

Ashford Borough Council: Planning Committee

Minutes of a Virtual Meeting of the Planning Committee held on Microsoft Teams on **11th November 2020**.

Present:

Cllr. Burgess (Chairman);

Cllr Blanford (Vice-Chairman);

Anckorn, Chilton, Clokie, Forest, Harman, Howard, Howard-Smith, Knowles, Ovenden, Sparks, Walder, Wright.

In accordance with Procedure Rule 1.2(c), Cllr. Knowles attended as Substitute Member for Cllr. Iliffe.

Apologies:

Cllrs. Iliffe, Shorter.

In Attendance:

Head of Planning & Development; Deputy Team Leader – Planning Applications; Planning Officer; Principal Solicitor (Strategic Development); Member Services Manager (Operational); Member Services and Ombudsman Complaints Officer.

125 Declarations of Interest

Councillor	Interest	Minute No.
Blanford	Made a Voluntary Announcement as she was a member of the Weald of Kent Protection Society.	
Burgess	Made a Voluntary Announcement as he was a member of the Weald of Kent Protection Society.	
Clokie	Made a Voluntary Announcement as he was a member of the Weald of Kent Protection Society.	
Walder	Declared that she had previously made her views known on the application. She would speak only as Ward Member, and did not take part in the vote on the item.	128 – 19/01484/AS

126 Public Participation

The Member Services Manager (Operational) drew attention to the Public Participation note contained within the agenda. He advised that two speakers had registered to speak at the meeting, and had agreed that their speeches would be read out by the designated Council Officer.

127 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 14th October 2020 be approved and confirmed as a correct record.

128 Schedule of Applications

Resolved:

That following consideration of (a), (b) and (c) below,

- (a) Private representations (number of consultation letters sent/number of representations received)**
- (b) The Parish/Town/Community Council's views**
- (c) The views of Statutory Consultees and Amenity Societies etc. (abbreviation for consultee/society stated)**

Supports 'S', objects 'R', no objections/no comments 'X', still awaited '+', not applicable/none received '-'

Application Number	19/01484/AS
Location	Cherry Wood Cottage, Alder Lane, Rolvenden, Ashford, Kent, TN17 4DF
Grid Reference	583254/129999
Parish Council	Rolvenden
Ward	Rolvenden and Tenterden West
Application Description	Erection of a replacement storage building for tractor, equipment, machinery and other farming implements

Applicant	Mr Jestyn, Cherry Wood Cottage, Alder Lane, Rolvenden		
Agent	Mr G Mickelborough, Bloomfields		
Site Area	0.06ha		
(a) 2/1S	(b) Rolvenden PC R	(c)	Rural Planning Ltd X, KCC PROW X, RAM X

The Planning Officer gave a presentation. The Deputy Team Leader – Planning Applications drew Members’ attention to the Update Report. There were additional references to add to the policy section of the report and it was noted that the main body of the report made reference to criteria in compliance with the Ashford Local Plan 2030 and the Rolvenden Neighbourhood Plan. There was an amendment to the ‘Working with the Applicant’ section, and Members were advised that reference in the report to agricultural contracting outside the site should be afforded little weight. There was one additional reference added to the policy section of the report, and there were also amendments to Conditions 3, 5 and 6.

In accordance with Procedure Rule 9.3, Mr Mickelborough, the agent, had registered to speak in support of the application. His speech was read to the Committee by the Member Services and Ombudsman Complaints Officer and this is attached to these Minutes at Appendix A.

In accordance with Procedure Rule 9.3, Ms Curtain, on behalf of Rolvenden Parish Council, had registered to speak in objection to the application. Her speech was read to the Committee by the Member Services and Ombudsman Complaints Officer and this is attached to these Minutes at Appendix B.

Resolved:

Permit

**Subject to the following Conditions and Notes:
(with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit).**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

3. Within the first planting season following the commencement of development the approved landscaping/tree planting scheme as shown on Drawing 7028 shall be fully implemented. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: In order to protect and enhance the amenity of the area.

4. The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction

(b) No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;

(c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;

(d) No roots over 25mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;

(e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level.

(f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site.

5. No external lighting shall be installed on the site.

Reason: To protect and maintain the site's intrinsically dark location and the character and appearance of the AONB.

