

Development Management Committee – 13 March 2024

Questions from the Public

1 Colin Thorpe to Councillor Mike Garnett (Chair of Development Management Committee):

With reference to the following Statutes:

“Small Holdings and Allotments Act 1908

Part II

Allotments

26 Improvements and adaption of land for allotments

(2) The Council may also adapt land for allotments by erecting buildings and making adaption to buildings, but so that no more than one dwelling - house shall be erected for occupation with any one allotment and no dwelling – house for occupation with any allotment of less than one acre.

The Town and Country Planning (General Permitted Development) (England) Order 2015

Part 12-

Development by Local Authorities

Class A

Permitted development

A The erection or construction and maintenance ,improvement or other alteration by a local authority or by an urban development corporation of—

(a) Any small ancillary buildings, works or equipment on land belonging to or maintained by them required for the purpose of any function exercised by them on that land otherwise than as statutory undertakers

Interpretation of Class A

A2 The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works nor equipment not exceeding 4 metres in height or 200 cubic metres in capacity.”

Why are these Statutes being ignored?

Reply from Councillor Mike Garnett (Chair of Development Management Committee):

The Small Holdings and Allotments Act is not a planning act and separate consent may be required.

Regarding permitted development rights, these are not being ignored where the use is incidental to the use of the allotment.

Supplementary question from Colin Thorpe to Councillor Mike Garnett (Chair of Development Management Committee):

I was asked to get advice from a planning consultant which I did at the cost of £300. I also consulted an independent consultant and they assured me that our interpretation was right so I also wrote to the Levelling up and communities who also agree, and this is a government department, that our interpretation of the clause is right and we have got the right to build on the allotment. Why am I not being allowed?

Supplementary reply from Councillor Mike Garnett (Chair of Development Management Committee):

I will send you a written answer in 10 days.