

Minutes of the **PLANNING COMMITTEE** meeting held virtually on **Monday 21st December 2020** at 7.00pm in accordance with *The Local Authorities and Police and Crime Panel (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020*.

PRESENT: Cllrs Andrew Fane, Di Kelly, Chris Pope, Marcus Tarling (Chair).

In attendance: Debbie Siddle – Clerk (Minutes and Virtual Host)
District Cllr Obbard

Members of the public are encouraged to view meetings via the Withyham Parish Council YouTube channel where they are posted until minutes are available.

Members of the public wishing to address any items on the agenda were requested to email their question/comment by the morning of the meeting to be circulated to the committee. There were no questions submitted. One member of the public, the owner of the land at Park Corner, joined the meeting after item 4 and was given 10 minutes to address the Committee. He made the following statement:

The resident wished to put locals' minds at rest as things had been said that he asserted to be not true such as an intention for travellers to use the site and asbestos being buried there. He stated that he wishes to convert the barn into a family dwelling and that he has been a valued member of the Groombridge community.

The Chair of the Committee enquired how the landowner intended to proceed following the refusal of his planning application. The landowner asserted that he had withdrawn the application with the intention of resubmitting. He went on to say that he felt there was a misconception about the Article 4 which removed permitted development rights after the land had been parcelled up and sold to many people. However, no other part of that land has a barn on it, which he believes to have been there for around 30 years, and so no other parts of the land could be built on.

It was queried that the barn had ever been used for agriculture and the landowner said that he has found an application for the land to grow asparagus and strawberries, and that a friend had visited it years before and confirmed that it had been a working farm.

The landowner asked what people expect to happen to the land instead. He owns 9 acres, of which 3 acres is occupied by the barn and its grounds. He believes that this is usable as a dwelling and should be allowed to be used in this way. The Chair of the Committee gave his personal opinion which is that the barn in this case is unsuitable for conversion.

A member of the Committee queried why the site had been cleared entirely prior to planning permission. The landowner explained that he intends to rent the agricultural land to someone to farm it in order to gain an income until he received planning permission. He assured the Committee that when it has been sown it will look much better than it did before.

During his address the landowner referenced another local barn conversion that had received planning permission, which sits outside the Parish boundary so the Committee was unable to comment. He also referenced other building works locally.

that had resulted in disruption, and it was confirmed that WPC had intervened where there had been issues.

The landowner queried why recordings of recent meetings had not been posted on You Tube and it was confirmed that this was because the minutes had been completed straight away and these supersede the recording as the true record.

1. **ENQUIRE WHETHER ANYONE PRESENT INTENDS TO FILM, PHOTOGRAPH AND/OR RECORD THE MEETING:** As this was a virtual meeting it was recorded for the purposes of posting on YouTube until minutes available.
2. **APOLOGIES** – Natalie Brett – Assistant Clerk. The Committee hoped that she is well and thanked her for her support over the year.
3. **DECLARATIONS OF INTEREST** – None

4. **MINUTES**

- 4.1 The Assistant Clerk was thanked for encapsulating discussion well and the minutes of the meeting held on 14th December 2020 were agreed.

002002 **RESOLVED** that the notes of the meeting held on 14th December 2020 be taken as read and signed by the Chairman when in person meetings resume.

- 4.2 Matters outstanding from these minutes.
The resident who wished to attend the last meeting had been contacted by the Assistant Clerk.
The Assistant Clerk had made a formal invitation to Wealden District Council as instructed.

5 **STACEY ROBINS, HEAD OF PLANNING & ENVIRONMENTAL SERVICES, WEALDEN DISTRICT COUNCIL**

Mr Robins, Head of Planning, declined to attend the Withyham Parish Council meeting for reasons explained in his update to Cllr Obbard below, and correspondence relating to this had been provided to members of the committee in advance of the meeting.

District Cllr Obbard had received an update from Mr Robins which had been circulated to the Committee and which was read out at the meeting. The transcription is as follows:

“In preparation for the Parish Council meeting tonight, I set out below current thoughts and update about this site.

