

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 22 February 2018 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher
T A Bond
M R Eddy
B Gardner
P D Jull
D P Murphy
M J Ovenden
G Rapley
P M Wallace

Officers: Team Leader (Development Management)
Development Planner (Kent County Council Highways)
Principal Planner
Principal Planner
Principal Planner
Principal Heritage Officer
Planning Officer
Planning Officer
Planning Solicitor
Democratic Services Officer

The following persons were also present and spoke in connection with the applications indicated:

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/17/01114	Ms Jane Scott	Ms Eloise Marshall
DOV/17/01451	Mr Mike Dye	-----
DOV/17/01230	Mr Charlie Harston	Mr Ian Davis
DOV/17/01499	Mr Daniel Gray	-----
DOV/17/01492	Mr Ryan Bolton	-----
DOV/17/01360	Mr Tomasz Zarzycki	Councillor P M Brivio Ms Anita Jackson
DOV/16/01365 & DOV/16/01366	Ms Susan Price Mr Harry Kenton	Mrs Claudine Nutley -----

152 APOLOGIES

It was noted that apologies for absence had been received from Councillors P M Beresford and D G Cronk.

153 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that Councillors P D Jull and M R Eddy had been appointed as substitute members for Councillors P M Beresford and D G Cronk respectively.

154 DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

155 MINUTES

The Minutes of the meeting held on 25 January 2018 were approved as a correct record and signed by the Chairman.

156 ITEMS DEFERRED

The Chairman advised that one of the items listed was dealt with elsewhere on the agenda. The other item (Application No DOV/16/01476 – Land to the rear of Hyton Drive and Roman Close, Church Lane, Sholden) was likely to return to committee in a month or two.

157 APPLICATION NO DOV/17/01114 - LAND AT GORE LANE, EASTRY

The Committee was shown drawings, plans and photographs of the application site. The Principal Planner clarified that the application sought outline planning permission for the erection of up to 50 dwellings (including 30% affordable housing), new public footpaths, associated landscaping and the creation of access, with appearance, landscaping, layout and scale of development to be reserved. The site was situated on the western side of Gore Lane and consisted of 2.24 hectares, of which 1.90 hectares had been allocated under Policy LA27 in the Land Allocations Local Plan (LALP) for a development of 55 dwellings. The indicative layout showed a scheme of 50 dwellings with a density of 22 dwellings per hectare which was comparable to the surrounding area.

The principle of development on the site was accepted. It was therefore for the Committee to consider whether the criteria for development of the site would be met by the outline scheme proposed, and whether the technical detail submitted demonstrated an acceptable impact on infrastructure and highways.

The indicative layout demonstrated respect for the edge of settlement location, including the presence of listed buildings to the north of the site. The frontage of the development would be set back from Gore Lane, with tree-lined avenues within the site and a footpath provided along the frontage. There would be a landscaped buffer along the western edge, a new footpath across the rear of the site to Public Right of Way (PROW) specifications and the retention of existing hedgerows and landscaping where possible. There would also be views through the site from Gore Lane to the open countryside at the rear and a single central access from Gore Lane. The site was surrounded on three sides by development but, due to its elevation, appeared prominent by its undeveloped nature. When approaching from the north and south, the proposed green frontage would help to reduce the prominence of the development in the street scene.

The proposed footpath would be subject to a creation agreement with Kent County Council (KCC) and would link up to byway EE109 at the junction of Mill Lane and Gore Lane. However, it would not be an extension to the byway and would only have footpath status. The new footpath across the front of the site would provide a pedestrian link to bus-stops at either end of the site and improve connectivity to the PROW which led to the school, park and village.

In terms of financial contributions, the applicant had agreed to meet the updated secondary school contribution of £4,115 per applicable house and £1,029 per applicable flat. The applicant proposed to provide 30% affordable housing on site

which equated to 15 units, with an indicative mix of 2 to 4-bedroom units grouped in three areas of the site. Members were advised that there was no intention to provide all the units as social rented housing as indicated in the report. A condition would secure the affordable housing provision in terms of tenure and delivery phasing.

In relation to drainage, the delivery of the infrastructure required by Southern Water would be conditioned to ensure that details of, and a timetable for, the works would be submitted and delivered prior to the occupation of the dwellings.

