

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 8 June 2022 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Pett (Vice Chairman)

Cllrs. Barnett, Brown, Edwards-Winser, Hogarth, Layland, McGarvey, Osborne-Jackson, Pett, Purves, Raikes, Reay and Williams

Apologies for absence were received from Cllrs. Ball, Cheeseman, Perry Cole, P. Darrington and Hudson

Cllrs. Dickins and McArthur were also present.

1. Minutes

Resolved: That the Minutes of the Development Control Committee held on 19 May 2022, be approved and signed by the Chairman as a correct record.

2. Declarations of Interest or Predetermination

There were none.

3. Declarations of Lobbying

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All Members declared that they had been lobbied in respect of Minute 4 - 21/02890/FUL - Seven Acres Farm, Hever Road, Edenbridge, Kent TN8 5DJ and Minute 6 - 19/0028 MCU - Rear of Little Buckhurst Barn, Hever Lane, Hever TN8 7ET.

RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

4. 21/02890/FUL - Seven Acres Farm, Hever Road, Edenbridge KENT TN8 5DJ

The proposal sought planning permission for the enlargement of Gypsy Travellers' site by way of additional 5 mobile homes and 5 touring caravans. The application was referred to Committee by Cllr McArthur as the proposal was considered inappropriate development within the Metropolitan Green Belt.

Members attention was brought to the main agenda and late observations sheet which did not amend the recommendation.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	-
Parish Representative:	-
Local Members:	Cllr McArthur

Members asked questions of clarification from the Officers. In response to questions Members were advised that there would be no additional families on site, but rather the planning permission was for the current family to expand on the site to avoid being over crowded in their current position.

It was moved by the Chairman that the recommendations be agreed. It was moved and duly seconded that additional wording be included in condition 7 that following temporary permission the site be cleared and go back to its original condition.

The motion was put to the vote and it was agreed.

Debate continued on the substantive motion.

Members discussed the lack of planning policy in place for Gypsy Traveller sites, and whether there were sufficient 'very special circumstances' to outweigh the harm to the Green Belt. Members considered the location and character of the area, and noted there was pitches on a Council site nearby.

The motion was put to the vote and it was lost.

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It was moved and duly seconded that planning permission be refused and reasons for refusal were discussed by the Committee to include that the development would be inappropriate in the Green Belt due to insufficient Very Special Circumstances existing and harm to character and appearance of area, with the final wording be delegated to the Principle Planning Officer, following consultation with the Local Members and Chairman.

The motion was put to the vote and it was

Resolved: That planning permission be refused for the following reasons

- a) The proposed development would represent inappropriate development in principle and would introduce built form where currently there is none. This would be harmful to the openness of the Green Belt and fails to assist in safeguarding the countryside from encroachment, one of the five purposes of the Green Belt. It is not considered that there are sufficient very special circumstances exist to outweigh the substantial harm identified. The proposals are contrary to the aims and objectives of the National Planning Policy Framework, Policy L08 of the Sevenoaks Core Strategy.
- b) The land lies within open countryside and the introduction of new development would introduce incongruous, urbanising features that fail to conserve or enhance the landscape character and rural appearance of the area. This conflicts with the National Planning Policy Framework, policies SP1, L08 of the Sevenoaks Core Strategy and policy EN1 of the Sevenoaks Allocations and Development Management Plan.

5. 21/00462/FUL - Hollows Wood, Chelsfield Lane, Shoreham KENT BR6 7QT

The proposal sought planning permission for the construction of a new loading/turning bay. The application had been referred to the Committee by Cllr Grint on highway grounds.

Members' attention was brought to the main agenda papers, late observation sheet and they were advised that condition two needed to be amended to remove the plan reference and condition 5 was a repetition of condition 4 and so needed to be removed.

The Committee was addressed by the following speakers:

Against the Application: -

For the Application: Peter Coles

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Parish Representative: -

Local Members: Cllr Grint (Submission read by Cllr Edwards-Winser)

Members asked questions of clarification from the speaker. The route of the lorries to and from the site were confirmed to use the A225 and pass through Eynsford.

It was moved by the Chairman and duly seconded that the recommendations within the report and late observations, be agreed.

Members discussed the application and it was proposed and duly seconded that condition 6 be amended to include that lorries did not pass through Eynsford on school days between 8.30am - 9.30am and 2.30pm to 3.30pm.

