

PARISH COUNCIL OF BENENDEN

Minutes of the Planning Meeting held on Monday 19th August, 7pm, Iden Green Pavilion

Present	Cllrs Cochrane, Grant, Hagan, Lewis, Thomas; Cllr Dawlings.	
Item		Action Responsibility
1. APOLOGIES	Apologies were received from Cllrs Beveridge, Cruse, Driver and Presgrave	
2. DECLARATION OF INTERESTS	No declarations of interest.	
3. PLANNING	<p>a. <u>APPLICATIONS</u></p> <ul style="list-style-type: none"> ● 24/01828/FULL Nightingale Barn, Goddards Green Road. Change of use of home office/studio into holiday let including first floor extension, alterations to fenestration and roof lights and raised timber deck <ul style="list-style-type: none"> ❖ SITE CONSTRAINTS: BNDP Policies; Outside LBD; Agricultural Land Classification Grade 3; Outside HWNL; PRoW WC342 passes to immediate west of the access driveway to Nightingale Barn. KCC PRoW Officer raises no objection; Biodiversity Opportunity Areas. ❖ COMPREHENSIVE D&A STATEMENT: No change proposed to existing eaves, ridge height, dimensions of building; 2 bed holiday let; Velux roof lights on western and eastern elevations; EV charging point within parking area; Existing timber framed single glazed windows replaced with double glazed powder coated aluminium windows in anthracite grey; Roof: corrugated metal roof sheet in anthracite grey to closely resemble existing; Walls: timber weatherboard in natural finish to remain as existing; Doors: double glazed powder coated aluminium French doors in anthracite grey; Quotes BNDP policies and planning history of the site. <p>The Parish Council unanimously agreed to support this application and, if consent is granted, requests conditions appropriate to holiday lets, management and retention as tourist accommodation and requests that details of any proposed lighting scheme is submitted for approval prior to installation to comply with BNDP Policy BD5. PIR sensors must be installed for this particular use to prevent lights being left on at any time, to protect the rural location from light pollution.</p> ● 24/01791/TPO The Rectory, The Green. TREES: 3no. OAK (T1) - Remove deadwood, reduce 4no. overextended limbs; (T3 & T4) - Remove faulted limbs <ul style="list-style-type: none"> ❖ Relates to trees within the Glebe Field close to BCEPS boundary. ❖ No objection to tree management. <p>The Parish Council unanimously agreed to support this application.</p> ● 24/01725/FULL Hinxden Farm, Hinksden Road. Change of use of land to residential curtilage, provision of driveway, erection of a double garage, demolition of single storey extensions and erection of a two-storey side extension and associated works. <p>Site visit made by Cllrs Beveridge, Grant and Thomas</p> <ul style="list-style-type: none"> ❖ Property is 200 years old but not Listed and no Listed buildings in proximity. ❖ D&A Statement self-explanatory. ❖ Farmhouse is derelict and empty. ❖ Renovating and extending this property in its farm setting and rural location is desirable. ❖ Once renovated the property will be occupied by the owners and operators of the dairy farm. <p>The Parish Council unanimously agreed to support this application.</p> ● 24/01668/FULL and 24/01669/LBC Netters Hall, Attwaters Lane, Hawkhurst. Extension of C19th addition to farmhouse to accommodate a utility and boiler room. <ul style="list-style-type: none"> ❖ Previous consents under 22/03567/FULL & 22/03568/LBC Replacement sunroom with double storey rear/side extension, First Floor rear/side extension, Internal alterations, Erection of new boiler building. ❖ Applications adjust the approved scheme to: <ul style="list-style-type: none"> ○ Extension to former C19th pantry addition to create new plant room and utility room. Single storey structure on east elevation of the structure. ○ Relocate back door to enter boot room (existing structure) to access kitchen, and other small 	

