

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE PLEASE NOTE
THAT THIS MEETING WILL BE HELD
VIRTUALLY VIA ZOOM. ON WEDNESDAY 29
APRIL 2020, AT 7.00 PM

PRESENT: Councillor B Deering (Chairman)
Councillors D Andrews, T Beckett,
R Buckmaster, B Crystall, A Huggins,
J Jones, I Kemp, T Page, C Redfern, P Ruffles
and T Stowe

ALSO PRESENT:

Councillors S Bull, J Goodeve, L Haysey and
A Ward-Booth

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Sara Saunders	- Head of Planning and Building Control
David Snell	- Service Manager (Development Management)
Victoria Wilders	- Legal Services Manager

390 APOLOGIES

None.

391 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Members and the Public to the meeting. He said that this virtual meeting would be conducted in the same way as any meeting of the Development Management Committee.

The Chairman introduced the Officers who were present for the meeting.

392 DECLARATIONS OF INTEREST

None.

393 MINUTES - 4 MARCH 2020

Councillor Ruffles proposed and Councillor R Buckmaster seconded, a motion that the Minutes of the meeting held on 4 March 2020 be confirmed as a correct record and signed by the Chairman.

After being put to the meeting and a vote taken, this motion was declared CARRIED. Councillor Huggins abstained from voting as he had not been present at the meeting held on 4 March 2020. The Chairman said that he would sign the minutes as soon as this was possible.

RESOLVED – that the Minutes of the meeting held on 4 March 2020, be confirmed as a correct

record and signed by the Chairman.

394 3/19/1979/SV - VARIATION OF A S52 (S106) AGREEMENT UNDER PLANNING REFERENCE 3/0364/85; TO REMOVE THE DISCHARGE OF OBLIGATION RECITAL NO1 - NOT TO OCCUPY AS A SEPARATE UNIT FROM THE RIDING SCHOOL AND STABLES ON THE LAND KNOWN AS PETASFIELD STABLES AT LAND AT PETASFIELD STABLES, MANGROVE LANE, BRICKENDON

The Service Manager (Development Management) said that the description of the application should have the reference to Section 106 deleted as this was not relevant to Section 52 agreements under the 1971 act. He summarised the application for the discharge of a legal agreement that required the occupier of the dwelling, built in the 1980s, to be a worker at Petasfield Stables

The Service Manager said that the application must be determined in the form of an approval or refusal by Members. The Section 52 agreement could not be amended or replaced with an alternative agreement.

Members were advised that the Section 52 agreement could be discharged by agreement with the Council or by application to the lands tribunal court if the Council did not agree to the discharge of the Section 52 agreement.

The Service Manager said that an application to the lands tribunal would be difficult for the Council to oppose and there would be costs involved. Officers would have to consider carefully whether to take any

action to enforce the agreement in terms of whether it would be expedient and in the public interest to take such action. The likelihood of success would have to be considered as would the position as regards costs.

The Service Manager explained that Officers had received 2 Member questions in advance of the meeting. The first related to whether occupation of the dwelling would be in breach of the Section 52 agreement if the stables had been demolished. He said that the answer was yes to that question. The second query was could the stables be demolished or converted without the Section 52 agreement.

The Service Manager said that removal of the Section 52 agreement would not prevent demolition or conversion of the stables and any conversion to another use would require planning permission. He said that the remote location of the site would make it unsustainable for residential development and any introduction of residential development would detract from the openness of the Green Belt.

The Service Manager referred to the matter of the increased market value of the dwelling arising from the discharge of the condition as being covered in paragraph 6.7 of the report submitted. He said that Officers had considered the historic nature of the Section 52 agreement when considering this application. Officers had also considered the tests of whether the Section 52 agreement was still reasonable in line with current policy regarding conditions and obligations.

The Service Manager explained that the degree of harm involved should be taken in account. Members should not have any regard to the value of the property when reaching their decision on this application as this was not a material consideration.

Councillor Page said that the matter of rural worker occupancy was redundant due to a change of occupancy arrangements. He said that it was clear from District Plan policy HOU5 that a rural worker occupancy condition could be removed if the need could no longer be demonstrated. He believed that the Officer report had indicated that the need could no longer be demonstrated.

Councillor Page said that there was guidance in the National Planning Policy Framework (NPPF) that stipulated that the removal of agricultural worker conditions was not in conflict with Green Belt policy.

Councillor Crystall questioned whether the applicant could re-apply for agricultural workers dwelling under District Plan policy HOU5. Councillor Andrews said that, based on the current situation with this application, he was not uncomfortable with supporting the recommendation in the report.

The Service Manager agreed with the points made by Councillors Page and Andrews. He said that the applicant could apply for another rural workers dwelling but the scale of the operation would not justify an on-site rural workers dwelling based on current planning policy. Members were advised that the benefits would not weigh the Green Belt harm and

this would therefore be contrary to policy.

Councillor Jones proposed and Councillor Huggins seconded, a motion that the variation of a Section 52 agreement under planning reference 3/0364/85 be approved as per the recommendation detailed in the report submitted. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the planning obligation required by the legal agreement be discharged.

395 ITEMS FOR REPORTING AND NOTING

Councillor Huggins commented on the unfortunate appeal decision in Buntingford High Street at 57a. Councillor Jones also expressed his concern that this appeal decision had gone against the Council's decision at 57a High Street, Buntingford in respect of application 3/18/1566/FUL.

Councillor Deering said that the Council had no control over the final decisions of the planning inspectorate but Officers did make representations when required to the inspectorate. The Authority was doing the best it could and the outcome was very disappointing in respect this appeal.

The Head of Planning and Building Control acknowledged the concerns that had been raised by Members. She said that Officers were monitoring the appeals for patterns and Officers kept the Council's planning policies under review.

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non-determination;
- (B) Planning Appeals lodged;
- (C) Planning Appeals: Inquiry and Informal Hearing Dates
- (D) Planning Statistics.

The meeting closed at 7.29 pm

Chairman
Date