The motion was put to the vote and it was agreed.

Debate continued on the substantive motion.

The motion was put to the vote and it was

Resolved: That planning permission be granted subject to the following conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Block Plan, Barrier Details and Tree Removal Plan, Design and Access Statement, Rationale for Construction.

For the avoidance of doubt and in the interests of proper planning.

- 3) No trees, hedgerows or shrubs within the curtilage of the site, except those shown on the approved plan(s) or otherwise clearly indicated in the approved details as being removed shall be felled, lopped or pruned, nor shall any roots be removed or pruned without the prior consent of the local planning authority during development and for a period of five years after completion of the development hereby approved. Any trees, hedgerows or shrubs removed or which die or become dangerous, damaged or diseased before the end of a period of five years after completion of the development hereby approved shall be replaced with new trees, hedging or shrub species (of such size

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species and in such number and position as maybe agreed in writing), in the end of the first available planting season following their loss or removal.

In the interests of protecting the ancient woodland and protected species as supported by policy SP11 of the Sevenoaks District Core Strategy and EN4 of the Sevenoaks Allocations and Development Management Plan.

- 4) No development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

In the interests of protecting the ancient woodland and protected species as supported by policy SP11 of the Sevenoaks District Core Strategy and EN4 of the Sevenoaks Allocations and Development Management Plan.

- 5) Prior to the commencement of development, a Construction and Operational Traffic Management Plan should be submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout operational periods and shall include:
(a) traffic planning and coordination including confirmation that no related Heavy Goods Vehicle traffic shall pass through Eynsford (A225) between the hours of 08:30 to 09:30am and 2.30pm to 3.30pm on any Monday to Friday during school term time, (b) on site traffic management policy, (c) impact and management on adjoining road network, public footpath SR569 and public bridleway SR649, (d) hazard and risk identification and mitigation measures, (e) implementation of traffic management such as traffic control diagrams and signs/line marking, (f) any parking for vehicles of site personnel, operatives and visitors, (g) loading and unloading of plant and materials.

To ensure that the development and operation does not prejudice the free flow of traffic and conditions of safety on the highway or cause

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inconvenience to other highway users in accordance with Policy T1 of the Sevenoaks Allocations and Development Management Plan.

Informatives

- 1) The developer is advised that Public Footpath SR569 and Public Bridleway SR649 crosses the application site. The grant of planning permission does not entitle developers to obstruct a public right of way. The diversion or stopping up of footpaths, bridleways and restricted byways is a separate process which must be carried out before the paths are affected by the development. It cannot be assumed that because planning permission has been granted that an Order under section 257 will invariably be made or confirmed. Development, in so far as it affects a right of way, must not be started and the right of way should be kept open for public use, unless or until the necessary order has come into effect. It is an offence to obstruct or divert the route of a right of way unless carried out in complete accordance with appropriate legislation.

- 2) It is the responsibility of the applicant to ensure before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

6. 19/0028 MCU - Rear of Little Buckhurst Barn, Hever Lane, Hever, TN8 7ET

It was moved by the Chairman and it was

Resolved: That under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting when considering agenda item 5.1, on the grounds that likely disclosure of exempt information is involved as

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defined by Schedule 12A, paragraph 6a (Information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person.)

At 9.12pm the Chairman allowed a short adjournment for the comfort of Members and Officers.

At 9.25pm the meeting resumed.

The Planning Enforcement Team Manager set out the report which requested Members to consider whether it was expedient to take enforcement action against the residential use of the converted stable building.

Members were advised that following the Inspectorate's decision to dismiss the Lawful Development Certificate, come August 2022 the dwelling would have been in continuous use since 2018 and it would be deemed that matter be immune from enforcement action. He further explained that under planning policy should a retrospective planning application be submitted the change of use to residential would be found acceptable based on current planning policies.

Members discussed the report.

Resolved: That authority be given to conclude the matter as non-expedient for planning reasons relating to local policies and the NPPF, and that enforcement action not be taken in this instance.

That the change of use of the converted stables to a residential property was compliant with planning policies and that the works had not resulted in any actual planning harm.

THE MEETING WAS CONCLUDED AT 10.10 PM

CHAIRMAN