

ITEM No. 6

Report No 716/96

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

5 SEPTEMBER 1996

SUBJECT: ESSENTIAL WORKER HOUSING - SECTION 50 AGREEMENTS

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: This report seeks to clarify the terminology to be utilised in Section 50 Agreements in respect of essential farm workers houses and recommends a revision to procedures to allow subsequent amendments to Agreements.

1 RECOMMENDATION

It is recommended that the terminology indicated in 3.2 be utilised as the standard restriction for inclusion in Section 50 Agreements in respect of essential farm worker houses in the countryside and that minor variations of the restriction be delegated to the Director of Planning, Transport & Economic Development as indicated in 3.3.

2 INTRODUCTION

- 2.1 Since local government re-organisation in 1975, the planning authority in Angus has operated sympathetic policies towards essential workers. As this often entailed the granting of consent in locations that would otherwise not have received approval, the Council was justified in imposing a restrictive occupation condition on the planning consent.
- 2.2 Recently the decision was taken to seek a Section 50 Agreement to encompass the occupancy restriction. As this entailed registration with the titles of the property, the restriction was less easily overlooked or ignored than it was with a planning condition when, for instance, selling the property.
- 2.3 District Council Planning Committee members had supported a condition that allowed a degree of flexibility:
- "that the occupation of the dwelling shall be limited to a person employed or last employed locally in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972 or in forestry".
- 2.4 While a similar restriction has been incorporated in Section 50 Agreements, the Director of Law and Administration is of the opinion that, as the evidence for an essential worker dispensation applies to specific circumstances on a particular farm unit, then the Section 50 should similarly be restricted to a farm worker working on that specific farm.

3 OPTIONS

- 3.1 The two situations described above probably represent the two extremes in terms of imposing an essential worker restriction ie:

Option 1: Flexible restriction along the lines of the condition indicated in 2.3 above; and

Option 2: A more restrictive condition limiting occupation to an active agricultural worker on the specific farm unit.

- 3.2 A middle course between the two extremes is possible, however, and could take the form of:

Option 3: "Occupancy of the dwellinghouse to be erected on the planning permission subjects in accordance with the planning permission, shall be restricted to occupation by a worker (and his/her household) essential to the day to day operation and conduct of the business undertaken at the Farm of..... and no occupation by any other person whomsoever shall be permitted unless dispensation in writing has been obtained from the Planning Authority".

- 3.3 The latter option provides the legal precision but also provides the opportunity for flexibility on subsequent application to the Council. To reduce the bureaucracy involve, it is recommended that the authority to grant "dispensation" be delegated to the Director of Planning, Transport & Economic Development. Delegation would be restricted to minor changes such as subsequent occupation by a farm worker from another local farm; to permit a retiring worker to remain in occupation; to allow the house to be occupied by another locally essential rural worker (eg forestry, horticulture, etc); and to interpret/reinterpret "day to day operation" as appropriate. For a more significant change, a planning application would be required to remove the essential worker restriction and would normally be dealt with by the Committee.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications.

5 CONSULTATION

- 5.1 The Chief Executive, Director of Law & Administration and Director of Finance have been consulted in the preparation of this report.

6 CONCLUSION

- 6.1 The opportunity exists to address this small but important procedural aspect to the satisfaction of the Development Control Committee of Angus Council and the Directors of Planning, Transport & Economic Development and Law & Administration while also ensuring a consistent and equitable approach for applicants.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/JJ/MR

21 August 1996

Alex Anderson
Director of Planning, Transport & Economic Development