1. There are three elements that currently constitute a breach of planning control on this site – the two touring caravans, the storage of plant/machinery and the creation of the access onto Eridge Road.
2. The land clearance that has occurred consists of the removal of scrub vegetation and some plantation trees that had no planning protection of any kind on them from land that is not covered by any form of environmental planning protection (eg. Ancient Woodland, SSSI etc.). Therefore the removal of this vegetation did not require planning permission and this activity did and does not constitute a breach of planning control. The Forestry Commission have also investigated the clearance and have not found anything of concern to them. Local residents have stated that the volume of timber was in excess of the permit threshold (5 m³), but the Forestry Commission tell us that no license was required.

3. In regard to land level alterations or importation of material (asbestos etc) – this is a County [Council] matter. The site has been inspected by Robert Shapter of ESCC Waste Planning, who said the works were *de minimis*. I know ESCC has been asked to go back and review matters but we would necessarily be advised by county on this issue. They are the experts on waste.
4. If there has been harm to wildlife etc. it would be a criminal matter to be dealt with by the Police wildlife crime.
5. Am afraid there is no justifiable argument for serving of a Stop Notice on this site due to the absence of any compelling case demonstrating that significant harm to either a protected environment or to public safety is being caused by the actual planning breaches that are occurring here (ie. the two small caravans and the storage of plant). It is appropriately targeted by the Enforcement Notice.
6. There is an ongoing concern about travellers occupying the site. I do understand this and we discussed it with local residents on several occasions. This is a concern that has been raised throughout the year. I think the first occasion was around the first bank holiday in May. To date, this occupation has not occurred. As mentioned, the Council cannot act on allegations and fears. It must have an evidential basis.
7. It has been suggested that we serve a Section 215 “untidy land” notice in respect of this site but that would not apply here.
8. There are several TPO'd trees on the boundaries of this site. None have been affected by any of the activities on the site. Our tree officer and ecologist have visited the site to check.
9. There are concerns regarding the creation of a new access onto Eridge Road from this site. This is a separate breach of control. We are awaiting a formal response from ESCC Highways as to whether or not they consider the current position to be dangerous or hazardous in any way. It has been reported to me that ESCC have been in touch with local residents to advise the access is not regarded as unsafe. I have not heard this directly. Our next actions in respect of this issue will be heavily dependent on what they advise.
10. Residents have reported that the lack of a more forceful action (Stop Notice or Injunction) is viewed as though the Council (planning and enforcement) has abandoned residents. I assure you this is not the case. The Planning department has dedicated significant resource to this site spanning several months. Officers of various disciplines have visited and on different occasions. More recently, there have been meetings with local residents including at Director, Head of Service level, together with the Leader and Deputy Leader and Portfolio Holder for Planning.

I hope this helps. It is very much point in time and if things change, then we will review matters accordingly. Am sorry I could not attend the meeting but have explained to the Clerk that we are not resourced to attend Parish and Town Council meetings. Even though this site is contentious and high profile, there are many others just like it in other parts of the District. It is simply not possible to draw distinction with this land compared to others. This would lead to requests for officers attending many other meetings”.

6 PARK CORNER ENFORCEMENT

Having received the above report from Mr Robins, the Committee was disappointed that their query relating to S171e of the Town and Country Planning Act 1990 had not been responded to as it would be helpful for WDC to respond for this and other similar sites. District Cllr Obbard stated that WDC

Enforcement and local residents had received different legal advice about Stop Notices, but that he would follow this up.

7 ENFORCEMENT - None

8. PLANNING APPLICATIONS

COMMENTS TO BE RETURNED TO WEALDEN DISTRICT COUNCIL

8.1 WD/2020/2240/F 3 STATION ROAD, WITHYHAM, TN7 4BP Description: DEMOLITION OF GARAGE AND PROPOSED TWO-STOREY EXTENSION TO THE SIDE TO CREATE ANNEXE (Expiry date for comments 29th December 2020)

It was noted that a similar application for a rear and side extension had been refused in 2011 but that the drawings appear to show a rear extension as there is a flat roof shown. It was felt that the drawings do not show the current situation correctly, or what is proposed.

The Committee agreed that it would not be appropriate for the annexe to have its own front door as it gives the appearance of being a separate dwelling, and it is believed that the law requires access through an internal door to an annex if it is attached to the rest of the building.

