

**MINUTES OF YALDING PARISH COUNCIL MEETING HELD ON  
TUESDAY 02 JULY 2024 AT 7.00 PM IN YALDING VILLAGE HALL**

**PRESENT**

Geraldine Brown (Chairman)  
Ken Gough (KG)  
Andy Sanders (AS)  
Joe Westgate (JW)

Tim Chapman (TC)  
Pip Jamieson(PJ)  
Deeann Stead (DS)  
Kelly Woods (KW)

AS joined the meeting at 19.20.

**DECLARATION OF INTENTION TO RECORD PROCEEDINGS**

There was none declared.

**PUBLIC SESSION**

There were two members of the public present who did not wish to speak.

**1. APOLOGIES FOR ABSENCE**

Councillor Leila Bates sent her apologies due to holiday; these were accepted.

**2. DECLARATION OF INTEREST OF COUNCILLORS IN ANY ITEM**

**2.1. DECLARATION OF CHANGES TO THE REGISTER OF INTERESTS**

None were declared.

**2.2. DECLARATION OF INTEREST IN ITEMS ON THE AGENDA**

KG declared an interest in agenda item 12.1 as he had bills for payment.

TC declared that he sold eggs for Willow Farm and therefore may have an interest in agenda item 10.2, The Clerk did not consider this to be a declarable interest.

**2.3. REQUESTS FOR DISPENSATION**

None were requested.

**2.4. DECLARATION OF ANY GIFTS RECEIVED**

None were declared.

**3. DECISION TO TAKE AGENDA ITEMS UNDER CLOSED SESSION**

Due to principal authority requirements and receipt of sensitive information, it was resolved to take item 22 in Closed Session.

**4. MINUTES**

**4.1. TO APPROVE MINUTES OF THE PARISH COUNCIL MEETING HELD ON 04 JUNE 2024**

It was proposed DS seconded KW and unanimously resolved that the minutes be signed as a correct record.

**4.2. TO CONFIRM MINUTES OF THE ANNUAL PARISH MEETING HELD ON 14 MAY 2024**

The minutes were confirmed as a correct record and recommended for approval at the 2025 Annual Parish Meeting.

**5. MATTERS ARISING FROM THE PREVIOUS MEETINGS**

**5.1. £10,000 FLOOD PRIZE STILL TO SPEND**

The Chairman has met with Grant Booker from Kent Fire & Rescue Service (KFRS) to look at locations for flood gates and awaits his feedback. KFRS have asked for additional information. Grant Brooker has retired from general duties but is still heading-up flood actions. KG has agreed to contact Laddingford Engineering to move this forward. **CHAIR**

**5.2. FRUIT TREES FOR THE FEN**

A site meeting has been held and Maidstone Borough Council (MBC) think they will be able to provide a grant to Medway Valley Countryside Partnership (MVCP) for the work, however permission is required from the land holder. The landholder is being cautious at the moment. The Chairman and The Clerk will try and make contact. **CHAIR**

### **5.3. TREE SAFETY INSPECTION REPORT**

KG will complete some of the smaller work and ask J L Buttigieg Tree Services carry out the larger work. Work is in progress. **KG**

### **5.4. POSSIBILITY OF DOUBLE YELLOW LINES OUTSIDE LYNGS FARM HOUSE**

The Chairman has spoken to The Highways Engineer who has suggested that it be added to The Highways Improvement Plan (HIP) before The Clerk reports it on the portal, The Chairman is looking at this. Information has just been received from The Kent Association of Local Councils (KALC) with regard to HIPs. **CHAIR/CLK**

### **5.5. THE FEN – NO CATTLE AVAILABLE 2024**

MVCP have been unable to find someone new to graze cattle on The Fen. The Clerk has asked MVCP if Norman Cole is interested in grazing, but not calves or cows in calf. It seems that he is no longer interested. MVCP has written to Kent Wildlife Trust, who have agreed to take a look. The Clerk will ask if KG can attend the meeting. **CLK**

## **6. POLICE MATTERS**

The Ward 6B Cluster Meeting was held on 11 June.

