

Minutes of the Meeting of the Selborne Parish Council held at Selborne Village Hall, Selborne, GU34 3JW on Wednesday 29 November 2017 commencing at 8.00pm



PRESENT: Cllr Mrs Palmer (Vice-Chair) in the Chair, Cllrs Smith and Miss Clay. Also present four members of the public, Mrs Hayley Carter, Clerk and Mrs Sue Hobbs, Locum Clerk.

17/218 TO RECEIVE AND ACCEPT APOLOGIES FOR ABSENCE

Apologies were received from Cllrs Dr Ravenscroft (out of country), Mrs Irwin-Brown (personal), Rooke (work commitments), Mrs Briggs (work commitments), Masson (conflict of interest on agenda item), Mrs Bennett (family health), Ashcroft (EHDC meeting). A proposal was received, seconded and voted in favour of accepting the apologies for absence received.

RESOLVED: That the apologies for absence received be accepted.

(Power used: Local Government Act 1972 s85)

17/219 TO RECEIVE DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS ON ITEMS ON THE AGENDA

No declarations of interest were received.

(Power used: Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulation 2012)

17/220 TO APPROVE DISPENSATIONS FOR DISCLOSABLE PECUNIARY INTERESTS UNDER SECTION 33 OF THE LOCALISM ACT 2011

The Clerk advised this item was not required for this meeting.

17/221 TO RECEIVE RESOLUTION TO SUSPEND STANDING ORDERS TO ALLOW MEMBERS OF THE PUBLIC PRESENT TO RAISE QUESTIONS ON ISSUES NOT INCLUDED IN THE AGENDA

A proposal was received, seconded and voted in favour of suspending Standing Orders to allow the members of the public present to speak.

RESOLVED: That Standing Orders be suspended to allow the members of the public present to speak.

PUBLIC QUESTION TIME

A member of the public enquired whether the Parish Council represents the wishes of the village when it comes to planning applications or if it goes on what councillors want. Councillor Mrs Palmer assured the public that the Parish Council is required to judge all planning applications against the policies in the adopted local development plan, i.e. the EHDC/SDNPA Joint Core Strategy, together with the 'saved' policies in the EHDC Local Plan Second Review (2006). The South Downs Local Plan Pre-Submission policies are now a 'material consideration' and so must also now be taken into account. Parish Councillors are always bound by planning law whenever they comment on any planning application. Mrs Hobbs

also pointed out that the Parish Council is merely a consultee and does not make the planning decisions.

A member of the public addressed the state of the Queens building and asked why the Parish Council keeps objecting, meaning nothing is being done to the building and it is falling into a worse state of disrepair. Cllr Smith suggested the owners could be made to repair the building and reinstate what had been removed. It was suggested this could be put on a future agenda for discussion.

Another member of the public commented that, when the building had been used as a public house, because of changes in licensing laws there was excessive noise late at night from people who were drunk and outside smoking. They too would like to see something done to the building now that it is no longer in use as a public house.

17/222 TO RECEIVE RESOLUTION TO RESUME STANDING ORDERS

A proposal was received, seconded and voted in favour of resuming Standing Orders to allow the meeting to continue.

RESOLVED: That Standing Orders be resumed to allow the meeting to continue.

17/223 PLANNING APPLICATIONS

- (i) **SDNP/17/05126/FUL. March Cottage, Bradshott Lane, Blackmoor, Liss, Hants, GU33 6DD.** Single storey link between house and outbuilding, new garage, Upgrade track within paddock, relocation of stable to paddock, existing vehicular access to be retained and grasscrete of similar to replace existing surface, demolition of existing store to rear of annexe and replace with new structure. Change of use of paddock to equestrian/agricultural use.

The Parish Council wished to OBJECT to this application and the following was proposed:

The single storey link between the house and the outbuilding would appear to be insignificant in terms of any impact on the landscape. This part of the application would therefore not present a problem from the Parish Council's point of view.

We have concerns regarding the description "Change of use of paddock to equestrian / agricultural use" as no detail is provided as to what is actually proposed. Is it for the applicants' personal use or is it for a potential livery / commercial use? Is there to be equestrian equipment in the paddock, such as jumps or open storage, that could have an impact on the landscape? There is no information on this.

The rest of the application does appear to us to be in conflict with policy. The original garage to the main house has already been converted to domestic use. Traditionally, the District Council's countryside policies did not allow replacement outbuildings, e.g. a stable or a garage, in cases where there had been a building providing for that purpose but where that building had been converted to another use, e.g. ancillary domestic accommodation, and was rendered no longer available for its original use.

This seems to be what is happening here. The garage has been converted to ancillary domestic accommodation and so a new garage is required. So an existing stable block is proposed for redevelopment into a sizeable building with new garages, and a hobbies room also. The displaced stable block, now to be garaging, is to be replaced by a new stable block in a countryside location outside of the curtilage of the main house and some distance from it.

The result of the proposed development would be to create a series of disparate buildings, sporadically scattered over the countryside.

It seems to the Parish Council that Policy dictates otherwise.

Saved Policy C12 of the EHDC Local Plan 2nd Review, in respect of Equestrian Uses, permits planning permission for stables, provided the scheme would re-use existing buildings or be sited within an existing group of buildings and where it would not harm the character of the local landscape.

Development Management Policy SD24 of the Pre-Submission South Downs Local Plan and its explanatory sub-text require that development proposals for equestrian uses should be well located and that existing buildings should be re-used to avoid additional buildings in the countryside.

In our submission, the planning application fails the Policy requirements because it would create a new stable block in open countryside in a location that is not sited within an existing group of buildings. The existing stable block is to become a significantly enlarged building with a new garage and a hobbies room, but without stables; it is substantial in size and scale and appears incompatible with and detrimental to the character of the area.