Should WDC grant permission to the application the Committee requests that, as the property is on the edge of a Conservation Area, suitable materials and conditions should be applied.

Withyham Parish Council Supports this application with the above conditions relating to the door and materials.

8.2 WD/2020/2262/F SHERLOCKS FARM, MOTTS DOWN, GROOMBRIDGE, TN3 9PB Description: CONVERSION OF GRANARY TO TWO BEDROOM DWELLING WITH PARKING, LANDSCAPING AND ANCILLARY WORKS. (Expiry date for comments 30th December 2020)

The Committee considered how this differs to the conversion of the barn at Park Corner and it was believed to be that the building would be considered to be a heritage asset as it is in the curtilage of a listed building so it would be considered whether it is worth saving. It was noted that it is in the AONB.

Concerns were raised about the access road which has only one way in and out and is in a very poor state of repair, and how increased traffic and construction machinery would negatively impact on the surface and on neighbouring residents. Also that there are numerous other farm buildings on the site and residents would be concerned that this application would set a precedent for other dwellings using the single track.

Whilst this was agreed to be a well prepared application the Committee agreed that there is no information about how sewerage will be dealt with as it is assumed there is no mains drainage. As a large hole and drain off will be required somewhere, and alongside what else might be underground alongside the heritage and ecology reports, the Committee agreed that this needs close scrutiny. Based on this the Committee would like further comment from the Heritage Office about how sewerage will be dealt with before it considers whether WPC will support the application

WPC defers its decision until more information is provided by the Heritage Officer.

- 8.3 **WD/2020/2263/LB** SHERLOCKS FARM, MOTTS DOWN, GROOMBRIDGE, TN3 9PB Description: CONVERSION OF GRANARY TO TWO BEDROOM DWELLING WITH PARKING, LANDSCAPING AND ANCILLARY WORKS (Expiry date for comments 30th December 2020)
Please see 8.2 above.

- 8.4 **WD/2020/2342/F** WHISTLERS WOOD, BLACK HILL, CROWBOROUGH, TN6 1XE Description: EXTENSION TO EXISTING ANNEXE TO PROVIDE GROUND FLOOR BEDROOM AND REPLACEMENT OF FLAT ROOF WITH PITCHED LEAN TO ROOF. (Expiry date for comments 31st December 2020)
The Committee felt that the application lacks information and that the drawings are poor and so it was unable to make an informed decision.
Further information was requested and an extension to the timetable to allow the Planning Committee to review.
Cllr Obbard would seek further information.

9. **APPLICATIONS RECEIVED AFTER AGENDA** - None
002003 **RESOLVED** that the observations on the planning issues detailed in these minutes be submitted to the Planning Authority.

10. **MATTERS OF URGENT IMPORTANCE FOR NOTING OR INCLUSION ON A FUTURE AGENDA**

Extensive works have been taking place to the east at the Victoria roundabout and the Committee were unsure whether planning permission had been granted, although they recalled an application being made.
Cllr Obbard agreed to clarify.

A letter regarding application WD/2019/2121/F had been circulated to the committee in advance of the meeting. The committee considered whether this should be added to a future agenda but felt that it is usual practise for the Committee to consider applications as they are provided to them by WDC and that the usual practise allows other residents to comment also. As the tennis club currently has a planning condition against floodlighting it was queried whether it first needs to apply to have that removed, which would bring the application back to the Committee through the correct channels. It was also noted that the dark skies situation is very different in Tunbridge Wells so it would be hard to draw a comparison and that COVID-19 restrictions would currently prevent travel to a site visit in Kent.

The resident present at the meeting requested a final comment on Park Corner, which was granted. Regarding the statement from Mr Robins he explained that the entrance in point 9 had not been new but had been used for many years by an adjacent farmer to graze his cattle. A water pipe runs under that access which indicates its prior existence. Photos of the old posts would be provided to the Committee and, when those posts had rotted, barbed wire had been temporarily put in. He also explained that the caravans had been a temporary measure to provide security to the site after a digger's fuel tank was filled with water and that they would be removed.

11. **DATE OF MEETING** - to note that the date of the next meeting is on **Monday 11th January 2021 at 7.00pm** to be held virtually unless otherwise notified by the agenda.