

## **Draft Minutes of the meeting of Dodford with Grafton Planning Committee held on 25 July 2011 at 10.30am**

**Present:** Councillors Vic Dawson, Terence Lee, Alwyn Rea, Richard Scott, District Councillor Brian Lewis and Clerk Kay Stone

### **1. Apologies for absence**

Councillors Richard Harper, Rachel Jennings

### **2. Declarations of interest**

None

The meeting was adjourned for members of the public to raise matters of interest/items for the next agenda:

- One member of the public attended the meeting but did not raise any matters for the next agenda

### **2. Iain Mackay, Senior Enforcement Officer, Redditch Borough and Bromsgrove District Councils**

The Chairman welcomed Iain to the meeting after which Iain mentioned how his time is split between Redditch and Bromsgrove and has been with the Councils some six to eight months. He is mainly office based and heavily reliant on his current officers.

### **4. Current Enforcement/Environmental issues:**

#### **i. 2011/0072 - Parkgate Inn – Outbuildings not demolished as per approval 10/0638**

The Planning Committee was assured that the outbuildings will be demolished in the coming weeks. Iain explained the differences between the different notices which can be applied:

- a. Breach of condition notice – this is served on an individual and maximum court fine would be £1,000
- b. Enforcement notice on land – if the land is sold the new owner takes on the problem and the maximum fine is £20,000.
- c. Notices are in perpetuity until complied with, however, if dragged out over four years then the structure becomes immune and there is nothing the Council can do about it

#### **ii. 2011/072– Stapleford, Victoria Road – Works in excess of permitted development**

Iain has inspected this property and is satisfied the buildings are in accordance with approval. He explained how three separate Certificate of Lawfulness applications had been submitted for the games room, double garage and conservatory. These appear to have all been built at the same time which explained the reasons for the increased traffic and excessive spoil taken away. When asked about this property being in a conservation area, Iain assured the Planning Committee that Planning Officers would consider this when applications are received. With regards the previous occupant being refused permission to build a separate garage, it would appear that the change in legislation in 2008

would have made a difference. The previous legislation would only allow 70 cubic metres in volume but after 2008 the cubic metre measurement was taken away and it is now permissible to build up to 4 metres away from a property.

- iii. 2011/0016 – Monsieurs Hall, Monsieurs Hall Lane - Planning Permission needed for any form of enclosure around a listed building. LBC (listed building consent) only required if touching LB or curtilage structures. Unauthorised breach of control.**  
Iain informed the Planning Committee that the new Conservation Officer is Mary Worsfield and Iain is waiting for Mary to come back to her with her decision. The previous Conservation Officer advised the owner that Worcestershire County Council (WCC) Highways would object to gates on existing piers and that she did not the gates to be moved back. When asked about consistency the Planning Committee were told this is down to differing opinions between Conservation Officers.
- iv. 2010/00196 – Woodside Farm, Woodland Road – Business use at farm**  
Iain informed the Planning Committee that this case has been recently closed but that he could see this needs to be re-opened once he was advised that the pig farm ceased some 18 months ago. Bromsgrove District Council has been told the steel work has been going on for some 14 years. If the owner says he has run the two businesses alongside each other then he will be advised that he still needs planning permission for mixed business. Iain mentioned that he is happy to work with WCC regarding the damage to the road and its edges caused by the HGVs visiting this property. When asked if this property is rated as a business, Iain responded that he would check.
- v. Field east of West Lodge Farm – new building**  
The Clerk was asked to send past correspondence relating to this to Iain.
- vi. Field No 7068 – Dumping of rubbish**  
Iain informed the Planning Committee that he would look in to this again under Section 215 of the Planning Act – untidy land.

