

## Ashford Borough Council

### Decisions taken by the Cabinet on 10 October 2019

Minute No	Topic	Decision
175	Adoption of village envelope boundary - Wye and Warehorne	<p>The report advised that the newly adopted Local Plan included policies that referred to the 'built-up confines' of settlements and that, in consultation with Parish Councils, Officers had prepared a series of village envelope maps to indicate where the Council currently considered the existing built-up confines of settlements were. These would help to clarify the written definition in the Local Plan for the purposes of decision-making on planning applications. The report sought the Cabinet's approval to adopt the village envelope boundaries for Wye and Warehorne villages as informal guidance for development management purposes.</p> <p>In accordance with Procedure Rule 9.3 Mr Reece, Chairman of Wye with Hinxhill Parish Council, spoke on this item. He thanked the Cabinet for giving them the opportunity to speak on the next three agenda items. He particularly wanted to thank the Overview and Scrutiny Task Group for their dedication and hard work in producing their report on the Masterplan process. Taken together, these items were closely interrelated and required decisions which would profoundly affect the shape and future of Wye. Turning to the proposed Wye settlement boundary, he said that the Parish Council agreed that the ADAS site was outside the built confines and much of the proposed boundary, so also was Withersdane, although it was part of Wye3 and was arbitrarily excluded from the Masterplan. The report further acknowledged that there were minor inconsistencies - one related to the incorrect boundary of the covenanted land, on which the Council had received a letter. However, the Wye Neighbourhood Plan was currently being reviewed, therefore he asked the Cabinet to defer Recommendation (i) as it related to Wye to form part of the current review. Mr Reece further advised that the implications of Recommendation (ii) greatly disturbed the Parish Council. This proposed to delegate powers to amend the boundary of the settlement envelopes in the Borough. The report stated that the village envelope maps would become material considerations in the application of Local Plan Policies HOU2,</p>

	<p>HOU3 and HOU5. The Parish Council’s legal advice was that any changes should therefore only be addressed through a formal Development Plan Document and public consultation. Delegating open and indefinite powers to make changes would remove future decisions from any democratic scrutiny by the public and statutory consultees, or Elected Members, and he considered this was both unjust and unlawful. The consequence of this recommendation was that new proposals on sites currently near (but not touching) Wye3, could be subsumed into the settlement confines, creating a new boundary. Further applications could then be added to this new boundary, which became a licence for the boundary to creep ever eastwards. In his view this smacked of policy making on the hoof. The report before the Cabinet supporting this agenda item did not consider Recommendation (ii). Neither did the earlier Cabinet report on 11<sup>th</sup> April 2019, for other villages in the Borough. Therefore he considered that Cabinet had not had the implications and risks explained to it and was un-briefed on Recommendation (ii). So, in his view, a decision to adopt this recommendation would have failed to have regard to a material consideration and risked legal action. The Parish Council asked the Cabinet to refuse Recommendation (ii) and retain control over boundary changes.</p> <p>In accordance with Procedure Rule 9.3 Mr Jarman, representing Telereal Trillium, the owners of the site spoke on this item. He advised that when they had become aware of the proposal to establish a village confines for Wye in the nature set out in this report, it was fair to say that there were initially concerns as it appeared to be in conflict with the Wye Neighbourhood Plan. On the instructions of the Examiner, Policy WN1PA – the village envelope - specifically stated that between Olantigh Road and Scotton Street the village envelope would be defined by the Masterplan (on the agenda later at this meeting) and therefore this proposal was inconsistent with those provisions. However, having been assured by Officers, and it being set out clearly within the report, it had been made clear that there was no inconsistency in having different boundaries for Wye – the one in this report for the village confines of the application of the present Local Plan policy, and secondly the one in the Masterplan which showed the form of development to be set out in the Masterplan itself. There was an assurance that these</p>
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	<p>could sit side by side, and on that basis they were happy to accept that this apparent inconsistency could be overlooked. In terms of the detail of the boundary itself, he noted the Officers' comment that there were elements of subjective judgment involved and he considered that must always be the case out of necessity. As a result of the agreement that the boundaries could be different and have different implications, he considered that there was not a need to go into any greater detail on those points at this stage.</p> <p>The Portfolio Holder advised that a lot of the issues referred to had been looked at in great detail by the Local Plan and Planning Policy Task Group and an enormous amount of work and consideration had gone in to that, so it was not entirely true to infer that Members had not had proper oversight. This had all been done in the context of the approved Local Plan, and Policies HOU3 and HOU5 had been reflected in the considerations within the report. As Portfolio Holder he was therefore comfortable to support the soundness of the two recommendations in the report.</p> <p>In response to questions about Recommendation (ii) and whether relevant Ward Members or Parish Councils should be more directly involved in decisions to amend village envelope boundaries, the Spatial Planning Manager clarified that the purpose of this recommendation was to allow the amendment of a village envelope boundary to account for the construction of new development. So this would be reactive to anything that had been built "on the ground", and any such development would have already been considered through the statutory channels. The recommendation did not provide an opportunity to create areas for development "by the back door". The Portfolio Holder further advised that Ward Members would be directly involved in the consultation and invited to Local Plan and Planning Policy Task Group meetings when considering such matters in order to give that local view, in liaison with their Parish Council. This was in fact one of the recommendations to come out of the Overview and Scrutiny review – the next item on the Agenda for this meeting. He was therefore comfortable with what was already going to be in place. The Chairman of the Task Group also gave an assurance that such an invitation would be made. To aid clarity it was agreed to add</p>
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		<p>the words “that has taken place” to the end of the recommendation.</p> <p><b>Resolved:</b></p> <p><b>That (i) the village envelope boundaries shown in the Appendix to the report be adopted as informal guidance for development management purposes.</b></p> <p><b>(ii) authority be delegated to the Spatial Planning Manager, following consultation with the Portfolio Holder for Planning and Development to amend, where relevant, a village envelope boundary to account for the construction of new development that has taken place.</b></p>
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