A general discussion between parishes took place and common problems were noted by the Community Safety Unit including gathering at Hampstead Lock and other anti-social activities. The police held a surgery at Yalding library on 01 July, there was only a small turn out, main concerns of those attending were anti-social behaviour. It appeared that the new model is leaving the police very stretched to reply in a timely manner if at all.

## **7. COUNTY COUNCILLOR'S REPORT**

Councillor Webb sent his apologies, he didn't send a report.

## **8. BOROUGH COUNCILLOR'S REPORT**

Councillors Couch sent her apologies.

Councillor Summersgill attended the meeting. He sent report which was circulated giving an update on his new cabinet and committee roles.

Councillors Russell sent her apologies but provided a short report which was circulated.

## **9. BIODIVERSITY AND CLIMATE CHANGE**

A reminder that this should be considered in all of the items that follow on the agenda.

## **10. PLANNING**

### **10.1. TO DECLARE ANY LOBBYING OR FORMAL REPRESENTATION**

None were declared. However, TC declared that he sold eggs on behalf of Willow Farm who have a planning application 24/502389/FULL on the agenda.

### **10.2. PLANNING APPLICATIONS RESPONDED TO IN LINE WITH A SCHEME OF DELEGATION.**

To confirm the following planning application was responded to in line with a Scheme of Delegation and the response is included at the end of the minutes of this meeting.

- 24/502003/FULL – The George, Benover Road

### **10.3. PLANNING APPLICATIONS**

Planning responses are recorded at the end of the minutes.

#### **10.4. YALDING ENTERPRISE PARK (YEP)**

The roofing and cladding has now been attached to buildings that have been erected, There has been a Development Design Group Meeting (1 of 2) for the reserved matters for the next phase.

#### **10.5. 23/505139/OUT - LAND NORTH & SOUTH OF KENWARD ROAD – APPEAL**

The Chairman and Clerk have held a meeting with the MBC planning officer. The final representations to the inspector will be circulated.

#### **10.6. ANY OTHER PLANNING MATTERS**

- 24/500853/FULL – Moonrakers, Darman Lane, Laddingford. The planning appeal was noted.

### **11. POLICIES AND PROCEDURES**

#### **11.1. MOTION TO RE-ADOPT EXISTING COUNCIL POLICIES, PROCEDURES.**

The following documents had been previously circulated and reviewed by all Councillors. DS proposed, TC seconded and it was resolved unanimously that the be re-adopted.

- Anti Bribery Policy
- Best Value Statement
- Capability Disciplinary Grievance Policy
- Complaints Procedure
- Crime Disorder Policy
- Cyber Security Training
- Dignity at Work Policy
- Equal Opportunities Policy
- Equality and Diversity Policy
- Harassment Policy
- Media and Communications Policy
- Mission Statement
- Payroll Policy
- Reserves Policy
- Security Policy Lees Picnic Area Electronic Entry System
- Travel Expenses Policy
- Tree Policy
- Litter Picking Policy

Risk Assessments updated and new policies to follow in future months.

### **12. FINANCE**

#### **12.1. MOTION TO PAY BILLS**

It was proposed JW, seconded PJ and resolved by all to pay bills totalling £16,372.98 exclusive of VAT as per attached list. KG did not vote as he had declared an interest.

#### **12.2. CONFIRM RECEIPTS**

A list of receipts (as attached) totalling £7083.43 was circulated.

#### **12.3. MONTHLY SPEND AGAINST BUDGET REVIEW**

The backdated Post Office Insurance will take us over budget; however, it would have been unspent budget in previous years.

