

KNOWSTONE PARISH COUNCIL

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Minutes of an Extraordinary meeting of the Council on 13th December 2022 held in Knowstone Parish Hall

Present: Cllr C Dey, Cllr A Parry, Cllr J Pomfret

In attendance: W Sweet (Clerk)

22/96 Apologies for absence – Cllr Maidment, Cllr Vukic, Cllr Clarke

22/97 Declarations of Interest (re. matters appearing on this agenda) - None

22/98 Public Questions (*limited to 20 minutes*) - None

22/99 Planning

To consider the following planning application: **Ref. 76181** - Demolition of redundant farm building & conversion and change of use of two barns to dwellings & associated works at East Hill Farm, Road Past The Roost, Knowstone, Devon EX36 4RY

The Chairman gave a brief summary of what had happened in the past relating to East Hill and Planning application re. 65094 which along with the S106 has lapsed. Notes, prepared by Cllr Pomfret and Cllr Clarke were circulated at the meeting and are attached to these minutes.

It was RESOLVED that Knowstone Parish Council would object to the application as it disadvantages the parish compared to the previous application and S106 and a response would be drafted based on the notes circulated, Cllr Pomfret proposed, Cllr Parry seconded, all agreed.

The meeting closed at 18.50.

As a Parish Council we note that 76181 does not provide for any affordable provision or open space. In the event 76181 were to be granted that is the planning permission that is likely to be implemented and thus avoid the need/requirement to provide affordable housing or the open space. We are still not sure if planning permission ref; 65094 granted on 1/3/2019 can even be commenced due to the imposition of what are known as pre-commencement conditions. As we know it is the permission 65094 that requires affordable housing and the provision of the open space by way of a legal agreement. Section 106.

The Section 106 agreement relating to land at East Hill was drawn up when the original planning permission (Application 65094) was sought.

Paragraph 6.7 states:

“This Deed shall cease to have effect (insofar only as it has not already been complied with) if the Planning Permission shall be quashed, revoked or otherwise withdrawn or (without the consent of the Applicant) it is modified by any statutory procedure or expires prior to the Commencement of Development.”

If the Development has not started this presumably nullifies the Section 106 Agreement – but also means that the Applicant is unable to proceed on the basis of Application 65094.

In point 6.2.4 of the Planning and Design and Access Statement the implication for the logic being used seems to be that if the new application is not approved the developer will simply go ahead with the existing permission. However, the above would suggest that the previous permission has now lapsed.

Application 65094 had clear benefits to the Knowstone Community, namely the provision of two affordable houses, a gift of land and a financial donation to the Parish Council. The new application has none of these benefits. The applicants have failed to sell the refurbished farmhouse in the last three years and have created a semi-cleared site where the affordable houses would go. We would contend that any construction development is a calculated risk and the change in the economic situation is not sufficient reason to unilaterally withdraw from the original agreement.

Returning to 76181. NDDC & Torridge do have a planning policy ref; DM27 which allows for the conversion of redundant agricultural buildings, and this is referred to within the applicants supporting statement.

DM27 states;

DM27: Re-use of Disused and Redundant Rural Buildings

Knowstone Parish Council would ask “What constitutes a ‘rural building’ for the purpose of Policy DM27?”

Neither the Local Plan nor the NPPF define a rural building, but the policy and NPPF refer to redundant and disused buildings. For the purposes of the policy, the rural building does not have to be traditional in nature or result from a former agricultural use. However, the existing ‘structure’ needs to be convertible without significant external alteration, extension or substantive rebuilding to comply with criterion (c).

Knowstone Parish Council consider that the proposal 76181 could constitute 'significant external alteration'

In terms of location, the proposal can be any location that would comply with the provisions of policy ST07: Rural Strategy for Northern Devon, although, in reality, it is principally applicable to proposals in Rural Settlements and the Countryside.

Within the Local Plan, Rural Settlements are considered on an individual basis and in accordance with Policy DM24 and ST07(3). Whilst Knowstone is not identified as a recognised settlement it 'could' be considered as a Rural Settlement due to the existence of more than one prescribed service or community facility. Namely, a Public House (Masons Arms) a Village Hall and a place of worship (St Peters Church).

Knowstone Parish Council would seek to draw the attention of the Officer dealing with 76181 to

Draft to be approved at the next scheduled meeting

the following Policy DM24 - Rural Settlements

(f) secure arrangements are made to ensure the dwellings remain available to meet the locally identified housing needs of the local community both initially and in the long term provided the need exists.

13.133 The primary purpose for allowing limited housing in Rural Settlements is to sustain their vitality and to meet the needs of the local community by identifying that a 'locally identified need' can be demonstrated. Speculative development will not be supported in view of sustainability considerations. New dwellings will be allowed either as affordable housing or subject to secure arrangements to ensure occupancy is limited both initially and in the future to: -

- (1) at least one adult in the household was resident continuously in the Rural Settlement for a minimum of five years immediately prior to occupation; or
- (2) at least one adult of the household was resident in the Rural Settlement for five years within the previous ten years immediately prior to occupation; or
- (3) at least one parent, guardian, child, or sibling, of at least one adult in the intended household, has been resident in the Rural Settlement for a minimum of 5 years immediately prior to occupation; or
- (4) at least one adult in the household has been in continuous employment for at least 16 hours per week in the Rural Settlement for at least five years immediately prior to occupation; and in all cases
- (5) at least one adult in the household needs a separate home (defined as those setting up a new household as a result of co-habitation, marriage, divorce or separation, or those that have, or are about to leave, tied accommodation on retirement) or whose present accommodation is sub-standard or unsuitable to their present circumstances because of their age, an impairment, medical condition or to meet the needs of a growing family, or there is no suitable accommodation available.

As a result we would also suggest that 76181 does not offer to provide dwellings that satisfy the above policy, or at least there is no supporting information to that effect.

The proposed dwellings appear to be open market dwellings. There is no reference to the following relevant NDDC & Torridge Adopted Planning Policies;
ST01 - ST02 - ST04 - ST10 - ST14 - ST17 or ST21.
DM01 - DM04 - DM05 - DM06 - DM08 or DM24.

Knowstone Parish Council would suggest to NDDC that the above policies are material considerations. Without reference to those policies Knowstone Parish Council cannot provide an informed opinion and cannot therefore support the application.

The two agricultural barns have been exposed to the weather for more than three years since the last structural inspection and have also been subjected to violent storms at the start of 2022. Presumably NDDC will ensure that they remain suitable for conversion to dwellings?

In a letter to the then case officer Miss S May, dated 5th September 2018, Knowstone Parish Council expressed a number of concerns regarding Application 65094. If this new permission is granted the issue of the Affordable houses is no longer relevant. However, we would like to reiterate the points we raised regarding access to the site(s) for construction traffic and ensure that the rules laid out in the CEMP (66699) (dated 9/05/2019) are adhered to.

We would also like to know the protocol for traffic management should one or both of the barns be sold before construction commences?