

**Minutes of the Extra Ordinary Meeting of :
the Barton on the Heath Parish Council, via Zoom: Wednesday 29th
December 2021: 18.00**

Present:

Chairman: Mr James Coker (J.C.)

Vice-Chairman: Mr Brian Radford (B.R.)

Councillors: Brigadier J. Rickett (J.R.) Mrs Gillian Cathie (G.C.) Clerk to the P.C.: Mrs Julia Gotrel (J.G.)

Public: Mr. Simon Lofthouse (S.L.), Mr. Adrian Wield (A.W.), Mr. James Hayman-Joyce (JHJ), Mr. Hamish Cathie (H.C.), Ms. Liz. Vernon (LV), Mr. Glenn Jones (G.J.), Mr. Julian Mathias (J.M.), Mr. John Castle (J.C. *), Ms Erin Eisenberg (E.E.), Mr. Duncan Chadwick (D.C.) (Planning consultant)

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| 1. | Apologies: Apologies were received from Juley Piney |
| 2. | Declaration of Pecuniary Interest There were no declarations of Pecuniary Interest |
| 3. | Planning Application Appeal: Rainbow Farmhouse 20/03246/FUL Planning Inspectorate Ref. No.: APP/J3720/W/21/3279352 Change of Use of paddock to residential Use. |

The Chairman asked Erin Eisenberg to set out the reasons for the appeal to benefit the P.C. and members of the public in attendance.

Erin confirmed that the appeal submission was only against the refusal by SDC of the Change of Use. The application is the same as previously applied; The regrading of the land had been dealt with by a subsequent application that was approved by SDC. That work has been implemented & completed pending the sowing of grass seed in the spring, and in her view, the appeal is merely a technical issue.

J.C. asked Mr James Hayman-Joyce to introduce Mr Duncan Chadwick. He is a planning consultant instructed by James Hayman-Joyce, Simon Lofthouse, Brigadier Rickett, and other village members to act on their behalf in this matter.

D.C. had visited the site and seen the planning history, and he was surprised by the application as this was more substantial than anticipated. He wished to draw attention to the Change of character, which differs from a paddock and that SDC refusal was based on not addressing the impact on an ANOB.

J.C. highlighted that two matters were being discussed, and for there to be no confusion, it was important that the P.C. focused on the appeal against the Change of Use as the matter of regrading has been dealt with.

Simon Lofthouse wished to highlight some issues; the original proposal was to 'return land to previous level' and was surprised that the land was 6-7' above his ground. He also confirmed that in his view, there was no need for planning permission to simply level the land; however, it was the Change of Use of the land that he was objecting to.

J.C. asked E.E. whether, as far as she was concerned, the reprofiling carried out by the contractors was as carried out as had been approved. E.E. confirmed this, and it was pointed out that the land was levelled to 2mtrs consistent with the planning approval and the plans submitted.

Mr Glenn Jones joined the meeting and asked for an update on what he had missed; J.C. introduced D.C. and updated on what had been discussed to that point. G.J. had assumed all had been dealt with and that this was an administrative matter. J.C. disagreed as the reprofiling had been consented and had been completed, and it was the Change of Use that was the subject of the appeal.

E.E. confirmed that they had offered SDC that all permitted development rights be removed from the land. However, DC clarified that this does not cover all domestic Use and that the character of Use may change; for instance, play equipment or garden furniture will change the Use of the land from a paddock.

Mr Adrian Wield was interested in knowing whether, because of the exposure of the land to neighbours, a wall would eventually be built around for privacy. If so, this would require another planning application and would also affect the view of the neighbours. J.C. shared his screen to illustrate the area in question. E.E. pointed out that the existing garden wrapped around the lower part of the paddock, clarifying that this would be a natural extension to the garden. If successful, Mr Julian Mathias asked for an indication of what was intended for the land. E.E. confirmed there were no further plans for this space. J.C. confirmed that only reseeding would be required in terms of further works to the land. This would be done regardless of the outcome of the appeal. E.E. confirmed that this was indeed the case.

HJJ pointed out that this would only be applicable whilst E.E. lives in the house. However, if successful and the property is sold in perhaps 10years time, this can then be deemed domestic and therefore a new owner could erect domestic paraphernalia on the ground.

J.C. summed up the discussions and gave three options for the Parish Council to consider:

1. Object to the appeal in line with the initial objections submitted previously.
2. Do nothing
3. Change view and submit accordingly

B.R. proposed Option 1, seconded by J.R. & G.C. All in favour

J.C. confirmed that the Parish Council would reiterate its objection as per the original statement of objections filed to the original application **20/03246/FUL**

Clerk to file comments.

The comments to be.

Barton on the Heath Parish Council resolved to reiterate its object to the original proposal made under Planning application number **20/03246/FUL**
That objection was;

Nature of Submission: Object to the application for the following planning reasons

The Parish Council object to the planning application for change of use of paddock land to residential for Rainbow Farm for the following reasons :The PC felt that having listened to the representations made by the immediate neighbours, that if approved, the increase in the domestic curtilage would materially affect the setting of the conservation area and detract from the Cotswold Area of Outstanding Beauty, especially when viewed from the hill leading to Little Compton. We are concerned that it will also fail to meet the requirements of section 15 of the NPPF especially paragraphs 170 and 172

They also reconfirm the Parish Councils support for the reasons for refusal put forward by Stratford District Council when they refused the original application. Those being;

1. Having regard to the relevant guidance in the National Planning Policy Framework and the Development Requirements Supplementary Planning Document, the Local Planning Authority considers that the proposed change of use of agricultural land to private residential use fails to meet the requirements of Policy AS.10. The proposed change of use has not been fully justified and would not offer significant benefits to the local area. The Local Planning Authority therefore considers that the proposal fails to comply with Policies CS.15 and AS.10 of the Core Strategy.
2. The Local Planning Authority considers that the proposed change of use of the land to private residential use, by reason of its substantial size, edge of the village location (outside the physical confines of Barton-on-the-Heath) and subsequent distance from the dwellinghouse, would introduce harm to the surrounding landscape and setting of the Cotswolds Area of Outstanding Natural Beauty. The application would also have a lasting effect on the locality by diminishing the historic development pattern of the village by encroaching into the open countryside which would harm the village's isolated and distinctly rural character, and thus cause less than substantial harm to the setting of the Conservation Area. There are no public benefits sufficient to outweigh this harm. The proposal is therefore contrary to Policies CS.5, CS.8, CS.9, CS.11 and AS.10 of the Stratford-on-Avon Core Strategy.

The Parish Council also confirms that although planning consent for the regrading of the site under ref 21/01538/FUL has been granted and the works completed, it does not follow that the application for a " Change of Use " should be a "fait accompli". The P.C. considers these to be two completely different proposals, and this appeal against the refusal by the District Council to grant consent under **20/03246/FUL** should be dismissed.

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| 4. | AOB | None |
| 5. | Next Meeting | A meeting to be arranged to discuss Precept |
| | | J.C. thanked everybody for their attendance and participation and ended the meeting at 18.30 |