In summary, when considering the tilted balance approach required by paragraph 14 of the National Planning Policy Framework (NPPF), the proposal was considered acceptable and in compliance with the requirements of Policy LA27 of the LALP and consistent with the aims and objectives of the NPPF. Accordingly, there were no material considerations that would justify a departure from Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which required all planning applications to be determined in accordance with the Local Development Plan.

In response to Councillor T A Bond, the Principal Planner clarified that one of the footpaths would run along the frontage of the development and the other would run from Selson Lane across the rear of the site, past the rear of properties in Albion Road and those that fronted Gore Lane, finally linking with the existing byway. The KCC Development Planner added that there would be four passing bays at evenly spaced intervals along Gore Lane. Whilst visitor parking was a reserved matter, reassurances were given that sufficient parking would be provided within the site.

In response to concerns raised by Councillor B Gardner, the KCC Development Planner clarified that the projected number of 30 vehicular movements during peak hours was based on statistics from a national database which brought together data from surveys undertaken on hundreds of sites in both urban and rural areas. These data indicated that half a vehicular trip was made during peak hours, reflecting the fact that some people were not working and others worked from home. In response to Councillor G Rapley, he confirmed that the figures took account of traffic movements associated with the school. However, he pointed out that these were likely to be minimal given that occupants of the new dwellings would be in the catchment area for the school which was within walking distance.

Councillor Gardner indicated his support for the application, but voiced concerns about the width of Gore Lane. Councillor P D Jull referred to the large number of objections received. He disliked the fact that the footpath would run along the frontage of the development rather than the highway which was contrary to Policy LA27. He also supported the proposal by Eastry Parish Council that the whole of Gore Lane should be widened. The Chairman reminded Members that a highways study had been carried out prior to the site's inclusion in the LALP, and that KCC Highways had raised no objections, subject to certain mitigation measures. He clarified that the footpath along Gore Lane would be built by the developer to KCC's specification, for subsequent adoption by KCC. The KCC Development Planner added that any highway or footpath improvements would be paid for by the developer but would require a final seal of approval from KCC.

Councillor P M Wallace raised concerns that approval in outline did not necessarily commit the applicant to delivering what was indicated at that stage. The Chairman advised that, whilst the Committee could add an informative or a condition about a matter, its powers were limited. In response to Councillor M J Ovenden who raised concerns about anti-social behaviour caused by motorbikes using the footpath, the

Principal Planner advised that the developer would be required to put physical measures in place to restrict vehicle access, details of which could be conditioned. Councillor Bond referred to the scheme's 15% encroachment outside the LALP boundaries, and the fact that the financial contributions for education would be going to Sandwich and not Eastry. If approved, he requested that a condition be added requesting further details of the footpath along Gore Lane.

The Principal Planner reminded Members that a condition would be attached securing the provision of 30% affordable housing. She also clarified that no development would commence until a drainage strategy had been submitted and approved in writing by the Local Planning Authority (LPA). The applicant had submitted a strategy with the application and indications were that Southern Water's approval would be forthcoming. These drainage works would then need to be completed before occupation of the dwellings. The Chairman added that the site had been assessed as suitable for development and therefore included in the LALP. The Committee would be able to scrutinise the proposal further at the reserved matters stage.

It was moved by Councillor P D Jull and duly seconded that Application No DOV/17/01114 be REFUSED on the grounds that there was inadequate highway provision. On being put to the vote, the motion was LOST.

It was moved by Councillor P M Wallace and duly seconded and

RESOLVED: (a) That, subject to the completion of a Section 106 Agreement, Application No DOV/17/01114 be APPROVED subject to the following conditions:

- (i) Time outline;
- (ii) Time reserved matters;
- (iii) Samples;
- (iv) Design details;
- (v) Cycle and bin storage;
- (vi) Parking/turning;
- (vii) Construction Management Plan;
- (viii) Archaeology;
- (ix) Foul and sewage disposal details;
- (x) Landscaping scheme and landscape implementation;
- (xi) Hedgerow and landscape protection measures;
- (xii) Surface water disposal;
- (xiii) Slab levels;
- (xiv) Details of Sustainable Drainage System;

- (xv) Finished surfacing to vehicle and pedestrian access routes, parking areas and kerbs;
- (xvi) Hard and soft landscaping;
- (xvii) Ecological enhancements;
- (xviii) Details of crime prevention;
- (xix) Submission of external lighting;
- (xx) Details of boundary treatment;
- (xxi) Permitted development rights (means of enclosure);
- (xxii) Details of footpath along Gore Lane;
- (xxiii) Details of measures to restrict vehicular access to footpath;
- (xxiv) 30% affordable housing provision.

