

1 Summary

- 1.1 The report brings further relevant information to the notice of the Board in connection with two of the planning applications included on the Agenda.

Recommendation to the Board:

That the information in this report be considered when the Board determines the related applications.

2 Additional Information

a) Agenda Item 6 (d) – PAP/2023/0093 -- Fir Tree Farm, Fillongley

- 2.1 The report identifies the applicant's personal circumstances and it is clear that this relates to "disability". The Equalities Act 2010 recognises this as a "protected characteristic". The Council is therefore to have regard to its Public Sector Equality Duty and as such, weight would be given to this issue in the final planning balance.
- 2.2 Members will be aware that the Public Sector Equality Duty (PSED) requires public authorities to have due regard in the exercise of their functions to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act,
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 2.2.1 Members should note that the PSED is not a duty to achieve a particular outcome, rather a duty to have regard to the matters listed above when making a decision. The requirement in each case is to have due regard to these statutory goals. The weight and extent of the duty will vary case by case and requires an individual judgment based on the specific facts and ensure that policy is applied properly in each case. Having 'due regard' means having regard to what is appropriate in all the circumstance. These include:

- 2.2.2 the importance of the areas of life of the members of the disadvantaged group that are affected by the inequality of opportunity and the extent of the inequality, and
- 2.2.3 such countervailing factors as are relevant to the function which the decision-maker is performing.
- 2.2.4 Members must apply the duty with an open mind in a manner which will influence the final decision so that consideration of the duty is an integral part of the determination of the planning application. Reasons must be given for the decision at the time it is taken explaining how the duty was considered.

b) Agenda Item 6 (f) – PAP/2023/0057 – Packington Lane Farm

- 2.3 Revocation of a Certificate of Established Lawfulness is not quite the same as Revocation of a Planning Permission, as a Certificate is issued wholly based on an assessment of evidence pertaining to the longevity of the development that is being sought. As such, revocation is limited to where that evidence was found to be false or untrue in any way, or if information was withheld. This is not the case here and this is why the approach recommended is through a Section 106 Unilateral Undertaking.

The Contact Officer for this report is Jeff Brown (719310).