

GUESTLING PARISH COUNCIL

**MINUTES OF GUESTLING PARISH COUNCIL REMOTE ONLINE PLANNING MEETING
MONDAY 9 OCTOBER 2023 7PM**

CHAIR: Cllr MARION ROBERTS

PARISH COUNCILLORS: Cllr MARTIN GRIFFITHS Cllr PETER KNATCHBULL-HUGESSEN

DISTRICT COUNCILLORS: Cllr BEVERLEY COUPAR **1 MEMBER PUBLIC**

ITEM	NOTES	ACTION
1	APOLOGIES OF ABSENCE: Cllr GRAHAM FURNESS, Cllr ANDREW MIER	
2	DECLARATIONS OF INTEREST: None	
3	<p>PLANNING APPLICATIONS:</p> <p>RR/2023/1990/TN CHATSWOOD - NEAR WINCHELSEA ROAD GUESTLING TN35 4LW NOTIFICATION UNDER THE ELECTRONIC COMMUNICATIONS CODE (CONDITIONS AND RESTRICTIONS) (AMENDMENT) REGULATIONS 2017, HEREBY GIVING NOTICE UNDER REGULATION 5 - BT INTENDS TO INSTALL FIXED LINE BROADBAND ELECTRONIC COMMUNICATIONS. INSTALLATION OF A 11M MEDIUM POLE. INFORMATION ONLY.</p> <p>RR/2023/1955/P HAZEL BANK STABLES IVYHOUSE LANE GUESTLING TN35 4NN DEMOLITION OF EXISTING STORAGE BUILDING TO BE REPLACED WITH 1X NEW DWELLING WITH ASSOCIATED PARKING. RECOMMEND REFUSAL. THIS SITE DOES NOT QUALIFY AS A RURAL EXCEPTION SITE AND IS OUTSIDE THE DEVELOPMENT BOUNDARY IN AONB. THE YARD OPERATES AS A DIY LIVERY AND THE PROPOSED SITE FOR THE DWELLING IS ON THE CURRENT PARKING AREA. A PREVIOUS APPLICATION FOR A DWELLING ON THIS SITE WAS REFUSED. THE SITE IS NOT SERVED BY PUBLIC TRANSPORT AS THE LANE IS VERY NARROW WITH NO FOOTPATHS OR LIGHTING, THEREFORE THIS IS NOT IN LINE WITH CORE STRATEGY REDUCING RELIANCE ON CARS. THE OWNERS SUGGESTED MINIMAL REDUCTION IN JOURNEYS IS NOT SIGNIFICANT.</p> <p>RR/2023/1929/P FRIARS HILL - LAND NTH OF STREAM FARM GUESTLING TN35 4HN USE OF LAND FOR SEASONAL CAMPING AND ASSOCIATED WORKS INCLUDING WASHROOM/SHOWER BLOCK AND PARKING WITH USE OF EXISTING ACCESS. WHILST THE PARISH COUNCIL ACCEPTS THE NEED TO PROVIDE FACILITIES AT ALL LEVELS TO BOOST TOURISM, IT IS FELT THAT THIS PROPOSAL IS NOT RIGHT IN THIS LOCATION. PETT ROAD IS EXTREMELY BUSY WITH NO FOOTPATH AND AN INFREQUENT BUS SERVICE. THEREFORE THE PROPOSAL IS NOT IN LINE WITH PARAGRAPHS 11 AND 84 OF THE NPPF WHICH SEEKS TO MINIMALIZE CAR TRAVEL. THE BUILDING FOR THE SHOWER/TOILET BLOCK IS ALREADY ON SITE SUGGESTING A PRESUMPTION OF ACCEPTANCE.</p> <p>RR/2023/1846/P THE GLEANINGS MAXFIELD LANE THREE OAKS TN35 4NJ ADDITION OF A SINGLE STOREY EXTENSION ON AN EXISTING RAISED PATIO TO THE SOUTH SIDE OF THE HOUSE. RECOMMEND APPROVAL IN PART. WE WOULD PREFER TO SEE THE ROOF TILED IN LINE WITH THE CURRENT HWAONB DESIGN GUIDE.</p> <p style="text-align: center;">MEMBER OF PUBLIC LEFT</p> <p>RR/2023/1762/P OLD COGHURST FARM - LOT 1 ROCK LANE GUESTLING REINSTATEMENT OF AN ACCESS AND THE PROVISION OF AN ACCESS TRACK (PART RETROSPECTIVE). <u>ONLINE COMMENT (REDUCED FROM RESPONSE READ OUT IN MEETING AND AGREED AS PARISH COUNCIL RESPONSE DUE TO CHARACTER LIMITATION, EXTENDED RESPONSE EMAILED TO PLANNING OFFICER DIRECTLY AND DETAILED BELOW) - RECOMMEND REFUSAL. THERE WAS NOT A GATE OR A BRIDGE THERE PREVIOUSLY TO REINSTATE. THERE HAVE BEEN SOIL IMPORTS, TREE FELLING, LEVEL CHANGES AND MANY OTHER ACTIVITIES CARRIED PUT WITHOUT PERMISSION. THIS LED TO AN ENFORCEMENT NOTICE BEING ISSUED. ENF/68/22/GUE. THIS HAS NOT BEEN RESOLVED LEADING US TO QUERY HOW THIS APPLICATION CAME TO BE VALIDATED. WE WILL BE SUBMITTING A LONGER PAPER IN DUE COURSE.</u> <u>EMAIL DIRECTLY TO PLANNING OFFICER:</u> THE APPLICATION IS TO CURE A DEVELOPMENT THAT HAS LED TO AN ENFORCEMENT NOTICE (ENF/68/22/GUE). THE RETROSPECTIVE APPLICATION STATES THAT THE WORKS</p>	