#### **5. Enforcement cases closed by Bromsgrove District Council:**

- i. 2011/0083 – Highwoods Farm, Woodcote Lane – Development not in accordance with approved plan. Case closed – “Justification from officer. Planning permission obtained”**  
Iain has looked in to this complaint and is satisfied that there is no problem with this development as there are only a few minor changes to the approved application.
- ii. 2011/0104 – Brook House, Priory Road – Unauthorised development in conservation area. Case closed – “Justification from officer. Not expedient to pursue”**  
The gates have been set back seven metres from the highway which is permitted. Iain explained how any person can build a wall, gate or enclosure up to two metres in height but when this is in adjacent to a highway then it can only be up to one metre in height. However different Councils have different definitions of “adjacent to the highway” Iain went on to explain the comment above “not expedient to pursue”. Planning Policy Guidance 18 (PPG18) gives full explanation and Iain is happy to forward this on to the Planning Committee if they wish but basically the

Council will not enforce cases where planning will ultimately be granted. It should be noted that two metres is from the natural ground level. The Planning Committee brought to Iain's attention the inconsistency with the enforcement on Why Not Cottage when the owners had to reduce the height of their gates and walls. Iain assured the Planning Committee that he would look in to the Brook House case again to see if he should re-open the case. He will also investigate the business use at Brook House – The Ginkgo Tree.

- iii. **PI/2010/00231 – The Tower House, Priory Road** – *Building being used as a separate dwelling house. Case Closed – “Although the dwelling is not yet complete, there is no limit on the time taken to complete the works. As the daughter of the family occupies the new part of the dwelling, it is deemed ancillary, so we have no issues with that unless the two are split into separate and distinct residential units occupied by unconnected people”*  
Change of use occurs when two independent people occupy two properties making it a separate entity. Usually Council Tax people will pick this up but it is difficult to monitor and Iain would appreciate being told if this happens. The Planning Committee expressed their concern that the character of the village is in danger of changing when garages are turned into dwellings. The Clerk was asked to write to the MP for Bromsgrove passing on the Parish Council's concern about this issue.
- iv. **PI/2010/00192KB – The Lodge, Valley Road Worms Ash** – *Motorcycle repair business at residential property. Case closed – “Our investigation revealed that the occupier of this property owns 20 motor cycles which he maintains and cleans as a hobby. No commercial activity was found to be taking place. Issues relating to noise nuisance were referred to our Environmental officers”*  
This decision had to be taken on face value but can be re-opened if circumstances change in future.
- v. **PI/2009/00082 – Yarnold Lane Farm** – *Erection of gates and walls, storage of materials and creation of access track – Case closed – “At the time the site was visited, no works requiring planning permission were identified and the case was closed”*  
Iain will raise this as a new case.

Before Iain left the meeting it was agreed that a six monthly face to face meeting would be a good idea.

The Clerk also explained how she receives consultation lists from Bromsgrove District Council (BDC) and also double checks on the web sites for new enforcements that have gone direct to BDC and not to the Parish Council.

## 6. Action on any new enforcement/environmental issues

- i. It was brought to the Parish Council's attention that the house alarm at Stapleford had sounded repeatedly over a weekend resulting in complaints being made to the Neighbourhood Watch Co-ordinator. The Clerk was asked to write to the owners, copying in the Environmental Health Officer.
- ii. The Clerk was asked to write to WCC Highways for their observations on the new access road to Park Farm with this being on the brow of the hill particularly as it is

felt there is a safety issue for people travelling on the A491 particularly towards Kidderminster.

## **7. Planning applications:**

- i. **11/0549 – Spout House Farm, Fockbury Road – Barn conversion**  
The Parish Council are pleased to see that the planning application is now for a brick and stone structure as per their comments on the previous two applications where timber cladding was suggested. The Parish Council would like to reiterate the Worcestershire Wildlife Consultancy recommendation that two artificial bat boxes/tubes should be incorporated into the re-developed barns as additional roosting opportunities for the pipistrelle bats which were seen flying and foraging over and around the site.
- ii. **11/0552 – Park Farm, Kidderminster Road – Proposed single storey orangery extension onto the side elevation of an existing farmhouse.**  
The Parish Council have no objections.
- iii. Any other applications received

## **8. Planning decisions received**

- i. **11/0371 – Kenwood, Woodland Road – Erection of rear extension – certified proposal lawful use/dev**  
**Permitted**

## **9. To note any planning appeals received**

None

The meeting closed at 1pm.

Signed ..... Chairman