

STUBTON PARISH COUNCIL



Members

Martin Davis - Chair

Bob Warren - Clerk

David Butler – Vice Chair

Rick Crooks - Councillor

Andrew Smith -Councillor

Jackie Warren - Councillor

Minutes of the Extraordinary Parish Council Meeting held on Monday 4th October 2021

Present Cllr Martin Davis - Chair
 Cllr David Butler – Vice Chair
 Cllr Rick Crooks
 Cllr Jackie Warren
 Bob Warren - Clerk

1. Cllr Smith sent his apologies for not attending the meeting due to being on holiday and the councillors present voted unanimously to accept this reason.
2. No declarations of interest in accordance with the Localism Act 2011 were received.
3. The minutes of the extraordinary meeting held on Wednesday 14th July 2021 were approved unanimously and a copy signed by Cllr Davis.
4. Planning application S21/1734 Fenton Road Barns – Change of use of agricultural building to dwelling house on the west side of Fenton Road, Stubton.

Cllr Davis stated that the meeting was to discuss whether the planning application meets the criteria for permitted development under Class Q according to Government Regulations. Cllr Davis has received extracts of the regulations from the SKDC planning department and parts of these were read out (copy attached to the minutes).

A letter received by the PC from Mr Senior was read out at the meeting (copy attached).

A letter of response from the applicants Mr and Mrs Snook was also read out at the meeting (copy attached)

Cllr Davis asked if any of the members of public present wished to make a comment.

Cllr Crooks asked whether there had been planning permission granted for the 2 buildings on the site. A resident offered that the field shelter would not have needed permission because of its size and construction. The other building, the subject of the planning application would probably have been permitted development to go hand in hand with the land. When the land was sold to The Burton family there was a covenant requiring plans to be submitted for approval of any building by the Burt family. This occurred in 1997 but the construction of the building took place in increments between 2001 and 2004.

The resident confirmed that although reference had been made to Beeswax owning the land adjacent to the field being discussed it was in fact owned by her. She purchased the land from Alan Barnsdale who in turn purchased the land from the Burt family. Cllr Davis stated that he believed Beeswax/Dyson didn't come to this area until around 2016.

The resident confirmed that the age of the building at its earliest would be 2001. Cllr Crooks stated that the date to be considered was March 20th 2013. The resident stated that the Burton family bought the land in 1995 and since that time it has been used for equestrian purposes. There are circumstances where the use of the land for horses can be considered agricultural but in her opinion the use has been for leisure purposes and is therefore considered as equestrian use.

A resident asked Cllr Davis how long he had been in the village and whether he could remember the field being used for anything else other than horses. Cllr Davis informed the meeting he had been a resident for 13 years and could personally only remember the field being used for horses. Cllr Crooks pointed out that this was only a remembrance.

It was pointed out that the building in question was constructed as 3 stables although 2 of them may have been demolished recently.

A resident stated that the PC should also be objecting to the development on the grounds that the build doesn't fit in with the Neighbourhood plan and that it puts more pressure on existing services. Cllr Davis pointed out that the only consideration at the moment was to whether the application meets the criteria for Class Q development.

There was considerable debate amongst all present as to the use of the land and building in March 2013 with an overwhelming consensus from those that lived in the village at the time that it was not in use for agricultural purposes. There was a

suggestion that Class Q applications often had supporting evidence that they had been used for agricultural purposes such as a registered holding number.

Cllr Davis asked each individual councillor for their comments.

Cllr Butler thanked everyone for their input and stated that he would like the PC to put forward a negative comment to SKDC regarding the application. He further commented that if this application was successful it could impact on the neighbourhood plan and in particular infill building between the edge of the village and the proposed building.

Cllr Warren stated she was new to the village and had no historical evidence but that she was hearing a lot of historical and paperwork evidence from residents disputing what Mr and Mrs Snook were saying in their application. The PC should be commenting that there are doubts about whether the application meets the criteria and let SKDC investigate.

Cllr Crooks stated that the PC should comment on what we have heard and that we have also had a contrary submission. He stated he was not in the village in 2013 and could not say for sure what was happening then. We could say that on balance we seem to be hearing more questions over the use of the building in 2013 than we hear positives.

Cllr Davis stated that the applicants letter states that the qualifying criteria under Class Q is that the building was in agricultural use on March 20th 2013 but on hearing concerns from everybody the facts seem to be that the Burtons built the structure as a horse shelter incorporating 3 loose boxes. A covenant on the land forbade the building of any structure other than a shelter for horses. The land does not appear to have been used since 1996 for agricultural purposes. It also appears that Beeswax farming have had no involvement with the structure or the land in question. In conclusion the structure does not qualify for permitted development under Class Q.

Cllr Davis moved to make a statement as follows.

This Parish Council has to enter an ‘objection’ to SKDC planning, that S21/1734 does not meet the Criteria, as set out by Government Regulation, to be considered for permissive development under Class Q, and the application should be withdrawn/refused; based upon a Parish Council meeting with contributions from residents, and that the Applicants’ Support Documentation is factually incorrect”

The statement was seconded by Cllr Butler and accepted by an unanimous vote.

Cllr Davis thanked everyone for attending the meeting and the meeting was concluded.