

Kingscote Parish Council

Kingscote Parish Council Extraordinary Planning Meeting

Walnut Farm, Bagpath

Kingscote Village Hall – 7.30pm Friday 3rd November 2023

Minutes

Meeting commenced at 7.35

Present

T Wooldridge (Chair), B Calland (Vice-Chair), R Gale, S Tattersall, S Teague.

S. Hirst (County Councillor), T. Slater (District Councillor).

Clerk, Simon Hale. 6 members of the public

The Chairman welcomed all attendees and explained that two Certificates of Lawfulness were recently applied for at Walnut Farm and Walnut Barn. The Parish Council was consulted about these by the CDC Planning Department. On closer inspection it seemed that there was some additional evidence which the planners might wish to take into account. Since there was no scheduled meeting until early December, and the deadline for comment on the applications was 6 November, it was decided to call a special meeting.

The report had been available on the Parish Council website since Monday this week. One correction was made to an inaccuracy prior to the meeting and this would be explained later by the clerk.

It was explained that standing orders allow 20 minutes in total for this part of the public participation of the meeting with a maximum of 5 minutes per person, depending on how many people wished to speak.

Attendees were requested that after the public participation had concluded, they were welcome to remain as observers, but requested not to interrupt the council's deliberations.

23.83 No apologies for absence.

23.84 No declarations of interest under the Localism Act 2011.

23.85 Public Participation (5 mins per person).

Various parishioners raised issues as summarised below.

An increase in traffic and in particular, the new entrance to Linden House / Walnut Farm. The area and lower entrance is not suitable for increased vehicular activity.

Applicant's application in 2017 for ancillary accommodation to Bumpers Island was always intended to be an independent dwelling from the outset. Fencing was installed



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to separate Linden Farm / Walnut Farm and Walnut Barn which forced traffic to use the new Linden House lower entrance which is dangerous and on a blind bend.

The site is still only one property with one approved dwelling on it, namely Linden House / Walnut Farm.

No objections were originally made to the ancillary accommodation as neighbours decided to apply a, 'live and let live' ethos. Neighbours met with applicant back at the start of application submissions around 2017 and the applicant confirmed that the long-term intention was to change use of Linden House to a 4-bedroom holiday let.

The applicant is claimed to have said they can do what they wish to maximise their property. There was also a suggestion of a future glamping site and development by stealth.

No notifications had been received by neighbours regarding the Linden House Certificate of Lawfulness application. It was explained to parishioners that the Planning Department, to the best of our knowledge, do not have a duty to notify or consult in the case of Certificate of Lawfulness applications.

Linden House is a change of use from a dwelling to a business as it is intended to be a holiday let. Has it been signed off as such by relevant authorities?

If Linden House has it has oil-fired central heating, it would be almost impossible and totally impracticable for oil delivery lorries to access the premises by the new, lower entrance.

Previous Highways objection on the 2020 full planning application for Walnut Barn must be considered.

The lane is subject to a 60mph national speed limit and visitors relying on satnavs rather than local knowledge and will undoubtedly be driving too fast.

Please push for decision by Planning Committee and for decision makers visit the site as this is essential.

If the planning applications are permitted without proper due diligence by the Planning Department, then the District Council may be the subject of a judicial review if it could be shown that they had neglected their duties.

Various developments have taken place on site, some of which have no authority to have been undertaken.

A large outbuilding was converted into The Hayloft which is a separate dwelling with no planning permissions being in place.

The increasing to-let footprint of the entire development may have up to 12 to 15 cars at a time which local transport infrastructure cannot safely support.

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Target market for the letting developments on site are Kingscote Barn and the Matara so alcohol and driving may become a problem.

The driveway to Linden House is a 3:1 gradient at its steepest section. In the winter, a delivery vehicle lost control, skidded down the driveway and collided with a neighbour's wall.