(b) That powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and the Section 106/legal agreement and any other matters in line with the issues set out in the recommendation and as resolved by the Planning Committee.

158 APPLICATION NO DOV/17/01451 - 1 BULWARK ROAD, DEAL

Members viewed drawings, plans and photographs of the application site. The Planning Officer advised that the application sought planning permission for the erection of a cantilevered first-floor side extension to a dwelling which was located on a prominent corner plot in an area of tightly-knit development in north Deal. The proposed extension would project forward and above of an existing parking space, and would have a different eaves height to the host dwelling. There was an existing dormer extension on the front elevation and another large dormer extension on the rear which had been erected under permitted development rights. Officers considered that the proposed extension was of a contrived design which would be overbearing, incongruous and intrusive in the street scene. Moreover, there was already a limited open view from Capstan Row and this would be restricted even further by the proposed development.

Councillors B W Butcher and Gardner agreed with Officers that the proposed extension did nothing to enhance the host dwelling or the surrounding area, and moved that the application should be refused. Councillor M R Eddy added that a smaller extension might be acceptable but, as it stood, the design was contrived and damaging to the surrounding area. Councillor Bond argued that the reasons given for refusal were subjective, and that the proposed extension would cause no more harm in an area which already had a mixture of extensions and changes.

RESOLVED: (a) That Application No DOV/17/01451 be REFUSED on the grounds that, in this prominent location, the proposed extension, if permitted, would result in an incongruous and intrusive addition to the street

scene. By virtue of its resultant design and its relationship with the existing dwelling, the proposed extension would appear as a contrived and alien feature in the street scene. The proposal would result in harm to the street scene, contrary to the aims and objectives of the National Planning Policy Framework, in particular paragraphs 17, 56, 58, 61 and 64.

159 APPLICATION NO DOV/17/01230 - LAND REAR OF 117 MANOR ROAD AND ADJOINING 437 FOLKESTONE ROAD, DOVER

The Committee was shown plans, drawings and photographs of the application site which partly adjoined an Area of Outstanding Natural Beauty (AONB). The Planning Officer advised Members that the application sought permission for the erection of a detached dwelling on a site which comprised part of the rear garden of 117 Manor Road. As an update to the report, further information had been submitted which evidenced ownership of the land within the application site. The proposed dwelling would use an existing access. Officers considered that there would be no harm to the AONB or residential amenity and approval of the application was therefore recommended.

Councillor Wallace proposed that a site visit should be held to assess construction and emergency vehicle access, as well as overlooking and loss of light. In response to concerns raised by Councillor Ovenden, it was clarified that vehicles would travel along the track in forward gear having reversed out of the parking area.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/17/01230 be DEFERRED for a site visit to be held on Tuesday 20 March 2018 to enable Members to assess: (i) Access arrangements for construction traffic and emergency vehicles; (ii) Overlooking of neighbouring properties; and (iii) Loss of light to neighbouring properties, and Councillors B Gardner, P D Jull, M J Ovenden, G Rapley and P M Wallace (reserve: Councillor F J W Scales) be appointed to visit the site.

160 APPLICATION NO DOV/17/01499 - MARLEY COTTAGE, MARLEY LANE, FINGLESHAM

Members were shown plans and photographs of the application site. The Planning Officer advised the Committee that the application sought outline planning permission for the erection of a detached dwelling in the countryside where Policy DM15 of the Core Strategy applied. Engineering works would be required which would lead to the loss of an embankment and hedgerow, and views of the dwelling would be particularly prominent from the south-east of the site. The proposal did not meet any of the criteria listed under Policy DM15. Moreover, Officers considered that it was unsustainable and would be detrimental to the character and appearance of the area. It was therefore recommended that the application should be refused.

