

Planning Committee

Wednesday the 17th January 2024 at 7.00pm



Update Report for the Committee

The following notes and attached papers will be referred to at the meeting and will provide updated information to the Committee to reflect changes in circumstances and officer advice since the reports on the agenda were prepared

5. Requests for Deferral/Withdrawal

6. Schedule of Applications

- (a) **PA/2023/0360 - Daniel Farm, Pluckley , Ashford, TN27 0SY** – Change of Use of the existing Barns to Commercial B2 use. Erection of a B2 Drying Kiln, an E(g)(i) Office and an area of B8 Open Storage. Erection of 32 solar photovoltaics to Barn B. With associated landscaping.

Regarding the existing Section 106 obligation on the site, recent legal advice following the publication of the report confirms that the buildings are not automatically liable for removal unless there is tangible evidence of the recommencement and subsequent cessation of poultry/egg production use. This interpretation is rooted in the relevant legal agreement and at present, there is no concrete evidence indicating a prospective recommencement of poultry/egg production use.

Contrary to suggestions made in paragraphs 44-45 of the report, the legal officer's assessment emphasises that the existing unlawful use of part of the site, such as the car repair business, and its cessation, would not trigger an automatic obligation for building removal. Instead, the buildings, as stipulated by the Section 106, are required to be kept unused while awaiting an appropriate use.

Therefore, this application does not concern the removal (or not) of the buildings. The Committee should focus on the appropriateness of the proposed use for the entire site. As such, the recommendation is to refuse planning permission, reflecting significant concerns about the unacceptability of the proposed development.

Paragraph 13 of the report incorrectly states 24 parking spaces. This should read 30 parking spaces as per paragraph 73 under the Highways section of the report.

Paragraphs 18, 23 and 83 incorrectly states 'moment' sensor controlled downlights. This should read 'movement' sensor controlled downlights.

Finally, paragraph 26 (neighbour representations) has been amended below to make clearer the comments received in relation to the proposed site and existing site -

26. Neighbours: 3 neighbours consulted; 2 representations received with the following (summarised) comments –

- More lorries along The Pinnock due to the proposed site being bigger;
- What will happen to the existing site when Invicta Pallets move?
- This will open up the existing site to unknown further commercial uses;
- Improvements to visual amenity (of Watercress Farm) if pallet business moved to proposed site;
- The existing site has a building erected without planning permission that is being used for commercial purposes when permission was granted for agricultural use;
- Attempts to create an industrial estate with the existing site and Frith Court Farm being located so close together.

(b) PA/2023/1478 - Cherry Orchard, Bower Road, Mersham, TN25 6NW – Proposed 2m North East and North West boundary fence following the removal of an existing Leylandii hedge.

Cllr P Bartlett has submitted the following photographs which he will address within his speech to Planning Committee:



Figure 1 View from Bower Rd



Figure 2 Inside applicant's garden



Figure 3 Two hedges on Bower Rd



Figure 4 Opposite side - background Pacifica



Figure 5 Conifer on Cherry Glebe



Figure 6 New house Gatekeeper on entrance to village in the Street



Figure 7 Junction Forstal/Flood St



Figure 8 Recently consented fence on Jemmett Development



Figure 9 Mersham Manor Church Rd



Figure 10 Two properties within Cherry Glebe

(c) **PA/2023/1328 - 23 Barnett Field, Ashford, TN23 4RG** – Conversion of existing dwelling to two self-contained 1-bedroom flats.

None.