

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

---

**REPORT TO:** Planning Committee

6th February 2008

**AUTHOR/S:** Chief Executive / Principal Solicitor

---

### FORMER LAND SETTLEMENT ASSOCIATION AGREEMENT AT FEN DRAYTON

#### Purpose

1. The purpose of this Report is to ask Members to terminate an Agreement entered into on the 30th March 1937 between the Land Settlement Association Limited and the Chesterton Rural District Council (our predecessor authority).

#### Executive Summary

2. For the reasons as summarised in the background information it is felt that this Agreement is no longer of any use in planning terms, and therefore needs to be terminated.

#### Background

3. On the 30th March 1937, an Agreement was entered into between the Land Settlement Association Limited and the Chesterton Rural District Council. This Agreement was for "the reservation of open spaces in the Parish of Fen Drayton". The Agreement was entered into under Section 34 of the Planning Act 1932, and this would now be an Agreement under Section 106 of the Town and Country Planning Act 1990 which is, of course, a Planning Obligation.
4. The effect of the 1937 Agreement was that all properties within an area of 235 acres at Fen Drayton were subject to agricultural occupancy conditions which meant that on that particular Estate, only agricultural/horticultural use was allowed. Over the years, a few parcels of land had been exempted from the Agreement, such as the County School, some council housing, and some properties close to Fen Drayton High Street, which form part of the built framework of the village. However, most of the properties remain part of the Agreement and, as such, have the agricultural occupancy condition still applied to them.
5. In the seventy years that have elapsed since the Agreement was signed, as one would expect, the law relating to Town and Country Planning has changed considerably. There was a consolidating Act of Parliament in 1947, and the present major legislation is Town and Country Planning Act 1990. The effect of this legislation means that South Cambridgeshire District Council, like all other Planning Authorities in the country, have devised and adopted Planning Policies, and the present position with regard to the adoption of Planning Policies is that the land is subject to the South Cambridgeshire Local Plan Policy 2004, Policy Fen Drayton 1 and also the District Council Development Control Policies adopted in July 2007.
6. Paragraph 28.20 of the 2004 Local Plan states "It is the District Council's view that the Agreement now be replaced by the above statutory Local Plan Policy (Fen Drayton 1) which confirms that the former estate is to be subject to the countryside policies of the Development Plan".
7. This means that the terms of the original 1937 Agreement have been superseded by legislation and the existing Planning Policies in the District, such that the regulation of

the Fen Drayton land being subject to the 1937 Agreement can now be controlled by the Countryside Policies of the Development Plan.

### Considerations

8. In light of the executive summary and background information Members are asked to consider whether this Agreement entered into over 70 years ago has any value now, given that it has been superseded by the adoption of planning policies.

### Options

9. Members are asked to pass a resolution to terminate this Agreement.

### Implications

10. There are no specific implications since bringing the Agreement to an end will still mean that the land in question is protected by the existing planning policies.

### Consultations

11. This matter was considered by the Planning Committee on the 3rd October 2007 and 9th January 2008 when it was decided to defer the item and to consult Fen Drayton Parish Council. Letters of consultation sent on the 11th October, 26th November and the 11th December 2007 have not brought forth a response. Any communication received in the meantime will be verbally reported to Committee.

### The Effect on Annual Priorities and Corporate Objectives

12.	Affordable Homes	}	There are no specific affects on these
	Customer Services		
	Northstowe and other growth areas		
	Quality, Accessible Services		
	Village Life		The termination of the Agreement will enable the land in question to be protected by existing planning policies.
	Sustainability	}	There are no specific implications
	Partnership		

### Conclusions/Summary

13. When this Agreement was entered into 70 years ago it did have the benefit of protecting the properties concerned and ensuring that they would be subject to agricultural occupancy conditions. Since then such protection as is needed is now covered by existing planning policies such that this Agreement is no longer of any real benefit.

### Recommendation

14. It is **RECOMMENDED** that the Agreement now be brought to an end.

**Background Papers:** All of the following background papers are contained on a file in the Legal Office reference PLAADV.1865 and these have been used in the preparation of this report. They are available for public inspection.

**Contact Officer:** Catriona Dunnett, Principal Solicitor - Telephone: (01954) 713308