Councillor Bond commented that there would have to be very good reasons to go against the Local Development Plan. He proposed that the application should be refused in accordance with the report recommendation. In response to several Members who expressed their sympathy for the applicant's situation, the Chairman reminded them that the issues were comprehensively set out in the report. The site was an isolated dwelling and outside any settlement confines, Finglesham being a hamlet where development was not permitted. The development would cause a great deal of harm and provide very few public benefits.

RESOLVED: That Application No DOV/17/01499 be REFUSED on the grounds that the proposed development, if permitted, would result in an unjustified dwelling-house outside of any defined urban or village confines, the need for which has not been demonstrated sufficiently to override normal restraint policies. The proposal would constitute unsustainable, unjustified sporadic residential development in this rural location, resulting in additional vehicle movements and the need to travel by private car and would significantly and demonstrably harm the rural character and appearance of the locality, contrary to Policies DM1, DM11 and DM15 of the Core Strategy and paragraphs 14, 17, 61 and 109 of the National Planning Policy Framework.

161 APPLICATION NO DOV/17/01492 - LAND ADJACENT TO 51 BALMORAL ROAD, KINGSDOWN

Members were shown drawings, plans and photographs of the application site which was situated in the severed side garden of 51 Balmoral Road. The Principal Planner advised that the application sought planning permission for a two-storey, three-bedroom dwelling. The site was within a wholly residential area and, whilst garden land did not fall within the definition of previously developed land, the principle of development in this locality was considered acceptable. The Committee would therefore need to consider whether the proposal was acceptable when judged against material planning issues. In the opinion of Officers the size of the proposed dwelling was not commensurate with the size of the plot and would appear cramped and congested. The dwelling would be higher than, and sited within two metres of, the adjacent dwelling. Due consideration had been given to paragraph 14 of the NPPF which stated that permission should be granted unless the impact of doing so would significantly and demonstrably outweigh the benefits. However, it was considered that the proposed dwelling would bring minimal benefits and cause significant and demonstrable harm to the character and symmetry of the area.

Councillor Jull commented that there were a number of two-storey properties in the area and the proposed dwelling could therefore provide some symmetry to the road. The occupiers of 75 Balmoral Road had recently been granted permission to raise its ridge height. In respect of amenity, it was the applicant who would be most affected by the new dwelling.

The Chairman explained that, when assessing residential amenity, the Committee was required to take into account future occupants and not just those currently residing at a property. He shared Officers' concerns over the impact on no. 51 and particularly the potential for loss of light. Councillor Bond referred to the potential for overshadowing and agreed that the proposal would be an overdevelopment of the site. The Principal Planner clarified that planning permission had been granted the preceding year for the ridge height of no. 75 to be raised and dormer windows inserted at the front and rear. If carried out, no. 75's ridge height would be just under 5.5 metres which was still lower than the ridge height of the proposal before the Committee. It was agreed that the reason for refusal relating to overshadowing should be strengthened by Officers, using delegated powers.

RESOLVED: That Application No DOV/17/01492 be REFUSED on the following grounds:

(i) Due to its proposed design, height, bulk, size, scale, siting and the provision of car parking and hard surfacing and, given the open nature of the corner plot, the proposed development would appear as an unsympathetic, dominant and cramped form of development which would detract from the visual quality, character and appearance of the street scene and result in a prominent and intrusive form of development which, if permitted, would be harmful to the visual quality of the area contrary to paragraphs 17, 56 and 64 of the National Planning Policy Framework.

(ii) By reason of the scale, height and siting of the dwelling, the proposal would appear as a dominant and overbearing form of development which would cause harm to the residential amenities of the occupiers of 51 Balmoral Road.

162 ADJOURNMENT OF MEETING

The meeting was adjourned at 8.22pm for a short break and reconvened at 8.28pm.

