

Further clarification in relation to paragraph 5.23 of Committee report

Intentional Unauthorised Development

1. Paragraph 5.23 of the Planning Committee report on this application contains a commentary about the relevance to this application of the government statement of 31 August 2015 concerning “intentional unauthorised development.” In view of the concerns that have been expressed by local residents about “intentional unauthorised development” at 1 Larch Close, this note has been written as an additional commentary.
2. The government statement of 31 August 2015 that introduced the concept of “intentional unauthorised development” as a material consideration that should be weighed in the balance by decision makers when determining planning applications and appeals is a fairly short one. Although the statement concerns two aspects of planning, namely green belt protection and intentional unauthorised development, the government’s policy statement introduces the concept of intentional unauthorised development as a material consideration to be weighed in the balance on applications for development everywhere.
3. Although the committee report, at paragraph 5.23, states that the deliberate concealment of new development was the key mischief that was being targeted by the government statement of 31 August 2015, this was not the only aspect of intentional unauthorised development that prompted the policy announcement. However, for the purpose of determining the current application the general thrust of paragraph 5.23 concerning intentional unauthorised development holds true: namely, that the application can be assessed on its own merits and the council’s ability to either grant or refuse planning permission, or to mitigate any unauthorised development, has not been fettered by the carrying out of unauthorised development (carried out intentionally or otherwise).
4. In those circumstances, and in view of the overall conclusions about the merits of the development, it is not considered that any appreciable weight should be given to the matter of intentional unauthorised development in the determination of this application.

23 February 2017