

Minutes of Little Bealings Parish Council meeting held at Bealings Village Hall at 7.15pm on Wednesday 25th November 2015

Present: Mrs M Wilson (Chairman), Mrs T Cornish, Ms D Head, Mr C Hopkins, Mr B Rufford and Ms J Shaw

Also present: District Councillor Colin Hedgley and the applicant in relation to planning application DC/15/4385/CLE

In the absence of the Clerk the minutes were taken by Mrs Cornish

1 Apologies, Declarations of Interest and Dispensation Requests

Apologies were received from Mr D Hunter due to holiday. It was **RESOLVED:**

- To accept the apologies.

Mr B Rufford declared a non-pecuniary interest in planning application DC/15/4385/CLE as a neighbour of the property.

Mrs M Wilson declared a non-pecuniary interest in planning application C/13/0393 as a neighbour of the property.

2 Public Participation Session

DC/15/4385/CLE: Swimming pool enclosure built under permitted development law attached/abutting dwelling since September 2010. Enclosure built as a class E structure. Its use being incidental to the use of the main dwelling house: Finches Hill, The Street.

The applicant for the CLEUD explained that he had moved to the property in 2009 and had wanted to build a swimming pool. He had approached SCDC and it was indicated to him there would not be a problem. However, objections were received to his planning application from neighbours and planning permission was not granted by SCDC on the grounds of those objections. He was advised by SCDC to build the swimming pool in a different position.

He explained that, at the time of the build, current Permitted Development provisions were not in force and did not come into force until two years later, in 2012. He was advised by SCDC that the structure was not built in accordance with planning requirements and was not permitted development. He explained that he had changed the building situation and removed bolts, but the development was still rejected by SCDC, on different grounds. Plans to move the structure away from the house were also unacceptable to SCDC.

The applicant explained that the current application was made on the grounds that the structure had been built more than four years ago and so qualified for a CLEUD under current permitted development criteria. SCDC had had plenty of opportunity to take enforcement action in the past, but had not done so. He stated that the structure is screened by hedge planting and cannot be seen by neighbours and provided plan which showed further fencing and screening by trees. He was disappointed with SCDC

throughout with the conflicting advice they had given and had sought legal advice before making the current application made for a Certificate of Lawful Development.

The applicant left the meeting at 7.45pm.

3 Planning

DC/15/4385/CLE: Swimming pool enclosure built under permitted development law attached/abutting dwelling since September 2010. Enclosure built as a class E structure. Its use being incidental to the use of the main dwelling house: Finches Hill, The Street.

Councillors discussed the history of past applications considered by the Council as follows:

- 12/04/10 C10/0554: plans for the swimming pool enclosure to be attached to the garage on part of the field. No objection by the Council to change of use to domestic from agricultural land, but an objection to the proposal as too large, out of keeping with the surroundings and too prominent. It was noted objection had also been received from an immediate neighbour.
- 26/04/10: Revised application to which the Council also resolved to object.
- 03/08/10: Application withdrawn.
- 09/01/12: Application for a Lawful Development Certificate (CLEUD). The Council had noted that the development had been carried out in 2010 but still objected strongly to the application on the grounds that the swimming pool and enclosure were too large and out of keeping with the surroundings, and too prominent in the landscape.
- 09/09/13: SCDC decided the development did not meet the criteria for a CLEUD. The Council resolved to ask when enforcement action would be taken to remove the development.
- 30/09/13 – 06/01/14: Awaiting enforcement decision by SCDC
- 03/11/14: Further CLUED application submitted. The Council resolved to advise SCDC that the it was of a view that the matter should be determined promptly and the development removed if there was no justification for the CLEUD.
- 14/09/15: Due to the lack of enforcement action, the Council had made a formal complaint to SCDC in respect of its non-determination of the applications made for Finches Hill, and other planning issues not relevant to the application.

It was noted that the Council had maintained its objection to the development since the initial application.

It was noted that no objections had been received from residents to the latest application.

It was **RESOLVED**:

- to respond to SCDC that:
 - The Council was disappointed by the lack of enforcement action which had over complicated the matter
 - a swift resolution was now required
- the Council was unqualified to comment on the lawfulness of the current

application for a Certificate of Lawful Development.

C13/0393: Stables opposite Brimar, The Street: Change of Use to Riding Establishment

It was noted that, following the Council's complaint to SCDC about non-determination of the application, the application had been considered at SCDC Planning Committee on 19 November 2015 and had been refused. It was noted that the riding school was no longer operating and that a further planning application would be necessary should this use be proposed again in the future.

ENF/2015/0047/DEV – Land at The Grove, The Street

It was noted that, in reply to the Council's complaint, SCDC had stated that it had dealt with the matter appropriately and no further action would be taken.

It was **RESOLVED**:

- not to pursue the matter any further.

There being no further business to discuss the meeting closed at 7.55pm.