163 APPLICATION NO DOV/17/01360 - 28 PRIORY HILL, DOVER

The Committee was shown plans and photographs of the application site which was situated within the urban confines of Dover on a steeply sloping hill. The Principal Planner advised that the applicant sought planning permission to convert the dwelling into three self-contained flats. The dwelling had no off-road parking. The only external changes would be the demolition of a chimney stack, a replacement door to an existing store and the addition of a bin/bicycle store behind the front boundary hedge. Since its deferral at the last meeting, the Council's waste and recycling team had been consulted regarding bin storage. Following advice received from the team, the applicant had submitted amended plans so as to provide the requisite size and number of bins. A site visit had been held on 20 February in order to allow Members to assess the impact on parking and the character and appearance of the area, together with the proposed bin/bicycle storage arrangements.

Councillor Gardner reported on the site visit which had been very well attended. It was evident from the site visit that there was a significant parking problem in Priory Hill, demonstrated by the fact that only five of the 42 cars parked there that morning belonged to residents of the street. Members of the site visit panel had been unanimous in their view that the proposal would exacerbate parking problems, and that the bin/bicycle stores would be unsightly. This was an attractive street of family houses which should remain as such given that there was a shortage of 3/4-bedroom houses in the district.

Councillor Ovenden advised that a report had been considered at the Dover Joint Transportation Board meeting on 7 September 2017 regarding a residents' parking scheme for Priory Hill. She had received reassurances that a further report would be presented to the Board in March. Once implemented, it was likely that the residents' scheme would alleviate parking problems in Priory Hill.

The Chairman acknowledged that there was a parking problem. However, this was largely due to commuter traffic which would be excluded once a scheme was introduced. Moreover, KCC Highways had raised no objections to the development, arguing that the additional residents and their vehicles would lessen the opportunity for commuters to park in the street. He referred to fears about the development's

potential to affect the character of the street. However, there had been no application for a change of use for the dwelling. These fears appeared to be unfounded and were not therefore a material planning consideration in this case. In relation to the impact of the bin/bicycle storage on the character of the street, this had been addressed by a condition which would require the retention of the beech hedge. The Principal Planner referred to the proposed changes to the external appearance of the dwelling and the minimal impact these would have. She understood that Members' concerns centred around the impact that the development might have on the social character of the street.

Councillor Gardner argued that a house reserved for family occupation would not need a bin/bicycle store and as many parking spaces given that there was likely to be a higher ratio of children to adults living at the property. Councillor Eddy referred to the three dimensions of sustainable development outlined in paragraph 7 of the NPPF, namely the economic, social and environmental impact of development. Altering this dwelling would have an impact on the social and environmental sustainability of the road and the greater area of Dover which lacked large family residences of an historic nature that were likely to appeal to business people of a certain standing. Converting the dwelling would be contrary to the Core Strategy which had identified a need for large family homes. Furthermore, the bin/bicycle storage would affect the style of the road and was therefore a further environmental consideration. The Chairman disagreed, stating that stronger reasons for refusal would be needed if the LPA were to successfully defend an appeal.

Councillor Wallace commented that, although not part of a conservation area, Priory Hill was one of the few attractive streets left in Dover, with a number of historic houses of uniform appearance. Its proximity to a conservation area and Dover Town Hall was significant. Whilst properties in the street were currently well maintained, he feared that this would change if the proposed flats were tenanted. Warnings about the impact of flat conversions in Folkestone Road and Effingham Crescent had gone unheeded several years before, to the detriment of those areas. He understood that developers had offered money to the occupants of other houses in the street which indicated that other conversions would follow if permission were granted. Given that there was an existing problem of drug use round the corner from the application site, and that parking was under so much pressure, he urged Members to refuse the application. The Chairman acknowledged that, whilst local knowledge was an important consideration, the Committee had to work within the planning legislation and be even-handed to both the applicant and residents.

The Principal Planner reminded Members why approval of the application was recommended. In terms of car parking, Policy DM13 of the Core Strategy indicated that the existing dwelling would generate the need for three off-street spaces. The proposed scheme would generate a need for four spaces. KCC Highways had raised no objections and had advised that the additional space could easily be absorbed since demand for parking in the street varied during the day. The accommodation offered by the proposed scheme would be comparable to that offered by the existing dwelling. The bin storage arrangements were now considered adequate following changes made by the applicant, and the retention of the beech hedge would be conditioned. The issue of the flats being for sale or rent was not a material planning consideration as this could not be controlled. As some policies of the Local Development Plan were now considered out of date, the Committee was required to take a 'tilted balance' approach to the application in accordance with paragraph 14 of the NPPF which presumed that planning permission should be granted unless the impact of doing so would significantly and demonstrably outweigh any benefits. The harmful impacts of one additional car

parking space and the bin/bicycle storage (should the beech hedge be removed) were not considered to outweigh the benefit that much-needed small units of accommodation in a sustainable location would provide.

