on the 16 Dec which suggested that she had made two applications – one for a hardstanding and one for surfacing of an access track. It does not appear that the information on this email was questioned or actioned and it looked like we had merged the two applications together

Therefore we were faced with the following:-

1. An application 23/02098/AGRIC which had been determined on the basis that it was an access track but was in fact a hardstanding for the storage of hays
2. An application (for the hardsurfacing of a access track) that had not yet been booked in which appeared valid and with a expiry date of the 4 Jan – no time to undertake consultation or publicity

Responses on the 23/02098/AGRIC would appear that the consultees were confused by what was being proposed

Due to the time constraints associated with the issues (last afternoon before breaking up for xmas) and the inability to contact key members of the team – eg case officer / manager myself and Andrea attempted to resolve the issues as best we could

I took the risk of suggesting that we consider doing a unusual thing of withdrawing the refusal of prior approval (subject to the applicant agreeing to an extension of time to this and the other application that would need to be validated) This would allow the applicant to provide further clarification and supporting information around the two applications and also allow us to consult on both applications with the necessary consultees. It would also have the benefit of us being able to properly assess the second application and also undertake a detailed site visit to ascertain whether the development has in fact already commenced on site.

Whilst I appreciate that a planning application can only be revoked through a court of law as this was not a planning application but a prior approval and it was likely to be in the interests of the applicant I considered that we could potentially do this with little risk to the authority as opposed to the

potential issues that may be raised at an appeal against the application. This was not considered lightly but was made in the context of the confusion surrounding the issue and the need to sort out a potential application that could be granted consent by failure to issue a decision and the likely consequences of this for both the reputation of the Council and local community

Contact was made by phone with the applicant and an exchange of emails and further telephone conversations occurred. Ultimately a written extension of time was agreed on both applications. The second application (23/02353/AGRIC) was created by BSU and validated. No consults were sent out that day with a view of picking this up when we returned in the new year

ACTION needed

1. Meeting needed on the 3rd Jan with case officer, MD and Andrea and potentially Phil in Emily absence to discuss implications of this approach and next steps but this should potentially consider
 - We need to ensure information is correct on each file to show what is being proposed by the applicant for each proposal
 - Consultation should be undertaken on both applications – possibly by way of a supporting letter to avoid any further confusion
 - Contact should be made with the applicant to obtain clarity of any supporting information that she wishes for us to consider eg the information in relation to the hay bales for the hardstanding and more precise information in relation to the hardstanding is we consider this is necessary
 - Access to the site should be made to obtain up to date information as to the current position on site eg to see whether either proposal has commenced

ACTIONS taken by CT 03.01.2024:

- Arranged a site visit meeting with applicant for 05/01/2024
- Had a telephone conversation with applicant to ask for further information for both applications. She agreed to provide application forms, written statements confirming the proposal for each application and clearer plans for both applications by 05/01/2024. Followed this telephone conversation with an email setting out what was discussed (idoxed)
- Contacted Cllr Edvyvean to explain the circumstances and that further consultations/ covering letter will be sent out to consultees and residents
- Tried to contact the Parish Council but couldn't get through, emailed asking for them to call me
- Checked EOTs on the system and updated them
- Checked documents for each application were correct
- Drafted and send covering letter to BSU to send out via email (manually) for consultees and residents where we have emails, asked them to send covering letter by post for other residents

OFFICIAL

- Updated uniform with correct re consultations (14 days) for both applications and asked BSU to send these out
- Added a file note in uniform for both applications explaining the situation