

Extract from the Draft Minutes of the Development and Conservation Control Committee meeting held on 5 July 2006

Draft

Moor Drove, Histon (Minute 31)

This item had not been published with the original agenda and, therefore, had not been in the public domain for the statutory period. However, in view of the timescales involved, the Chairman considered that waiting until the next scheduled meeting of the Development and Conservation Control Committee would be impractical, and agreed that the Committee should consider the report at this meeting on the ground of its urgency.

The Assistant Solicitor cautioned Members against predetermining the planning aspects of the case and reminded them that, should they decide to overturn their previous decision not to determine the application, they could be required to give evidence. She gave advice on the implications of paragraphs 45 and 46 of Circular 1/2006 in response to a request from Councillor Kindersley.

Officers advised that, in their view, the application was a similar application to the previous one and, therefore, that the question as to whether or not there had been a significant change in the relevant considerations had to be considered. A number of Members gave their view that the application was similar.

A vote was taken and the Committee unanimously **AGREED** paragraph 46, which stated that the “ application was “similar” to the application rejected on appeal last year.”

Councillor Mason, a local Member for Histon, expressed his full agreement with the points raised in paragraph 47 and concluded that the objections which led to the rejection of the application on appeal a year ago had not lost any relevance.

A vote was taken and the Committee unanimously **AGREED** paragraph 47, which stated that “there has been no change in the physical circumstances of the site, nor in the nature of the development, with the result that none of the previous objections has diminished in force.”

The Deputy Director of Development Services asked the Committee to consider the impact of the new guidance on the new application and consider whether the Secretary of State would now take a different view. The Assistant Solicitor asked the Committee to consider whether the new guidance in Circular1/2006 significantly altered the weight of any planning consideration of importance in the original decision, especially as it was clear that there was unmet need for traveller sites.

Councillor Mason asserted that the Secretary of State’s view would be unaffected by the new guidance, as the access, harm to neighbours’ amenity, and green belt issues remained the same. Councillor Kindersley agreed with this assessment for the following reasons that were laid out in the report:

- Paragraph 18 detailed that County Highways had reaffirmed that access was unacceptable since the rejection of last year’s appeal;
- Paragraph 28 detailed that the Council’s officers still considered that it was inconceivable that the present site will be allocated as a permanent gypsy site;

- Paragraph 33 detailed that common sense and judicial authority determines that there are sites which are so unacceptable that the post-C1/2006 prospects of a grant of temporary planning permission are still remote;
- Paragraph 35 detailed that officers were still likely to recommend the refusal of the application, even accepting that significant weight has been given to the unmet need in the District.

A vote was taken and the Committee unanimously **AGREED** that the new guidance did not significantly alter the weight of any planning consideration of importance.

The Deputy Director of Development Services asked the Committee to consider whether the application sought to put pressure on the Council and whether the application was a “doubtful” case.

Councillor Mason stated that this application undoubtedly sought to put pressure on the Council. Councillor Kindersley agreed with this assessment, as the application was identical to the previously rejected application.

A vote was taken and the Committee unanimously **AGREED** that the present application sought to put pressure on the Council in the manner suggested in paragraph 5 of Annex 2 of Circular14/91.

Members considered the second point raised in paragraph 50 of the Report, and voted that the points there raised would not cause them to determine the application.

Councillor Kindersley proposed and Councillor Mrs Roberts seconded that the Committee should not determine this application. A vote was taken and the Committee unanimously **AGREED** not to determine the application.