Councillor Bond acknowledged the points raised about the social impact of the development. However, whilst he sympathised with residents about parking, he did not believe there were sufficient reasons to refuse the application.

It was moved by Councillor B Gardner and duly seconded that Application No DOV/17/01360 be REFUSED on the grounds that: (i) It would exacerbate existing car parking problems; (ii) The proposed bin/bicycle storage would change the character and appearance of the street; (iii) The loss of a family home in a street of family homes would be detrimental to the character of the street; and (iv) The three dimensions of sustainable development (i.e. economic, social and environmental) referred to in Paragraph 7 of the National Planning Policy Framework would not be achieved.

On there being an equality of votes, the Chairman used his casting vote and the motion was LOST.

It was moved by Councillor P D Jull and duly seconded that Application No DOV/17/01360 be APPROVED as per the Officer's recommendation.

On there being an equality of votes, the Chairman used his casting vote and the motion was CARRIED.

RESOLVED: (a) That Application No DOV/17/01360 be APPROVED subject to the following conditions:

- (i) Standard time limit;
 - (ii) In accordance with approved plans;
 - (iii) Full particulars and details of a scheme for sound insulation between bedroom 2 of the ground-floor flat and the kitchen/living-room of the first-floor flat;
 - (iv) Prior to the first occupation of any flat hereby granted, the bin and bicycle stores shall be provided;
 - (v) The beech hedge along the front boundary shall be retained.
- (b) That powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

164 APPLICATION NOS DOV/16/01365 AND DOV/16/01366 - LONG LANE FARM, LONG LANE, SHEPHERDSWELL

The Committee viewed drawings, plans and photographs of the application site. The Principal Planner advised that the item related to two applications for full planning permission and listed building consent for the redevelopment of a farmstead at Long Lane Farm, Shepherdswell. The planning application sought permission for the demolition of several 20th-century agricultural buildings to allow

for the erection of a pair of semi-detached dwellings, the extension and conversion of a former milking parlour to one dwelling and the conversion of a barn to one dwelling, alongside the erection of associated buildings and the creation of hardstanding and gardens. The listed building application was for the conversion of a curtilage-listed barn and milking parlour, the latter of which would be extended.

The Committee was reminded that it was statutorily required to determine applications in accordance with the Local Development Plan. Whilst the Council had a 5-year housing land supply, it was acknowledged that Policies CP2 and CP3 of the Plan were out of date and therefore should be afforded reduced weight. However, the recent Planning Inquiry had confirmed that Policies DM1, DM15 and DM16 were up to date and therefore carried significant weight.

The proposal sought to convert the barn to one dwelling which would include the external and internal reconfiguration of the building and the erection of steps to the rear. The milking parlour would be extended so that it would be roughly doubled in size, to provide one dwelling. A pair of semi-detached dwellings would be erected to the west of the milking parlour. The central courtyard would be extended towards Long Lane and beyond the existing courtyard to provide an open car parking area. Private gardens would also be provided to the rear of each dwelling.

Policy DM1 directed that development should not be permitted outside settlement confines unless, amongst other things, it functionally required a rural location or was ancillary to existing development or uses. Whilst Policy DM4 supported the conversion of buildings in rural areas in some circumstances, it was not considered that these applied in this case. As such, the erection of new dwellings and the conversion of existing buildings in this rural location were contrary to the Local Development Plan. Furthermore, due to its isolated location, distance from facilities and services and reliance on unsustainable modes of transport, the principle of the development was not supported by the NPPF.

In relation to the barn, it was considered that the proposed steps to the rear would be poorly related to the agricultural character of the building. In addition, the proposed use of black stained weatherboarding was considered inauthentic for this location. Whilst a basic survey had been submitted assessing whether the building could be converted, this provided insufficient detail regarding the condition of walls and timbers and the historic fabric that would be retained or lost. Furthermore, it was considered that the proposed sub-division of the barn would take away the spacious open character of the building which was integral to its significance as a listed building.

