

KILMINGTON PARISH COUNCIL

MINUTES OF THE PARISH COUNCIL MEETING ON MONDAY 8th JULY 2024 AT 7.00PM IN THE CRICKET PAVILION

Present: Cllrs. P. Ball (Chair), S. Seward, K. Veberth, A. Dare
N. Bayley, M. Jones

In Attendance: A Jenkins (Clerk/RFO),

Members of Public: 0

The Chair welcomed everyone to the Council meeting and outlined / reminded everyone of the Covid-19 measures which had been adopted for Council meetings.

OPEN SESSION

No matters raised

COUNCIL BUSINESS

- 24/033 To receive apologies for absence and to approve reasons given LGA 1972 S.85 (1))**
Cllrs. Miller, Reed & Collier
- 24/034 To receive any declarations of interest relating to items outlined in this agenda (this does not preclude the duty to declare further interests as applicable)**
Cllr. Seward – Item 24/037a
Item 24/038c4
- 24/035 Minutes of the Meeting held on 24th June 2024**
The minutes were declared a true record of the proceedings, proposed by Cllr. Seward, seconded by Cllr. Bayley, all in favour.
- 24/036 Matters arising from the Minutes**
The Clerk advised that following the last meeting written instructions had been given to the bank to make two BACS payments, one to the Zurich Insurance for £1,360.83 and the other to CS Garden Services for £420.00. The bank had processed the two payments but he had now discovered on receipt of bank statements that they had in error processed the payments from the Offwell Parish Council account. On discovering the error he had immediately discussed the matter with the bank and had agreed with them that the best way

to resolve the matter was for a BACS payment to be made to Offwell Parish Council for the total amount involved of £1,780.83 to correct this banking error. The Clerk had discussed the matter with the Chair who had agreed to this course of action and had approved the correcting BACS payment. The Clerk said that the bank had apologised for their error and that he would in future ensure that they are more diligent in correctly processing BACS payments.

Cllr. Seward left the meeting room at this point due to his declared interest in the following item 24/037a

24/037

Planning Applications

a) 24/1045/FUL - Land Adjacent To Woodthorpe, Kilmington

Erection of a single storey 3-bed detached bungalow and associated drainage works

The Clerk advised that after submitting the Parish Council's comments on this application, the senior planning officer dealing with application had written back with the following queries:-

Agricultural tie. The only grounds we would have for imposing a tie would be if there was evidence that the dwelling was required for an agricultural worker and the proposal complied with Policy H4 of the Local Plan. No such evidence has been submitted. Indeed, the planning statement says "Whilst this application is not for an 'agricultural worker's dwelling..." Did the Parish Council give any reasons for their suggestion that a tie should be imposed?

Tie to Fernwood Farm. In the absence of a need for an additional dwelling on the farm, there would be no justification for tying the dwelling to the farm. Did the Parish Council explain why they felt it would be inappropriate for the dwelling to be sold separately?

Future housing. Any proposal to develop land further along Springhead Lane would be considered on its merits. Did the Parish Council explain why they felt that one dwelling being developed contrary to the local/neighbourhood plans would be acceptable but further dwellings would not be?

As the site is outside the Built-up Area Boundary (BUAB), a policy needs to be identified that provides express support for the proposal. Policy HD5 of the Neighbourhood Plan supports self-build proposals within or adjoining the BUAB but this site is 75 metres outside the BUAB and clearly conflicts with the policy. Did the Parish Council express any view on compatibility with this policy?

Cllr. Ball proposed that the Council reply as follows:-

Councillors discussed the application at length and acknowledged it is outside the BUAB and there is not a specific policy to support these individual circumstances. However, councillors believed that as the application met the overall objectives of the Neighbourhood Plan it should not be automatically rejected, and the details should be considered further.

We try to exercise discretion and judgement in a logical and discerning manner. Thoughts were:

The NP seeks to ‘support the delivery of additional housing to respond positively to the demands and needs of the parish.’

- Local Plan - Strategy six states that “where a local community prepares a neighbourhood plan they may specifically allocate sites and/or include criteria based or other policies for promoting development/land uses beyond the boundary.

- Strategy 35 also introduces an “exceptions” policy where, subject to certain special criteria being met, local needs housing can be built in special circumstances where need is demonstrated.

