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Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 16 November 2017 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher
P M Beresford
T A Bond
D G Cronk
B Gardner
D P Murphy
M J Ovenden
G Rapley
P M Wallace

Officers: Team Leader (Development Management)
Planning Officer (Enforcement)
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/17/00906	Mr Bob Britnell Councillor Mike Conolly	Mr Ashley Hazard

112 APOLOGIES

It was noted that there were no apologies for absence.

113 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that there were no substitute members.

114 DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

115 MINUTES

The Minutes of the meeting held on 26 October 2017 were approved as a correct record and signed by the Chairman.

116 ITEMS DEFERRED

The Chairman advised that the items listed remained deferred. It was possible that Application No DOV/14/00240 (Eastry Hospital, Mill Lane, Eastry) would come to the Committee in December.

APPLICATION NO DOV/17/00906 - LAND AT LITTLE STOUR ORCHARD,
CHURCH LANE, WEST STOURMOUTH

The Committee viewed plans, drawings and photographs of the application site which was situated on the western side of Church Lane. As an update to the report, the Principal Planner advised Members that there had been 13 letters of support for the proposal. There was a correction to paragraph 3.31 of the report which should read: 'It is considered that the additional dwelling and improved arrangements for an existing business would not create a severe impact in highways terms.'

The proposal sought planning permission for an agricultural worker's dwelling in the hamlet of West Stourmouth, with a secondary part of the application seeking permission for a new access to serve the apple orchard. As a development outside any settlement boundaries, one of two exceptions would need to apply before permission could be granted – either there was an essential need or the dwelling was of exceptional quality or innovative design.

Members were advised that the business had been established in 2011. Whilst the orchard was an environmentally friendly business which had won a number of awards, it employed no staff. This was relevant when considering the financial test applied by local authorities whereby new, permanent accommodation had to be justified by a viable farming business, normally demonstrated by the fact that the business was supporting the equivalent of at least one full-time wage. To satisfy the requirement for essential need, the dwelling would need to be essential for the proper functioning of the enterprise. In practice, this was usually to enable one or two workers to be readily available to provide essential care to animals or to undertake agricultural processes at short notice.

The applicant had submitted financial information, as well as information on why there was a need for a dwelling on security grounds. However, Officers had concluded that the business was not sufficiently financially sound to provide a full-time livelihood, nor were there any exceptionally problematic factors that required a permanent dwelling on the site. Moreover, the size and scale of the proposed dwelling was not what one would expect of a dwelling erected on the basis of agricultural need, it being unusually large and expensive to construct. Whilst the use of alternative construction methods and green technology was acknowledged, these were not considered exceptional or innovative. For these reasons, it was concluded that the need for the dwelling could not be justified.

In summary, the site was situated in an area of sporadic development, well beyond any settlement confines. Whilst there was no objection to the provision of a second access to serve the orchard, there was no justification for setting aside planning policies which sought to restrict residential development in the countryside. Refusal was therefore recommended on slightly amended grounds to those set out in the report and these were read out to the Committee.

In response to the Chairman, the Principal Planner clarified that former Annex A of the Planning Policy Statement 7 was still commonly used by decision-makers, including Planning Inspectors, when determining applications for agricultural dwellings outside the settlement confines. This entailed applying financial and functional tests. A recent appeal against the refusal of an application for two dwellings at a site at Shatterling had been dismissed by the Planning Inspector, albeit that the concerns surrounding security were recognised. In that case, there

had been animals on site, and the Inspector had commented that there were two dwellings nearby that could be used for security surveillance.

Councillor B W Butcher was of the view that the purpose of an agricultural worker's dwelling was to enable care to be provided for livestock at short notice. Security could be addressed by employing a night watchman. The proposed dwelling was far too big for the need put forward. Approval would be contrary to planning policies and he recommended that the application should be refused. Councillor B Gardner agreed that the proposed dwelling was far too large for the intended use. There had been two public speakers speaking in support of the application and only one had touched, albeit briefly, upon the agricultural need for the dwelling.

Councillor P M Wallace stated that, whilst he wished to be supportive of the applicants' business, and was sympathetic to their security concerns, the erection of a permanent agricultural dwelling in the countryside was not the answer, particularly when the business was currently economically unsustainable. The site was outside the settlement confines and the Committee was therefore required to assess the proposed development against Core Strategy Policy DM1 and paragraph 55 of the National Planning Policy Framework which set out strict tests in relation to such developments.

RESOLVED: That Application No DOV/17/00906 be REFUSED on the grounds that the development would, if permitted, result in an unjustified form of development located well beyond the settlement confines which would comprise an unsustainable form of development causing harm to the setting, appearance, character and quality of the countryside, contrary to Core Strategy Policies DM1, DM11, DM15, DM16 and paragraphs 17 and 55 of the National Planning Policy Framework.

118 APPLICATION NO DOV/17/00913 - 2A YORK ROAD, WALMER

Members viewed plans, drawings and photographs of the application site which was L-shaped and situated behind Nos 1, 2, 2a and 3 York Road. The Planning Officer advised that permission was sought to erect a single-storey, one-bedroomed dwelling, with the existing garage to be demolished. There was a diverse mix of architectural styles and scales in the area. The open part of the site, to the rear of Nos 2 and 2a, was largely bounded by high blockwork walls. The interior of the proposed dwelling would largely be open plan and a patio would provide the only amenity space. Officers considered that there would be no amenity impact on neighbouring properties. The Council's Heritage Officer had raised no objections. There was no requirement to provide off-road parking in an urban area. However, it was considered that the proposed dwelling would not unduly impact on parking pressure.

Councillor D P Murphy welcomed the proposal as it would tidy up the site, but he was of the view that it would add to parking congestion in and around Canada and York Roads. Councillor T A Bond shared these concerns, and felt that it could be an over intensification of the block, but could find no reason to refuse the proposal. Councillors P M Beresford and M J Ovenden welcomed the proposal which was well designed and made good use of the site.

RESOLVED: (a) That Application No DOV/17/00913 be APPROVED subject to the following conditions:

- (i) 3-year commencement;

- (ii) Built in accordance with approved drawings;
- (iii) Samples of materials;
- (iv) Joinery details for timber windows/doors;
- (v) No run-off of surface water to the highway;
- (vi) Provision of bin store prior to first occupation;
- (vii) Removal of permitted development rights for new windows to any façade;
- (viii) Obscure glazing in rear façade windows within the roof slope;
- (ix) Fence to north boundary provided prior to first occupation;
- (x) Archaeological watching brief.

- (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.

119 FEES AND CHARGES 2018/19

The Team Leader (Development Management) presented the report which set out the proposed fees and charges for the planning service for 2018/19.

The Chairman advised that the report was for the Planning Committee to note, given that most of the fees were set by Government. He noted that there had been an 18% increase in the charge for pre-application advice. In respect of the latter, the Team Leader (Development Management) clarified that there had been an increase in the hourly rate charge and the fixed fee for larger schemes. This followed the practice of other local authorities in Kent, and reflected the fact that several Officers were often involved in discussions on larger schemes.

RESOLVED: That the report be noted.

120 APPEALS AND INFORMAL HEARINGS

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

121 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.

The meeting ended at 6.52 pm.