6. The building hereby permitted shall be used for the agricultural purposes specified within the application in connection with the holding (with or without other land) and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any Order revoking or re-enacting that Order.

Reason: In order to preserve the amenity of the locality.

7. The development shall be carried out in accordance with the details of external materials and colours specified in the application, and shall be retained as such at all times thereafter.

Reason: In the interests of visual amenity.

8. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

Reason: In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

Note to Applicant

1. Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application

- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- the applicant/ agent responded by submitting amended plans
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Queries concerning these Minutes?

Please contact membersservices@ashford.gov.uk

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APPENDIX A

MEADOW FARM

Thankyou Chairman and to Members.

We appreciate the efforts that the Council is making to carry on with these Meetings.

This speech is being read on behalf of Gary Mickelborough as a former Planning Officer, a Chartered Member of the RTPI, and the agent for the Jestyn family.

We have read the fair and balanced report by the Planning Officer and agree this provides an accurate reflection of this application.

When the Jestyn family acquired this site, it was an eyesore and a lot of work has gone into transforming the property so it can be used as a Wealden smallholding.

The existing house sits on about only 2 acres. So, the applicant has worked to secure tenancy agreements across over 30 acres of nearby grazing land. This planning application was submitted well over a year ago. The time that the application has taken has meant that money spent on this year's tenancy agreements has been wasted.

But to have any chance of being able to be farmed effectively, the property needs a storage building. At the moment there's not a single building that's appropriate for storing agricultural equipment.

Items are currently being stored outside and this has attracted unwanted attention, which poses a huge concern for the applicant given his elderly father is often at the house alone.

There have previously been applications for large outbuildings. We understand why those were refused by the council due to their size and position, and visual impact.

Whereas this current proposal is for a building which is modest in proportion and will be subservient to the house. It is to be sited against the backdrop of trees, and will replace an existing building.

We attended the Parish Council meeting and heard concerns about the trees. We sympathise with the concern and have worked with the Council's Tree Officer to amend the plans so the building would be further away from the trees.

Whilst unrelated to the current proposal for a replacement building, we also understand concern about whether earlier works to the embankment have impacted trees. We have invited the Council to impose a condition for appropriate planting to be provided, not only adjacent to the building but along the extent of this boundary. This will ensure that the replacement of the existing building will also result in overall visual improvements here.

Thank you for your time.

APPENDIX B

The officer's report on this application was disappointing in its initial failure to mention the Rolvenden Neighbourhood Plan. However, this is now covered by the Update Report on which I will expand.

The Parish Council objects strongly to the application as it does not comply with our Neighbourhood Plan policy RNP3 clauses as follows:

a) The proposed building does not conserve and enhance the landscape and scenic beauty of the High Weald AONB and the tranquillity of the countryside. This remote part of the parish is a particularly unspoilt area containing key landscape features, some dating back to medieval times, that are identified for the highest level of protection through the NPPF, the Ashford Local Plan and The Rolvenden Neighbourhood Plan.

c) It does not protect and enhance ancient woodland. The trees here are of special cultural value being fine examples of tree management over many centuries and forming part of an ancient boundary feature. We have recently had to implement a TPO on the ancient hornbeams on site to protect them from further damage by the non- agricultural activities taking place there.

d) it would result in unsympathetic change to character of a rural lane which is of both historic and landscape value. There is evidence that the historic byways here were originally paved with iron slag, remnants of the local iron industry, and as such should be protected from overuse.

The report is also selective in its presentation of the planning history of this site. There is no mention of the enforcement, only signed off in August 2019, whereby the landowner had made unauthorised change of use, using the area as a road contractor's yard.

This is the landowner's main business, not farming and his application, refused in 2019, for a commercial building, possibly with class B1 usage, supports that. Several previous applications (up to 2018) for agricultural buildings have all been refused on lack of evidence of agricultural need – our local knowledge can confirm that nothing has changed to indicate that that position is any different now to what it was then. There is still no evidence on site of any agricultural activity and we fear that if permission is granted under the auspices of agriculture, this building will be used to house the heavier plant associated with the landowners main business, a use wholly unsuitable for this important area of historic and natural sensitivity

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