

Report of the Chief Executive

<b>APPLICATION NUMBER:</b>	<b>19/00243/FUL</b>
<b>LOCATION:</b>	<b>LAND NORTH OF HOME FARM COTTAGE AND PARK VIEW COTTAGE, MAIN STREET, STRELLEY, NOTTINGHAMSHIRE</b>
<b>PROPOSAL:</b>	<b>CHANGE OF USE FROM EQUESTRIAN TO MIXED USE EQUESTRIAN AND THE KEEPING OF FULLY LICENCED WILD CATS AND RETAIN THE SECURE ENCLOSURE REQUIRED FOR THEIR SAFE KEEPING.</b>

1.1 This application was originally brought before the Committee on 26 June 2019 with permission being sought to change the use of the site to mixed use equestrian and the keeping of wild cats, and to retain the enclosure required for their safe keeping. This report is attached as appendix 1. The confidential report dated 12 February is attached separately to this agenda as appendix 2.

1.2 The resolution of the Committee was that:

**RESOLVED that planning permission be granted with the precise wording of the permission and conditions, including referring to the unilateral undertaking, to be delegated to the Head of Legal Services and the Head of Neighbourhoods and Prosperity, following consultation with the Chair of the Planning Committee.**

1.3 The Unilateral Undertaking was provided by the applicant with the aim of committing the owner to carry out the following obligations:

- Not to use the said Wild Cat Enclosure for any purpose other than the keeping of the three Wild Cats in possession of the owner at the time of the application.
- On the death or relocation to premises elsewhere of all the Wild Cats to cease use of the Wild Cat Enclosure and to remove it within 3 months of the cessation of use.

1.4 Upon review of the Unilateral Undertaking provided by the applicant, a search of the Land Registry showed the owner of the land subject to this application was someone other than the Applicant and that there were also two mortgagees with an interest in the land. The Unilateral Undertaking had to be redrafted to include all those with an interest in the land because a Unilateral Undertaking attaches to the land only. The issue of land ownership is not a material consideration in the determination of a planning application, although it is relevant to procedural matters.

1.5 Since the matter was considered by the Committee on 26 June 2019 a number of discussions have taken place with the applicant in an attempt to obtain an acceptable Unilateral Undertaking. The Unilateral Undertaking, signed by all the required parties was eventually submitted to the Council on 10 February 2020.

- 1.6 Members will be aware that the decision made on 26 June 2019 was made on the understanding that the applicant owns the land and also owns the cats. However, since the applicant has no interest in the land it has had to be made by those who have an interest in the land, as opposed to the cats. The evidence provided to the Council shows the cats to be in the ownership of the Applicant who is the current and only Licence holder. Inevitably there is a disconnect between the owner of the land and the owner of the cats, albeit they are members of the same family, which could lead to enforceability issues.
- 1.7 The Owner of the land, arguably has no control over the cats and this too affects enforceability.
- 1.8 Between the Planning Committee meeting on 26 June and the submission of the Unilateral Undertaking, a number of additional matters have come to light which it is considered appropriate to report to the Committee.
- 1.9 As part of the application that was considered by the Planning Committee the applicant provided supporting information providing details on how he obtained the big cats and his reasons for keeping them. The Council has received a claim that the details provided contained untrue information, specifically intended to mislead the Committee. The Council is unable to corroborate the accuracy or otherwise of this.
- 1.10 A site visit was carried out on 22 January following reports of unlawful development at the application site. A number of inconsistencies with the plans of the puma enclosure were observed including the subdivision of the enclosure, the addition of a second link from the enclosure to the stables, and a small addition to the north west corner of the enclosure to create a security door. These additions constitute a material change to the scheme originally considered and therefore an amended planning application would be required to legitimise the enclosure. However, this does not affect the ability of the Council to grant planning permission for the enclosure as originally proposed.
- 1.11 Accordingly, Members are invited to review their decision made on 26 June 2019 in light of the new evidence and the risks associated with such an approach and determine accordingly.

**Recommendation**

**The Committee is asked to CONSIDER this report and RESOLVE accordingly.**