Due to the open character of the landscape, the site was visible in far-reaching views. The buildings currently formed an archetypal agricultural farmstead which was characteristic of the area. The loss of several utilitarian structures of no architectural merit would only have a minor visual impact. However, the development would introduce domestic buildings and features into the farmstead which, together with car parking areas, garages, stores and large rear gardens, would fundamentally change the character of the site from agricultural to domestic, causing harm to the landscape.

Councillor Ovenden, supported by Councillor Gardner, proposed that a site visit should be held. Councillor Gardner referred to a report and an additional representation having been received. The information in the report and representation differed to what was in the Officer's report, and he therefore wished to visit the site to clarify what was there, what impact the proposed changes would

have on curtilage-listed buildings and how the courtyard would be enhanced. Referring to paragraph 3.63 of the report, the Principal Planner clarified that development under permitted development rights did not apply to listed buildings. In addition, the definition of conversion of buildings did not include their demolition and replacement.

RESOLVED: That, notwithstanding the Officer's recommendation, Application Nos DOV/16/01365 and DOV/16/01366 be DEFERRED to allow Officers to assess the additional information submitted, and for a site visit to be held on Tuesday 20 March 2018 to enable Members to: (i) Assess the impact on the character of the area; (ii) Consider the benefits of removing the unused buildings; and (iii) Assess the impact of the proposals, particularly the new dwellings, on the courtyard and listed farmhouse, and Councillors B Gardner, P D Jull, M J Ovenden, G Rapley and P M Wallace (reserve: Councillor F J W Scales) be appointed to visit the site.

165 EXTENSION OF MEETING

The Chairman advised the Committee that, in accordance with Council Procedure Rule 9, the Committee was required to pass a resolution to continue the meeting beyond 10.00pm.

RESOLVED: That the Committee proceed with the business remaining on the agenda.

166 APPEALS AND INFORMAL HEARINGS

The Committee noted that there was no information to receive regarding appeals and informal hearings.

167 ACTION TAKEN IN ACCORDANCE WITH THE ORDINARY DECISIONS (COUNCIL BUSINESS) URGENCY PROCEDURE

The Committee noted that no action had been taken since the last meeting.

168 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor B W Butcher, duly seconded and

RESOLVED: That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the item to be considered involved the likely disclosure of exempt information as defined in paragraph 5 of Part I of Schedule 12A of the Act.

169 APPLICATION NO DOV/16/01247 - LAND AT WHITE POST FARM, SANDWICH ROAD, ASH

The Principal Planner referred Members to the report which concerned the refusal of outline planning permission for a site at Sandwich Road, Ash and a subsequent appeal. The Committee's decision was now sought as to how the Council should defend the appeal in the light of advice recently received from the Council's legal representative.

Councillor Butcher stood by the decision which the Committee had made in good faith. Whilst he was disappointed that the Council was in this position, he acknowledged that a pragmatic approach was now needed in the light of the legal advice received. The Chairman agreed that the Committee had made a sound decision based on the information available at the time. However, things had moved on and, taking into account the 'tilted balance' approach now required, the Committee would probably come to a different conclusion now. In response to concerns raised by Councillors Bond and Gardner who disagreed with the proposed course of action, he reiterated that the advice had come from Counsel. It would be irresponsible to ignore that advice knowing that the costs of defending the refusal at appeal would be substantial. Members had a duty to spend taxpayers' money wisely.

The Planning Solicitor clarified that Officers had reviewed the case themselves and it had not come about as a result of pressure from the developer. The costs involved were the Council's costs of attending the inquiry and defending the decision, not those of the appellant. He advised that the costs associated with lodging or defending an appeal were borne by both parties. However, where costs had been awarded against one party or another, these were always where the Planning Inspector considered that there had been unreasonable behaviour by one side. Councillor Gardner requested that, in future, the Council should seek costs from a developer where it was considered that they had acted unreasonably.

RESOLVED: That Option 2, as set out in the report, be approved, and the Planning Inspectorate be advised that the Council will proceed with the appeal on that basis.

The meeting ended at 10.26 am.