



**DRAFT Minutes of the Urchfont Parish Council (UPC) Planning Meeting held remotely on Wednesday 11<sup>th</sup> November 2020.**

**Present:** Councillor's: Day (GD – Chairman), Botham (MB – Vice Chairman), Hill (TH), Kemp (MK), Cowen (LC), Creasey (GC), Stevens (DS), Hollyman (MH), Cottell (PC) and Rotherham (PR)

**Clerk to the Council:** Lunn (BL)

**Councilor for Urchfont & The Cannings:** Whitehead (PW)

**Members of the Public (for all or part of the remote meeting):** Mrs Cridland, Mr. Cridland, Mr. Waters (Agent for Mrs Cridland), Mr. & Mrs Myers, Mr. & Mrs Houlden, Mr. Smith, Mr. Hawkins

1. **Apologies** – Cllr Cottle (SC)
2. **Declarations of Interest** – DS declared a non-pecuniary interest in Item 5b
3. **Minutes of a meeting held on 14<sup>th</sup> October 2020**

Proposal	Proposer	Seconder	Resolution
To approve and sign the minutes unchanged as a true and accurate record of the meeting.	GD	LC	AGREED with one abstention due to absence

4. **Matters arising from Minutes of 14<sup>th</sup> October 2020** – none raised
5. **Plans for discussion**

Before considering applications, TH asked if any members of the public wished to speak on any item. Only Mr. Smith, Mr. Waters and Mr. Hawkins indicated that they wished to speak. (Note that Mrs and Mr. Cridland were unable to switch on their computer microphone and, therefore, could not participate)

**5a. 20/08689/FUL- Proposed replacement dwelling with detached double garage. (Re-Submission of 18/00348/FUL) at Bridge Farm, Crookwood Lane, Potterne, SN10 5QS**

**Site Visit:** None undertaken due to COVID and knowledge from earlier application visit

**Letters of Representation:** None received by UPC or on WC Website

TH explained that this is a re-submission of the original 2018 application, the majority of the building has been completed. This application primarily relates to an enhanced garage facility as shown on the plans. There is no impact on neighbours.

No other comments were raised by councillors.

Proposal	Proposer	Seconder	Resolution
To SUPPORT this application	TH	GC	AGREED unanimously

**5b. 20/08600/FUL - Proposed use of existing garden building as a domestic annex at 8 The Orchard, Urchfont, SN10 4QX for Mrs Cridland**

**Site Visit:** by two councillor's on 10/11/20. Because of COVID restrictions, councillors did not enter the property, but viewed works from the public pathway behind property and asked questions of applicant and her son across her garden fence maintaining social distancing at all times.

**Letters of Representation:** Six on the WC website, two of which had also been copied to UPC.

*The Chairman closed the meeting for Public Participation*

Mr. Smith made the observation that this application possibly relates to the only affordable new home in the Parish, but only by the applicant ignoring planning regulations. Ultimately this could result in the property having to be demolished.

Mr. Waters, the agent for the applicant, thanked the council for allowing him to participate. He advised that the original garden building fell within permitted development regulations as confirmed by WC, as such this could have a toilet and other services but not be lived in overnight. In view of the applicant's medical needs, she would benefit from her son living in close by and providing necessary support, hence this application for change of use. Mr. Waters further stated that the WC Enforcement Officer, Steven Jenkins, had visited and confirmed by email that the property is lawful, has been built within planning rules but would benefit from a full application to confirm that it can be lived in 24/7. Conditions will apply that mean that the building can only be used by family members and cannot be sold as a separate property.

*The Chairman re-opened the Council meeting.*

TH emphasized that the application is about change of use from a garden building to a domestic annex which can be lived in 24/7.

Having read all the application documents, MH asked Mr. Waters why a number of the questions on the application (4,5,6,8,9) had been answered 'no' when clearly they should have been 'yes'. As the building described in the application appears to have never been used as a garden building, albeit with mains drainage etc., MH concluded that this should have been a retrospective application for the building in its entirety.

*The Chairman closed the meeting for Public Participation*

Mr. Waters responded that the purpose of the application appears to have been misunderstood, the answers given were in relation to change of use of an existing building. Substitute forms had been submitted through the Planning Portal and displayed on the website aimed to make this clearer. Even if no application had been submitted, the building could still be used under permitted development clauses as long as it is not used for sleeping overnight, hence the change of use application.

