

**ITEM NO. 13**

**REPORT TO THE COUNCIL MEETING OF 14 NOVEMBER 2011**

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**Status:** Information  
**Title:** Skeffington Village Petition  
**Originator:** Beverley Jolly, Head of Corporate and Development Services  
**Where from:** Management Board  
**Where to next:** N/A

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1 Purpose Report

1.1 To inform members of the response to the petition received at Council on 25<sup>th</sup> July 2011.

2 Recommendations:

2.1 **That Council notes the response to the petition.**

3 Key Facts

3.1 Mr. R. Callis, Chairman of Skeffington Parish Meeting, presented a petition to Council on 25<sup>th</sup> July 2011. The petition was presented in respect of a Certificate of Lawful Use which was granted to Corner House, Main Street, Skeffington (Planning reference 10/01038/CLU).

3.2 The Chairman confirmed that the Council had accepted the petition and that the matter had been referred to the appropriate department for investigation.

3.3 Receipt of the petition was subsequently acknowledged and the issues raised investigated in line with the Council's petitions procedure.

3.4 The Head of Corporate and Development Services wrote to Mr Callis on 11<sup>th</sup> August with the following summary of findings on the issues raised:

Application for a Certificate of Lawfulness (CLU) and denial of opportunity to comment

Any person can make application for a CLU to a Local Planning Authority. There is no statutory requirement for a LPA to consult a Parish Council or similar in deciding a CLU. In the case of 10/01038/CLU this Council exercised its discretion to consult Skeffington Parish Council and some local residents with a view to helping it take an informed and transparent decision.

Acting contrary to legal advice and failure to follow parts 65, 67 & 79 of the Use Classes Order 1987

The Council sought external legal advice on three occasions and considered the Use Classes Order. Legal submissions were also received from the applicant and from Harvey Ingram LLP on behalf of Skeffington Parish meeting. These submissions were all taken into account in the Council decision. The Council legal advice included that a decision must be taken by the LPA itself subjectively, weighing up the facts and degree of the matter, giving its reasons. This was dealt with under delegated powers in line with the Council's constitution.

Disregard for village life and detrimental to conservation area.

I acknowledge your concerns at suitability of the proposal and its relationship with Skeffington. I would clarify that the Local Planning Authority has to take CLU decisions in accordance with Government DoE circular 10/97: Enforcing Planning Control. 10/97 confirms a CLU is to be determined on the basis of evidential fact and planning law and that CLU procedures involve no consideration of the planning merits of the matter in question.

Full facts not presented and call for certificate to be revoked.

The Council decision was taken in accordance with relevant procedures, having received and taken into account external legal advice. There is no basis for the Council to revoke its decision.

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