If the Certificate of Lawfulness has to be approved as a result of Planner's lack of attention to the full planning application, there must be a proper assessment of what the impact will be on road safety in the immediate vicinity.

There must be an investigation into the Hayloft.

Public Participation Concluded. Parishioners were encouraged to submit their own factual evidence through the CDC planning portal. They were also reminded that the Parish Council is NOT a decision maker in the planning process and that any comments the Parish Council submitted were treated with the same degree of importance as submissions by parishioners.

This was supported by Cllr. Slater. Furthermore, he stated there was a strong case that the planning applications should be fully considered and decided upon by the Planning Committee rather than a single planning officer. The fact that a full planning application had just sat dormant since December 2020 appeared to be a failure on the part of CDC Planners.

It was noted that a submission to the Parish Council by the applicant said that she had tried to engage with planners repeatedly to get the full application assessed, and that her case has passed through the hands of five different planning officers.

23.86

The Clerk led councillors through version 2 of his report and explained that the changes from version 1 were for accuracy, to put **The Hayloft** as a standalone part of the report, and to add slightly more detail on the map as to its location. The report is a statement of fact from internet research of the CDC Planning website and AirBNB.

No planning permissions could be found which specifically related to The Hayloft.

It was added that research had been undertaken at the Land Registry and it would be added to the report. Namely, what was originally one location of Bumpers Island Farm, had now been split into two separate dwellings of Linden House and Walnut Barn.

It was noted in the applicants supporting statement for Walnut Barn Certificate of Lawfulness application, their claim that both Linden House and Walnut Barn been registered for Council Tax purposes, however there was no mention of The Hayloft having been disclosed or registered for such.

The letter received from the applicant mainly addressed comments which had been made by parishioners of the various online planning applications and its content had been considered by all councillors prior to the meeting.

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Having considered all evidence available, the council resolved as follows;

To object to any planning applications or certificate of lawfulness applications (currently 20/04502/FUL, 23/03142/CLEUD and 23/03143/CLOPUD) for Linden House, Walnut Farm, Walnut Barn and potentially The Hayloft, being decided upon until the following three considerations have been fully considered by the Planning Department at Cotswold District Council;

Consideration one

Cotswold District Council Planning Department gives full consideration to the content of Kingscote Parish Council's report submitted with this communication, and that the report along with this communication, is uploaded to the following live planning, and certificate of lawfulness applications,

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|----------------------|-------------------------------|
| ▪ 15th December 2020 | – Application 20/04502/FUL |
| ▪ 6th October 2023 | – Application 23/03142/CLEUD |
| ▪ 6th October 2023 | – Application 23/03143/CLOPUD |

Consideration two

In light of the activity which appears to have been undertaken contrary to the approved planning application for ancillary accommodation within what is an AONB, and the various applications containing different premises names depending on the application, a CDC Planning / Enforcement Officer is requested to undertake a full inspection of all development onsite. The previously decided applications, further to the live applications listed in paragraph 1 are,

- 17th October 2017 – Application 17/03110/CLOPUD
- 1st December 2017 – Application 17/04089/FUL
- 12th December 2017 – Application 17/01371/OTHBN

Consideration three

GCC Highways submitted clear objections within planning application 20/04502/FUL of 15th December 2020. These objections, replicated below, should be fully considered as part of any decision-making process by Planners.

"Having considered the application within its wider context, GCC acknowledges that whilst the site is not isolated in the sense that it is located close to an established group of dwellings, it has very little to no local services and facilities to support the occupiers of the development. There are no reasonably accessible means of sustainable transport thus invariably making the proposal reliant on car journeys to access further afield services and facilities. On this basis, the highway authority recommends for this application to be refused due to failure to accord with the ethos of sustainable development through paragraphs 102, 108, 109, 110 and 111 of the NPPF.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would be an unacceptable impact on Highway Safety and conflict with provide safe and suitable access for all users and therefore recommends that this application is refused".

Meeting concluded at 8.35 pm.

AR Wooddidge
13.12.23