GD asked Mr. Waters to confirm that he had given the applicant advice on permitted development limitations, this he confirmed and reiterated that the WC Enforcement Officer had confirmed in writing that the building was lawful (he offered to supply a copy of the email).

*The Chairman re-opened the Council meeting.*

TH emphasized definitions on the planning website which clearly indicate that a garden annex which will be used for overnight sleeping accommodation does need full planning permission. In his view the building had been erected from the outset to facilitate use by the applicant's son as 24/7 living accommodation. MB was puzzled why this ever started as a garden building, he also believed that it was always intended to be 24/7 living accommodation. PC was of the view that insufficient information was available on the legality of the building to be able to make a decision. LC referred to a similar application in Wedhanpton where the legality of a similar building was questioned and UPC objected. This appears to be a complicated planning scenario which only WC Planning can actually decide. PW stated that the fundamental question is whether this building was erected legally as a garden building and now is being changed into a living annex, it is essential to get clarity on this situation between the WC Enforcement and Planning Officers. TH also pointed out that the building does not appear to comply with Neighbourhood Plan policies. One of the issues raised by MH was parking if the

building becomes a 24/7 annex. DS pointed out that the applicant's son already lives in her house for most of the time and therefore the parking situation will not change.

Proposal	Proposer	Seconder	Resolution
<b>To OBJECT to this application - UPC cannot support this application because they believe the building itself should have been the subject of a full planning application prior to construction, particularly as intended as a dwelling from the outset.</b>	<b>TH</b>	<b>MH</b>	<b>AGREED – 7 votes for and 2 against</b>

**6. Decisions received from Wiltshire Council up to 3<sup>rd</sup> November 2020**

**6a. 20/06929/FUL - Proposed alterations/replacement single storey rear extension with associated internal alterations at Tethers End Greengate Road Wedhampton SN10 3QB – APPROVE with conditions**

**6b. 20/07887/TCA - T1 - Ash tree - crown raise to 4m - 5m over gardens at Garden Cottage High Street Wedhampton SN10 3QE – NO OBJECTION**

**7. Matters for Report**

**7a. 'Planning for the Future White Paper' and its associated consultation** – Based on the draft paper distributed to all councillors prior to the October meeting, TH reported that he had submitted UPC comments to the Ministry for Housing Communities & Local Gov with a copy to the local MP (Danny Kruger).

**7b. Ombudsman Investigation into Uphill Planning Application**

*The Chairman closed the meeting for Public Participation*

Mr. Hawkins referred to his email which had been copied to all councillors prior to the meeting which included the Ombudsman decision notice. He also referred to the fact that he spoke at a Parish Council meeting in February 2020 regarding a perceived erroneous paragraph in our Neighbourhood Plan that was used by Wiltshire Council during its deliberations about the Uphill planning application. He was concerned that it was unreasonable to use a paragraph that in his view was clearly not relevant to the Policy it concerned. He wrote an official complaint to Wiltshire Council who provided no clarification on the issue and finally sent his complaint to the Ombudsman. After some months (due to COVID) he was informed that they were going to investigate the complaint and the process commenced. A final decision notice was issued on 21st October stating that *'they found no fault in the Council's decision making process'*.

Mr. Hawkins re-iterated his concerns about how the erroneous paragraph came to be inserted in the Neighbourhood Plan and the manner in which Wiltshire Council are able to totally disregard serious concerns from Parish Councils and local residents.

*The Chairman re-opened the Council meeting.*

GD thanked Mr. Hawkins for his efforts to pursue this matter, he personally has some regrets on elements of the Uphill decision. TH, recognising that most of the current councillors were not on the Council when the neighbourhood plan was prepared, commented that concerns had been expressed at the time that insufficient transparency and accountability existed regarding Steering Group activities and decisions which were not shared with UPC. TH believed that the paragraph had been inappropriately inserted and as such UPC could not achieve the footpath in Crooks Lane.

PW thanked Mr. Hawkins but stated that this situation is not uncommon. Planning legislation states that developers can only apply for and cannot be held accountable for anything outside of the land being developed. As such there are a lot of similar examples of footpaths not being provided

**There being no further business, the Planning meeting was closed.**

**Date of next scheduled Planning Meeting is Wednesday 9<sup>th</sup> December 2020.**