	<p>details.</p> <ul style="list-style-type: none"> ❖ Original intent was for a biomass boiler in a detached building. Revision follows review of heating strategy and immediate solution due to costs associated with biomass boiler. ❖ All comprehensively explained in the D & A Statement. <p>The Parish Council unanimously agreed to support this application subject to the works being satisfactory to the Conservation Officer.</p> <ul style="list-style-type: none"> • 24/01672/FULL Beaufort Cottage, Iden Green Road. Erection of a yurt <p>Site visit made by Cllrs Beveridge, Grant and Thomas</p> <ul style="list-style-type: none"> ❖ SITE CONSTRAINTS: 14 in total including: BNDP Parish Wide Policies; LE1 Views; Iden Green Conservation Area; Outside LBD1 - Submission Local Plan 2021; Outside LBD - STR1; Historic Environment; Conservation Area - EN5; Agricultural Land Classification Grade 3; HWNL ❖ SITE HISTORY: 78/00749/FULL Extension - refused and dismissed on appeal. 82/00563/FULL Single storey front and rear extension - approved. 91/00620/TPO Trees - Heavily reduce one false acacia - refused. 10/00751/HOUSE Conversion of garage into habitable living space and addition of pitched roof – approved. ❖ LISTED BUILDINGS IN PROXIMITY: None affected by this proposal. ❖ APPLICATION INFO: 18ft yurt for use as an art studio for the benefit of the applicant and family. Insulated to enable use all the year round. Can be deconstructed and repositioned/packed away without specialist equipment or contractors. At bottom of garden. Just under 1 acre; Surrounded by farmland (orchards), secluded, private and not in view of any streets or houses or public; Neutral sand and olive colours. ❖ PRE-APPLICATION ADVICE : <ul style="list-style-type: none"> ○ In this instance, the Yurt would be classed as permitted development and provided it was at least 2 metres away from the property’s boundary, and within 20metres of any wall of the dwelling house. However, the property is situated within the High Weald National Landscape and if positioned more than 20metres away from the property, then Full Planning Permission would be required, as the Yurt has a ground area of greater than 20 square metres. ○ In this instance, the Yurt would be situated away from the street scene, and therefore there would be no notable impact on the Conservation Area, street scene or character of the dwelling. Furthermore, the nature of a Yurt means it has minimal visual weight, and therefore would have no notable detrimental impact on the wider rural landscape. Provided the Yurt was not directly adjacent to a shared neighbouring boundary, then it is unlikely to raise notable concerns in relation to overshadowing, overbearing, or overlooking effects with regards to neighbouring residential amenity. An application that sought to place the Yurt within the rear garden would likely be supported by officers. ❖ GENERAL COMMENTS: Application is for Class E Use - Commercial, Business and Service; Quoted is E(c)(ii) Professional services (other than health or medical services); Floorspace of the yurt is 23.57 sq.m; Under the Hours of Opening question in the application form the applicant has responded ‘yes’ to the hours of opening being relevant to this proposal. States Use Class as above but states that the hours of opening are ‘unknown’; It is thought that the applicant has selected an incorrect Use Class. ❖ A site visit and discussion with the applicant confirmed that the yurt is only for the use of applicant and household and potentially one-to-one lessons as they arise. ❖ CONCERNS: Potentially visible from PRoW WC334 during winter months. The site visit confirms that the yurt will be well screened during the summer months and would probably not be prominent in the winter from the PRoW; The yurt is 2.89m high and is large at over 20 sq.m; The scale of the building and the use class sought suggests that it would be used by people other than the applicant and family members. Potentially a large commercial studio operating within a residential area with visitors, clients and other artists. The yurt will be sited among the trees but there is no tree survey to assess how the proposal may affect the trees. <p>The Parish Council unanimously agreed to state that it raises no objections to the application other than the Use Class and requests that any consent limits the use of the yurt to the ancillary residential use of Beaufort Cottage. BPC requests that the floor area of the yurt is clarified as it is shown in square metres and appears to be incorrect. BPC also requests that TWBC Tree Officer</p>	
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assesses the site to ascertain whether any harm would be caused to the roots and canopies of trees in proximity.

- **24/01999/FULL Duck Cottage, 1 Rolvenden Road** Extension of C19th addition to farmhouse to accommodate utility and boiler room. Variation of Condition 2 of Permission 23/00126/FULL - Roof to half-hip the gable end, reduce lower brick wall, reposition bi-fold doors to northwest elevation replacing with door & window, addition of 2no rooflights to southwest roof
- ❖ Previous application 24/00694/FULL Variation of Condition 2 in relation to 23/00127/LBC Change proposed extension roof to half-hip. BPC supported. TWBC approved.
- ❖ Application form shows the proposed alterations to vary Condition 2. Minor changes to the proposed oak framed extension as listed -
 - roof to half-hip the gable end
 - all walls - reduce lower brick wall to two to three courses high (depending on external floor levels)
 - move bifold doors to northwest elevation, remainder of elevation to be exposed oak frame infilled with glazing
 - insert timber stable door and fixed glazed panel in southwest elevation, remainder of wall returning to host building to be timber weatherboarding
 - northeast wall to be timber weatherboarding
 - two small openable rooflights installed in southwest roof slope to purge warm air build up in the roof.

