



Cowden Parish Council

MINUTES OF THE PLANNING COMMITTEE MEETING OF COWDEN PARISH COUNCIL HELD ON 2 DECEMBER 2019 AT COWDEN MEMORIAL HALL

PRESENT: Councillors: Stephen Boakes, Andrew Saunders, Glyn Henley, Valerie Bishop and Celia Berry.

Also present: Caroline Bizios (Parish Clerk).

Public Questions:

There were no public questions.

MINUTES:

1. Apologies for Absence:

Apologies for absence received from Councillor Millgate.

2. Declarations of Interest:

There were no declarations of interest.

3. Minutes of Previous Planning Committee Meeting:

Resolved: The Minutes of the Planning Committee meeting held on 2 October 2019 were approved as an accurate record of the meeting with amendments to reflect the presence of Councillor Henley and the absence of Councillor Berry (apologies for absence provided to the Clerk prior to the meeting).

4. Planning Applications Received:

(i) SE/19/03041/HOUSE – Dafield, Stick Hill, Edenbridge

Erection of roadside wooden fencing attached to existing hedge.

Members noted that the fencing had already been erected. Members resolved to support the application. This decision is, however, subject to visibility onto the highway being approved by the Case Officer and the involvement of Kent Highways should that be deemed to be necessary.

Resolved: Members resolved to support the application.

(ii) SE/19/02997/FUL – Classroom at Kentwater Stables, Hartfield Road, Cowden

Change of use of existing building as an independent dwelling with minor fenestration changes and creation of associated curtilage and parking.

Members resolved not to support the application. The reasons for this decision are set out in Annex 1 to these Minutes.

Resolved: Members resolved not to support the application.

(iii) SE/19/03134/FUL – Hollybank, Station Road, Cowden

Demolition of existing stable building. Erection of one bedroom dwelling and associated works.

Members resolved not to support the application. The reasons for this decision are set out in Annex 2 to these Minutes.

Resolved: Members resolved not to support the application.

5. Correspondence Received:

Correspondence received from Sevenoaks District Council for information only advising of an application to undertake tree works at a property within the Conservation Area. The works are in respect of the crown reduction to a Yew tree at Parris House, High Street, Cowden.

6. Planning Decisions Received:

SE/19/02699/HOUSE – Saxbys Lodge, Station Road, Cowden – GRANTED

SE/19/02637/FUL – The Bungalow, Sandfields Farm, Cowden – GRANTED

SE/19/02664/HOUSE – Woodstock Lodge, Moat Lane, Cowden – GRANTED

SE/19/02626/MMA – 1 Priors Way, Cowden - GRANTED

Meeting closed at 8.15pm

Chairman..... Date.....

Attached: Annex 1 Kentwater Stables
Annex 2 Hollybank

Planning Application Reference: SE/19/02997/FUL

Comments from Cowden Parish Council

Change of use:

FROM: Classroom at Kentwater Stables Hartfield Road Cowden Kent TN8 7DX

TO: Independent dwelling with minor fenestration changes and creation of associated curtilage and parking.

Cowden Parish Council has reviewed the application and has the following comments.

Background - Application SE/15/01326/FUL and Impact to the metropolitan greenbelt.

The NPPF contains a presumption against inappropriate development. Development is only seen as appropriate if it falls into one of several categories, the original planning application (SE/15/01326/FUL) was reliant of the use of the existing buildings and specific needs for the site, in particular proposals for equestrian development within the Greenbelt. The application was very thorough in detailing and justifying the specific needs for the site, the associated increased footprint and in the application (SE/15/01326/FUL) being granted policies within NPPF (para 89) and Policy GB9 and LT2 of the ADMP were taken into consideration of approving that application by SDC. Based on these constraints Cowden Parish Council would not have been able to support a planning application to construct an independent dwelling at this location as a new development, and it is believed the NPPF would not justify such a development.

Design and access Statement

The planning design and access statement accompanying SE/19/02997/FUL makes reference to and is heavily reliant on (a) changes to the Animal Welfare (licensing of Activities Involving Animals) (England) Regulations 2018 that came into force over a year prior to this application, 1st September 2018. In particular the owners now consider that the qualifications required to operate a riding school and previous requirements specified by Wealden District Council that were not implemented by the owners make (b) the operation of the site as a riding school is no longer financially viable.