The NP does not absolutely exclude support for dwellings outside of the BUAB: ‘whilst proposals for dwellings outside of the BUAB will not normally be supported’:

3. ‘there are limited opportunities within this (BUAB) boundary for development’

3.3.1 Justification for our Policies - While it is our preference for new housing to be built on the type of sites we have identified in policy HD2, we are conscious that building just within the built-up area boundary BUAB will deliver little housing to meet our needs.

Opportunities to develop housing which responds effectively both to address the needs we have identified and the traffic issues we have outlined are unlikely to come from within the built-up area boundary.

The Local Plan states that “The contribution of self-build plots to the supply of new housing is recognised and contributes to the range of homes available. A significant proportion of planning permissions for housing in East Devon are on individual plots, which are likely to be available to those wishing to build/have their own house built.”

Therefore, whilst Councillors' do not want to see major development along Springhead Lane, they agreed that if the application complied with the criteria in other NP policies and clearly met the overall objectives of the NP, this single dwelling site might be considered an exception.

Whilst the proposed site is 75m outside the BUAB line, it would form the third dwelling in a row of three. Two long established dwellings are already outside the BUAB line along the lane and between it and the proposed site. (see attached Map) On balance it was felt by the majority that this application, as a single plot and one that does not stand alone in isolation, would have only a small impact on ‘The Countryside’.

Considering other NP policies and objectives:

- With regard to scale and density, the existing character of housing within the village is single plots along roadsides and small cul-de-sac developments of several houses. In the NP questionnaire residents overwhelmingly stated that any new housing should follow the same layout. The proposed dwelling is a single plot along roadside.

- (the application) responds positively to our desire to enable small amounts of change within the village where local residents wish to downsize or support changes to their household composition (for example,

the needs to accommodate an elderly member of the family to live “close to home” when they can no longer manage to maintain their own larger property. The proposed dwelling is designed to enable downsizing, allowing a younger family to move into the existing farmhouse.

- And: to respond to the needs of the elderly by providing housing to enable downsizing and also fully accessible housing to the needs of the elderly through design. The proposed dwelling is designed to respond to the needs of the elderly, initially providing care for an elderly relative and later as retirement accommodation for the self-builder.

- And is- of a design appropriate to and in-keeping with the character of this part of the village.

- The proposed dwelling will- provide adequate parking and options for sustainable travel (Policy TT1) Off road parking is adequate

- iii) the dwelling is self-built, or custom built by someone who either lives in the parish of Kilmington built by someone who lives in the parish

- iv) the dwelling is to be occupied by the person who builds it or commissions itfor a minimum period of 3 years after completion.

Provides accommodation for someone in the village

- The increased vehicle movements through the central residential area of the village will be small.

Considering these points the majority of Councillors agreed, in this specific case, not to object to the location of the proposed site. However, they asked for some of the conditions in other NP policies to be applied to cover the specific circumstances of this application to be consistent with and comply with the overall stated objectives of the NP.

Councillors felt they would not object to this application as the NP HD2 supports in principal annexes built in large gardens within the BUAB to be used by family or other household members as ancillary accommodation. Whilst this plot is not a garden, it is part of the same property - the farm and owned by the same person. The ‘No objection’ is based on use as family accommodation and Councillors would object if the development was to go on to be sold on the open market. Therefore, the same HD2 policy conditions should also be applied to this application that the dwelling should ‘remain tied to, and part of, the original property in perpetuity’.

The NP 3.2.1 states: ‘By supporting this policy context, we are aligning with both the Local Plan and our community’s wishes to retain some control over where development occurs. The policy also responds positively to our desire to enable small amounts of change within the village where local residents wish to downsize or support changes to their household composition (for example, the needs to accommodate an elderly member of the family to live “close to home” when they can no longer manage to maintain their own larger property or the need to accommodate a young adult who does not wish to leave the village or cannot afford to move to a property elsewhere). Nevertheless, our policy seeks to restrict such changes to these specific needs and we cannot support development in large gardens which then go on to be sold on the open market.’

HD2 iii) For “annexes” to be used by family or other household members as ancillary accommodation, which will remain tied to, and part of, the original property in perpetuity.

