

Northern Planning Committee

Updates

Date: Wednesday, 25th April, 2012

Time: 2.00 pm

Venue: Heritage Centre, Roe Street, Macclesfield SK11 6UT

The information on the following pages was received following publication of the committee agenda.

- a) **Planning Updates** (Pages 1 - 2)

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NORTHERN PLANNING COMMITTEE – 25 April 2012**UPDATE TO AGENDA****APPLICATION NO.**

11/1803M

LOCATION

White Peak Alpaca Farm, Paddock Hill, Mobberley

UPDATE PREPARED

23 April 2012

CONSULTEES

Mobberley Parish Council – An email has been sent directly to Members from the Parish Council reiterating their strong objections to the proposal, and outlining the recent history of the site. The Parish Council do not agree with the officer recommendation because consent has previously been refused by the Committee, which was justified by the dismissal of the subsequent appeal. They add that the new NPPF reforms do not undermine the protection of green rural open spaces in situations such as this. The new building is definitely not sustainable.

REPRESENTATIONS

One letter of representation has been received from residents of Paddock Hill and previous objectors commenting on the officer report to Committee. The letter notes:

- Many objections have been received, which are now being ignored.
- Application refused 3 times and dismissed at appeal.
- CEC never seen any audited accounts
- CEC has never commissioned a Chartered Accountant to independently look at the accounts
- Officers' report largely cut and pasted from agricultural consultant's report.
- Accounts have not been made public, therefore not sure what has been included, such as costs for rental land and milling machine and associated depreciation.
- Without the shop, it is not believed that the accounts would be showing profits to support wages, unpaid labour and investment back into the business.
- Public have never been allowed to see independent stock evaluation, therefore would question how independent it is.
- Applicant's accounts use profit margins that are above standard farming margins.

- Find it unrealistic to expect that the current economy will not have a detrimental impact upon businesses breeding these animals. At paragraph 43 of his decision letter, the Inspector thought so too.
- Disagree that there is no evidence of sale of productive assets to boost short term profitability for planning purposes. The shop takings alone are doing this, and there was a cash injection of £17,000 in 2008.
- Incorrect that the applicants are not at risk through any outstanding investment in new or replacement infrastructure, as their own log cabin (sited in 2006) is of temporary construction and only has a ten year guarantee.
- Applicants still do not own enough land to support this application and their business plan. The Inspector also acknowledged that there would be no long term certainty on availability of informal grazing rights.
- If the applicants' accounts now show a viable business, they should develop Ivy Cottage, as the Inspector only found it to be unsuitable due to the applicants being unable to afford to renovate it.
- No independent legal advice has been sought to contradict the applicant's Counsel opinion.
- Previous officer reports identify the fact that Ivy Cottage could meet the functional needs of the holding.
- Why has the planning officer suddenly changed his mind?
- Alpacas are treated by the Inland Revenue as ornamental pets, not agricultural farm animals. It is therefore questioned how this enterprise falls under the very special circumstances in Green Belt policy terms.

KEY ISSUES

With regard to the comments received in response to the Committee Report outlined above, the issues raised were broadly considered within the original report to Committee. However, it should be noted that there is no specified requirement for accounts to be audited when submitted in relation to the "financial test". Whilst the Inspector in the appeal noted that the accounts were not audited, there is nothing to indicate that he affords less weight to the information for this reason.

It is also acknowledged that the Council has not engaged the services of a chartered accountant to examine the accounts, however an agricultural consultant was appointed to assess all the information. As members will be aware, engaging the services of an independent consultant to appraise an application is not commonplace, but the specific history of the site was considered to justify this approach in this case. The advice from the consultant is that case law has established that a practical / common sense approach should be adopted towards the financial test (and the functional test), rather than one of forensic accountancy. Based on their knowledge and experience they advise that the proposal satisfies the criteria within policy DC23 of the Local Plan. Accordingly, for the reasons outlined in the original report a recommendation of approval is made.