It is difficult to avoid the conclusion that the end result represents cumulative over-development in the countryside. Selborne Parish Council **OBJECTS** accordingly. If the LPA is minded to permit the application, we would ask that external lighting should be resisted entirely, because of the status of the area as an International Dark Night Sky Reserve and because the SDNPA Pre-Submission Local Plan Policy SD8 that protects that Reserve.

This was seconded and voted in favour.

- (ii) **57508. 25 Warren Close, Whitehill, Bordon, GU35 9EX. (neighbouring Parish).** Single storey side and front elevation, and all associated works (as amended by further information received 13/11/2017).

The Parish Council did not wish to comment on this application.

- (iii) **SDNP/17/05420/FUL. The Queens, High Street, Selborne, GU34 3JH.** Three bedroom dwelling within the grounds of the former Queens in Selborne with associated parking, garaging and amenity areas.

The Parish Council wished to OBJECT to this application. The following was proposed:

Selborne Parish Council **OBJECTS** to the above planning application for two reasons:

1. The application is based on the assumption that the single storey extensions providing the function room and kitchen at The Queens are to be demolished. As planning permission for that demolition has been refused, the current application to develop on the same footprint is inappropriate; it is quite simply not possible to build the proposed new house without the demolition of the function room and kitchen part of the pub. Thus, if the application has not already been withdrawn, we believe it too should be refused.
2. The planning application depends upon a Change of Use from A4 to A2 Use having already taken place under Permitted Development Rights as an indisputable fact. For as much as the accompanying Counsel's Opinion insists that as a matter of law that Change of Use to A2 has taken place, a legal Opinion is only ever as good as the evidence upon which it is based; if the evidence is flawed, it follows that the Opinion will be flawed.

In this case, the Opinion is based upon the premise that conversion of the Queens to offices was complete by November 2016 and that therefore a lawful, proper and effective change of planning use from A4 to A2 had taken place under PDR by then. It is claimed that the site *'has subsequently been used for A2 purposes by 221 Limited and has been available to be visited by the general public, clients and customers of 221 Limited.'* (221 Ltd is a 'land agency business' based at The Old Post Office, 41-43 Market Place, Chippenham, Wiltshire, SN15 3HR, and run by Guy Macklin and Derek Warwick of Derek Warwick Developments who own the Queens.)

Selborne Parish Council disputes this premise. The building is not and never has been in a state suitable for office use.

In Paragraph 6.19 of the applicants' Planning Statement, JCS Core Policy 16 is quoted but not commented upon. We submit, firstly, that the first criterion quoted is not met and that a recent public consultation exercise in the village (response rate: 42.2%) has demonstrated very clearly that **65.26%** of respondents wish the Parish Council to pursue an application to designate the Queens as an Asset of Community Value. This does not indicate that the facility is no longer required, in fact quite the opposite. Secondly, neither has the second criterion quoted been met. Although the applicants claim that a rigorous marketing exercise has been undertaken, demonstrating that the use is no longer viable, and that all reasonable efforts have been made to retain it, and although there is a large sign on the building advertising the freehold of the property for sale, we know of two separate instances where people have approached Savills in the hope of buying the building and they have been turned away. Nor is there any longer anything on Savills' website advertising the property.

Paragraph 6.20 of their Planning Statement claims that the lawful use is now a mixed A2/C3 use and therefore they are not required to market the property as a community facility. This argument is built on the wishful thinking that the building is in A2 office use and therefore that an automatic transition to C3 use has already taken place.

Selborne Parish Council stands by the evidence that we previously submitted to EHDC, in response to a planning application to convert and extend the adjacent

barn (since refused), that the site is not in use as offices and that the building is derelict inside. Counsel's Opinion describes the site as 'offices' but there is no front door with a sign or doorplate to indicate '221 Limited, Land Agency'; there is no entrance to the site except by climbing through the Heras fencing or by approaching the building from the back and squeezing through the safety fencing before going through a very overgrown garden (gumboots still recommended); no lights have been seen to be on; loose electric wires hang down from the ceiling inside the front door; damp wallpaper falls from some ceilings; there are no carpets nor furnishings; the doors are off and stacked against walls; the building looks uninhabitable and unsafe. Several typed up sheets of A4 paper are stuck to some of the windows directing people to ring a mobile telephone number if they wish to book an appointment with 221 Limited. Just recently, a 'NOTICE OF INTENT TO APPLY FOR A WARRANT OF ENTRY' has been attached to an outside window of the Queens by Churchill Recovery Solutions Limited, on behalf of Corona Energy. It threatens to disconnect the electricity supply unless an unpaid bill for electricity is paid. Hardly something anyone would expect to see attached to a building that is genuinely in office use and available to be visited by the general public, clients and customers.

So the claim that the site is in office use in the sense that any reasonable person would understand is wholly misleading. The building is derelict within and is plainly not converted for office use. The information and evidence provided to the applicants' Counsel appears to have resembled The Emperor's New Clothes. Not unreasonably, Counsel drafted the Opinion according to the information he was given.

Selborne Parish Council therefore submits that the applicants' claim that an A4 Use has lawfully become an A2 Use under PDR is a sham. The Queens building is not, and never has been, in a state suitable for office use and the fictitious claim that it is such provides no valid basis for granting planning permission for the proposed house.

We respectfully request that the application be refused.

This was seconded and voted in favour.

17/224 Date of next meeting (Wednesday 20 December 2017 commencing at 7.30pm in Oakhanger Village Hall, GU35 9JU)

The meeting closed at 9.10pm