Also the NP 3.4.1 states: ‘Recognising the balance between the need to protect the rural character of our village whilst enabling local people to continue living here, it is critical that self-build housing is limited in number and is built by (or for) people who currently live in the local community. In other words, it is seen locally as a route into house ownership which could help respond positively to deliver houses for local need, for example, to enable those living in hidden or multiple household dwellings (such as young couples living in a parents’ house) to move into a house of their own. Such development will still need to adhere to other planning policy requirements but we have set out a supportive policy in HD5 which also sets parameters which seek to retain self-build (and custom build) housing for its original purpose in the long-term.

Councillors were responding to the suggestion made by the applicant of an Agricultural tie made in 1.6 and 6.12 of the ‘Planning, design and access statement’ as a possible option to tie the dwelling to the farm. Councillors fully understand this request only applies if the Planning Authority consider it appropriate to impose an Agricultural tie.

1.6 Whilst this application is not for an ‘agricultural worker’s dwelling, if the Planning Authority consider it appropriate, the applicant is happy for planning consent for the new dwelling to be subject to a planning condition that ‘tied’ the dwelling to Fernwood Farm, so that it could not be sold off as separate unit of accommodation. This would be on the basis that its occupation should be for those ‘employed or last employed in agriculture’, which is the usual term used in such tied planning conditions.

6.12 These very clear statements of National Planning Policy provide support for the proposed scheme that is subject to this application, to provide accommodation for the older generation of this family which can be ‘tied’ by planning condition to be retained as a property associated with the farm and agricultural employment, if this is deemed necessary by the Planning Authority.

Cllr. Jones seconded the proposal, all in favour. The Clerk to send the reply.

Cllr. Seward returned to the meeting at this point.

24/038

Finance

a) Current Financial Position

The Clerk advised that the present balance in the Lloyds Account was £8,411.40

NSI Account £38,397.33

Santander Account £ 1,095.66

b) Expenditure to be ratified

None

c) Expenditure to be approved for which bills have been received

- 1) Payment of £314.52 to A. Jenkins for the Clerk's salary for the month of July 2024 (29/06/2024 to 27/07/2024)
- 2) Payment of 172.20 to HMRC for PAYE
- 3) Payment of £30.00 to Kilmington Village Hall for Room Hire on 13th May for the Parish Meeting
- 4) Payment of £420.00 to C S Garden Services SW Ltd for work carried out on 03/06/2024 & 19/06/2024

d) Section 106 monies

Nothing to report

24/039

Reports:

a) Police

The Clerk advised that he had recently spoken to Inspector Grey about officers attending the Parish council meetings. The Inspector had confirmed that an officer should be attending every 3 or 4 months and to let him know if no one attends in the next two or 3 months.

b) District and County Councillors

No report received

c) Clerk

None

d) Highways Matters

1) 30 to 20 mph Speed limit

Nothing to report

2) Speed Watch Scheme

Nothing to report

3) A35

Nothing to report

4) Other matters

None

e) Playground

1) RoSPA Report

None

2) Other matters

None

f) Allotments

Councillors discussed changing the allotment tenancy charges to one based on a costing per square metre for each plot. It was thought that this would be much fairer and more equitable for the tenants due to the varying plot sizes. Cllrs. Veberth and Bayley to measure the plots ahead of the next meeting when Council will further discuss the matter and review the tenancy agreements.

g) Trees

Cllr Jones said that there was some further work planned.

h) Defibrillators

1. Defibrillator at The New Inn

Cllr. Ball to check on the availability of the Village Hall for the further awareness training session

2. Defibrillator at the Village Hall

Nothing to report

i) Hitchcock Trust

Cllr. Ball advised that the Trustees were due to meet later in July

j) Any Other Reports

None

24/040 Correspondence

None

24/041 War Memorial

Deferred to next meeting

24/042 'The Green' – water course

Deferred to next meeting

24/043 KPC Facebook page

Deferred to next meeting

24/044 Agenda Items for Next Meeting

War Memorial

The Green – water course

KPC Facebook page

24/045 Date and Time of Next Meeting

Monday 12th August 2024 at 7.00 pm

The Meeting closed at 8.15pm

Signed *P. Ball*

Date *12/08/2024*