The Parish Council unanimously agreed to support this application subject to the works being satisfactory to the Conservation Officer. BPC requests a Condition regarding exterior lighting is imposed as this is not contained in any of the previous consents. Exterior lighting must be in accordance with Policy BD5 of the BNDP to preserve the dark skies of the parish. Proposals must be submitted before installation.

- **24/02062/PNR Forest Farm, Nineveh Lane.** Prior Notification under Class R for a change of use of 3 agricultural buildings to a flexible commercial use
 - ❖ Permitted Development Rights are subject to conditions set by legislation to ensure that only appropriate proposals are eligible. The need to apply to the LPA to see if prior approval is required is one such condition.
 - ❖ PLANNING STATEMENT INFO: Proposed development is under the provisions of Class R so a determination is only sought for the change of use of the buildings. A determination is not sought at this time as to whether the prior approval of the LPA would be required as to any associated operational development. In accordance with Para R.3 (3) of this Order, any 'associated operational development' reasonably necessary to convert the buildings shall be submitted for consideration under a subsequent planning application. This application seeks the change of use to an unrestricted commercial use in accordance with Class R, however the anticipated use is Class E. [Class E Use - Commercial, Business and Service]
 - ❖ INFO: There are 6 structures on site, 5 to the west of the farm track and 1 at the end of the farm drive behind The Forest. Of the five to the west of the track, the two buildings subject to this app are:
 - **Straw Barn** An open sided three bay steel framed barn under a fibre cement roof with a concrete floor.
 - **Atcost Barn** A four-bay Atcost building enclosed on three sides with part concreted walls for bulk feed storage.
 - The building at the end of the track is a **Dutch Barn** — concrete framed Dutch Barn.
- This is a matter for TWBC to determine whether the change of use under Class R is eligible and in accordance with the permitted development rights. The opportunity for BPC to respond more fully will be at any full planning application stage. However, **the Parish Council agreed by majority** that a comment be made to TW that the parish council is extremely concerned that a change of use to a flexible commercial use for these buildings would result in an increase in commercial traffic via very narrow single-track lanes, and would be totally inappropriate taking into consideration the rural location of these buildings.