(a) Animal Welfare (licensing of Activities Involving Animals) (England) Regulations 2018 – Associated extract below:

SCHEDULE 5 Specific conditions: hiring out horses

Interpretation

1. In this Schedule, "client" means a person for whose use a horse is hired out.

Eligibility

2.—(1) The licence holder must—

*(a) hold an appropriate formal qualification, **or have sufficient demonstrable experience and competence, in the management of horses,** and*

As the Animal Welfare Regulations 2018 enable relevant experience then Cowden Parish Council consider that their mandated requirement for Professional qualifications is not valid, and if it was then it is possible to achieve these. Within the original application a significant reliance was made on the extensive experience and knowledge to justify the application.

(b) the operation of the site as a riding school no longer financially viable.

Within the application the reference to two riding schools in the locality is also considered not to be valid in the support of the application. The riding schools referenced (Cowden and Edenbridge) are long established businesses that have existed for a considerable amount of time, and prior to the previous application, SE/15/01326/FUL. Any business or economic concerns should have been considered at that time to support the investment in infrastructure through this (SE/15/01326/FUL) application and could have been made when the application was submitted at that time, rather than be now used as a reason to solely support this proposed change of use.

POLICY GB7 - RE-USE OF A BUILDING WITHIN THE GREEN BELT, SDC Local Plan Development in the Green Belt.

Within Policy GB7 section 4.7 states that *"There is concern that permitted development rights in respect of agricultural buildings should not be abused as a way of obtaining residential or non-agricultural businesses development in the countryside. The Local Planning Authority will examine the history of buildings recently erected under agricultural permitted development rights where these come forward with proposals for change of use. Where a proposal seeks the re-use of an agricultural building constructed within the last 10 years, the applicant should demonstrate that the building is no longer required or fit for agricultural purposes."*

The requirements of section 4.7 within the SDC Local Plan Development in the Green Belt have not been fulfilled as the justification provided to support the conversion to a residential property built in the last 10 years, constructed 2 to 3 years ago in this case, is reliant on economic, legislative and planning facts that have not changed since SE/15/01326/FUL was granted. The required experience or qualifications cited can be obtained and from which the applicant is not excluded from acquiring, as such this is not considered valid for this application.

Members do not support the change of use requested within SE/19/02997/FUL for the reasons detailed herein and in accordance with Policy GB7 the building should be retained for agricultural use or removed if the agricultural / equine requirement no longer exists.

Planning Application Reference: SE/19/03134/FUL

Comments from Cowden Parish Council

Hollybank, Station Road, Cowden Kent

Background:

Applications for this dwelling have utilised various reference names, 'Land South East of Station Road', 'Saxbys Stables' and most recently 'Hollybank'.

Planning application previously submitted to convert stable to one bed dwelling, 17/03426/FUL, Planning Permission granted 4 January 2018.

Review:

Within the planning, design and access statement section 4 the applicant seeks to demolish and replace the whole existing structure. The basis for this proposal being given as *"it is considerably cheaper and more sustainable to demolish the existing structure"*.

POLICY GB7 - RE-USE OF A BUILDING WITHIN THE GREEN BELT, SDC Local Plan Development in the Green Belt.

The nature of the proposal is understood, however it is considered that through the application process the applicant has and is acquiring permissions through incremental change that would not have been compliant with Planning Policy had they been submitted at the outset. Within Policy GB7, section 4.4 states that:

" Conversion of a building that requires substantial rebuilding in order to make it suitable for re-use will not be permitted. As a starting point when determining whether a proposal constitutes substantial new rebuilding, the Council will wish to see at least 75% of the original structure maintained to protect its character. However, the Council recognise that in some instances proposals may be able to protect the character of the existing building with a lesser proportion of the original structure being retained."

Members concluded that the latest proposal (19/03134/FUL) does not comply with this requirement.

Please note: Within the various applications the original footprint of the dwelling has been formally increased through the addition of the 'veranda'. As this (19/03134/FUL) application is associated with demolishing and rebuilding the dwelling, in the event that SDC grants approval, then this increase in footprint must be carried forward into the planning particulars for future reference, REF: Application Report 19/00756/MA *" In this case the existing building has a footprint of 57.32sqm and the proposed veranda would add a further 19 sqm."*