	<p>WERE TO REPAIR AND REPLACE AN EXISTING GATEWAY AND BRIDGE. THERE WAS NO GATEWAY AND THERE WAS NO BRIDGE.</p> <p>RDC WAS INFORMED AT THE TIME THE WORKS WERE STARTED. AT SOME POINT RDC TOOK ENFORCEMENT ACTION AS IT WAS AWARE THAT THE WORKS WERE OF NEW CONSTRUCTION AND CARRIED OUT WITHOUT PLANNING PERMISSION.</p> <p>A PLANNING APPLICATION HAS NOW BEEN MADE. AT THIS POINT RDC SHOULD IN THE PROCESS OF VALIDATION HAVE LOOKED AT THE APPLICATION AND TAKEN ACCOUNT OF ALL THE INFORMATION IT HAD.</p> <p>ONE OF THE SOURCES OF INFORMATION ON WHICH A PLANNING AUTHORITY CAN RELY, THAT THE RTPI LISTS IN ITS PLANNING ENFORCEMENT HANDBOOK FOR ENGLAND, IS GOOGLE EARTH AND GOOGLE STREET VIEW. THESE CLEARLY SHOW THAT THERE WAS NO GATE AND NO BRIDGE.</p> <p>THE APPLICATION SHOULD NOT HAVE BEEN VALIDATED.</p> <p>TO THE APPLICATION:</p> <p>IT IS COMMONLY ACCEPTED THAT:</p> <p>“THE PLANNING APPLICATION PROCESS RELIES ON PEOPLE ACTING IN GOOD FAITH. THERE IS AN EXPECTATION THAT APPLICANTS AND THOSE REPRESENTING THEM PROVIDE DECISION MAKERS WITH TRUE AND ACCURATE INFORMATION UPON WHICH TO BASE THEIR DECISIONS.” MINISTERIAL STATEMENT HANSARD 17 OCT 2011: COLUMN 587W.</p> <p>FURTHER:</p> <p>“A PERSON WHO MAKES A FALSE OR MISLEADING STATEMENT IN CONNECTION WITH A PLANNING APPLICATION, KNOWING THAT IT WAS OR MIGHT BE UNTRUE OR MISLEADING, WITH THE INTENT TO MAKE A GAIN FOR HIMSELF MAY BE PROSECUTED UNDER THE FRAUD ACT 2006.” MINISTERIAL STATEMENT HANSARD 29 JUNE 2018 IN R (ON THE APPLICATION OF WELWYN HATFIELD COUNCIL) V SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT THE SUPREME COURT MAKES CLEAR THAT THE PRINCIPLE OF PUBLIC POLICY THAT A PERSON SHOULD NOT BENEFIT FROM THEIR OWN WRONG IS CAPABLE OF BEING APPLIED IN THE CONTEXT OF THE CODE OF THE PLANNING ACTS [31], [53]-[58], [67], [80]. THE SUPREME COURT SUGGESTED THAT THE OWNER MAY HAVE COMMITTED A CRIMINAL OFFENCE BY OBTAINING PLANNING PERMISSION BY DECEPTION AND THAT WERE THE DEVELOPMENT TO REMAIN, ANY PROCEEDS THE OWNER OBTAINED SHOULD BE REMOVED UNDER THE PROCEEDS OF CRIME ACT 2002. THIS PRINCIPLE HAS BEEN APPLIED IN THE UNLAWFUL FELLING OF PROTECTED TREES WHERE VALUE, EVEN UNREALISED, HAS BEEN ADDED TO PROPERTIES AND THE COURTS HAVE ORDERED THAT THE INCREASED VALUE BE FORFEITED.</p> <p>SUMMARY</p> <ol style="list-style-type: none"> 1. RDC SHOULD NOT HAVE VALIDATED THE APPLICATION BECAUSE IT KNEW THAT IT WAS BASED ON A FALSEHOOD. IN CONTINUING THE APPLICATION RDC IS EITHER ACTING IRRATIONALLY OR WITH MALADMINISTRATION. 2. RDC SHOULD NOW REFUSE PERMISSION AS THE APPLICATION IS BASED ON A FALSE AND MISLEADING STATEMENT MADE WITH THE INTENT TO MAKE A GAIN FOR THE APPLICANT. 3. RDC SHOULD CONTINUE WITH ENFORCEMENT ACTION TO REMOVE THE UNLAWFUL WORKS. <p>GIVEN THE HISTORY OF PLANNING APPLICATIONS, SOME GIVEN CONDITIONAL APPROVAL AND SOME REFUSED, AND THE NEED FOR ENFORCEMENT ACTION ON THIS PIECE OF LAND, RDC SHOULD ENGAGE WITH THE APPLICANTS TO AGREE A MASTERPLAN TO FORM THE BASIS OF COHERENT AND HONEST APPLICATIONS TO COVER ALL THE DEVELOPMENT INTENDED BY THESE APPLICANTS.</p>	
4	<p>AOB: None</p> <p style="text-align: center;">MEETING CLOSED 7.38PM</p>	
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