	<p>b. <u>OTHER PLANNING MATTERS</u></p> <ul style="list-style-type: none"> • 24/01767/FULL Land At Netters Farm, Attwaters Lane, Hawkhurst. Development of solar array, battery storage and associated infrastructure (resubmission of 22/01695/FULL) ❖ TWBC Planning Officer has advised that a request has been made to the agent for more information and the application is on hold until this has been submitted. ❖ TWBC Head of Planning advised Cllr Dawlings : The NPPF consultation makes no reference to solar farms specifically in the policy wording however the following covers solar farms more generally – ○ 164. Local planning authorities should support planning applications for all forms of renewable and low carbon development. When determining planning these developments, local planning authorities should: <ul style="list-style-type: none"> a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the proposal’s contribution to renewable energy generation and a net zero future; b) recognise that even small-scale and community-led projects provide a valuable contribution to significant cutting greenhouse gas emissions; c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site. However the protection of landscape still features heavily – ○ 182. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. ○ 183. When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development⁶⁵ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest ❖ The Government is proposing to review the Nationally Strategic Infrastructure Projects regime which may mean that solar farms (and other forms of energy production) are considered in a different way. Currently the threshold for solar farms needing NSIP consent is 50 megawatts. <p>The Parish Council agreed by majority that this application would be discussed at the next full Parish Council meeting on 16th September 2024 (if advised by TW that the further information required has been submitted). In the meantime, discussions would be had with Hawkhurst PC and Cranbrook & Sissinghurst PC, and it was agreed that BPC would lodge the following interim comment with TW: At the planning meeting held on 19/08/2024, it was brought to the attention of the Parish Council that parishioners have already lodged comments on this application. The planning officer has advised the parish council that this application is “on hold awaiting further information” and therefore the Parish Council will discuss this application in full when the outstanding information has been submitted to Tunbridge Wells Borough Council, and will submit formal comments on the application following that discussion.</p> <ul style="list-style-type: none"> • 23/03274/FULL Benenden Hospital ❖ 24th July TWBC Planning Committee approved the Esquire application for the hospital sites. One abstention on the vote. The decision notice has not been issued yet as the S106 is still outstanding. ❖ BPC noted that the planning application has been approved and the development can be progress once the Decision Notice has been issued and the pre-commencement conditions discharged. • 24/00495/FULL Hill Top Farm, Hinksden Road. Variation of Conditions 2 & 4 of 20/00039/FULL - adjustments to layout and alter use to mixed agricultural storage (part retrospective). ❖ TWBC granted permission . ❖ BPC had commented on the application : ○ This Prior Notification for permitted development for an agricultural barn should be considered alongside the current application 24/00495/FULL for the already existing barn on site, which proposes adjusting the internal layout and altering the use to mixed agricultural storage. The application plans reveal that the current layout of the site is in breach of the original consent permitted under 20/00039/FULL. 	
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	<ul style="list-style-type: none"> ○ The original application for this site under 19/02447/FULL sited the proposed barn in the same location as this proposal for a much larger agricultural barn. The application was refused by TWBC. The location at the top of the hill in a prominent position of the HWNL, within close proximity to an overhead power line, and being far from the entrance to the site were among the reasons for refusal. ○ The barn proposed under this Prior Notification is much larger than the existing barn on site and located in the most prominent position sited near the power line. ○ The Prior Notification implies that there is an agricultural need, but as the applicant seeks to reduce the agricultural storage in the existing barn to enable a mixed use for his business purposes, the justification of need must be tried and tested. ○ The site history, together with the current application to be determined regarding the lifting of conditions under 24/00495/FULL requires a FULL application in respect of this additional barn, which is submitted under the pretext of permitted development for agriculture. This will enable a thorough assessment and justification of need. It is essential that the Prior Notification is considered in the context of the application to release conditions imposed on the use of the existing barn. ❖ BPC and Cllr Dawlings have received communication from parishioners expressing concern that the objections of BPC and many neighbours appear to have been ignored. ❖ Cllr Dawlings has spoken to Carlos Hone mentioning that BPC wants to work constructively with the Local Planning Authority. A position Cllr Dawlings advocated throughout the process of establishing the BNDP. For the most part this works well. Cllr Dawlings did however, express the surprise and disappointment of BPC, and neighbours, regarding the decision on Hill Top and particularly for the decision to have been taken against the advice of the PC with no reference back to the PC. TWBC will continue enforcement action on the various containers on site. ❖ BPC noted that Condition 4 of the approved application 20/00039/FULL was a condition specifically requested by the TW Planning Committee being: “The hereby approved development shall only be used for agricultural storage and only in relation to the land identified within the red site outline on the site location plan. The building shall be used for no other purpose unless approved in writing by the Local Planning Authority.....” This wording was requested to limit the traffic movements onto the land, via narrow single-track rural lanes. The granting of permission of application 24/00495 to alter the use to mixed agricultural storage (in relation to the applicant’s agricultural drainage contractors business) wholly undermines the specific condition requested, as this will increase the traffic access to this site in an exceptionally rural position. ❖ A new Prior Notification application for an additional barn on site has been submitted, and will be discussed at the parish council meeting on 16th September. ❖ The scale of development on this site is ongoing. <ul style="list-style-type: none"> ● Service of Article 4 Directions at Apple Pie Farm ❖ Immediate and Non-Immediate Article 4 Directions were served on 7th August. Documents circulated. ❖ Various developments have been carried out on the plots and are under enforcement. ❖ The Article 4 directions are intended to restrict development in this location. <ul style="list-style-type: none"> ● Beacon Farm ❖ A parishioner had raised ongoing concerns regarding TWBC’s failure to take enforcement action in respect of an unauthorised change of use at Beacon Farm from use class B1 to use class B8, and the parishioner’s solicitor has sent a Judicial Review Pre-Application Protocol letter to TWBC. ❖ TWBC has now re-opened its planning enforcement investigation. ❖ No action necessary by the Parish Council at this stage. 	
ANY OTHER BUSINESS	Cllr Thomas had received a request from Benenden Art Fair for permission to erect a poster on its own posts in the village one month before the Art Fair, to be removed after the Fair. The Parish Council agreed.	
DATE OF NEXT MEETING	Date of Next Meeting: Monday 16 th September 2024, 7pm, Memorial Hall	
	The meeting closed at 8.10pm	

Cllr P Grant, 19th August 2024

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

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These minutes are not a verbatim record of the meeting, but a summary of discussion and decisions taken at the meeting.