#### **12.4. TO CONFIRM BANK BALANCES AS AT THE END OF APRIL AND MAY 2024**

The bank balances were confirmed as follows:

- April 2024 - £143,174.93
- May 2024 - £145,096.95

**12.5. TO CONFIRM THAT BANK RECONCILIATIONS FOR APRIL AND MAY 2024 HAVE BEEN SIGNED AS CORRECT**

It was confirmed that the bank reconciliations for April and May 2024 have been signed as correct.

**13. OPEN SPACES**

**13.1. REPORTS FOLLOWING VISUAL UPDATE INSPECTIONS OF COUNCIL OWNED LAND**

**13.1.1. THE LEES**

Inspection complete, no new issues.

**13.1.2. THE LEES PICNIC AREA**

Inspection complete, no new issues.

**13.1.3. YALDING VILLAGE GREEN AND VERGES**

Inspection complete, no new issues.

Water continues to run off of the green and freezing on the footway. A quote for the repair of £3230 has been accepted. KG has spoken to the contractor and it looks like we will need to apply for a Traffic Regulation Order (TRO) from KCC. KG is progressing. **KG**

**13.1.4. JUBILEE FIELD**

Inspection complete, no new issues.

**13.1.5. LADDINGFORD VERGES**

Inspection complete, no new issues.

**13.1.6. THE KINTONS**

Inspection complete, no new issues.

**13.1.7. FOWLE HALL GREEN**

Inspection complete, no new issues.

**13.1.8. THE TATT**

Inspection complete, no new issues

MVCP management plan needs to be updated. **CLK/KG**

**13.2. PLAY AREA INSPECTIONS**

**13.2.1. JUBILEE FIELD**

Inspection complete, no new issues.

**13.2.2. THE KINTONS**

Inspection complete, no new issues.

**13.3. TO CONFIRM THE APPOINTMENT OF SAFEPLAY FOR QUARTERLY PLAYAREA INSPECTIONS AND MAINTENANCE FROM SEPTEMBER AS PER BUDGET.**

This was confirmed at both Jubilee Fields and The Kintons at the budget figure of £350 for two quarters.

Safeplay will be added the approved contractors list.

**13.4. OTHER ISSUES**

**13.4.1. THE LEES PICNIC AREA**

**13.4.1.1. TO DISCUSS SECURITY**

In order to press home the banning of BBQs, some enforcement together with Bylaws signs is needed. A security company that attended the Vicar's Picnic who have the necessary SIA licences have quoted

£900 for two operatives for two days. They also will offer variable hours and times.

The Chairman proposed they be given a trial period of 6 hr shifts to be reviewed at the August meeting, PJ seconded and all agreed.

#### **13.4.1.2. TO DISCUSS WARDEN PARKING CONTROL**

After discussion, it was agreed this was not a viable proposal.

#### **13.4.2. THE KINTONS**

##### **13.4.2.1. TO DISCUSS MOLE CONTROL**

The moles at The Kintons continue to be a problem. After discussion, JW proposed, KW seconded and all agreed that Maidstone Pest Control Services be appointed for 13 weeks at contract price of £600

#### **13.5. REQUEST TO USE PARISH LAND**

June Chapman has asked to use The Kintons as part of a garden safari on 7th September; it is proposed that the route should cross The Kintons. YPC have asked for a copy of their third-party insurance, which they do not currently have. No event should take place without insurance.

#### **14. HIGHWAYS**

##### **14.1. KENT COUNTY COUNCIL (KCC)**

Freya Kingsland-Joy has replaced Jamie Cunningham as our Highways Engineer, The Chairman and KG have held an initial meeting with her.

- **REVIEW THE HIGHWAYS LIST** - The list has been updated and circulated. Councillors to advise any additions.
- **WATER ON VICARAGE ROAD** - The Chairman has sent an all-encompassing letter to The Cabinet Member. The letter has also been sent to Simon Webb and affected residents for information. An acknowledgement has been received with a promised reply of 1 July 2024, which did not materialise, The Chairman has chased. **CHAIR**

##### **14.2. OTHER HIGHWAY ISSUES**

- **COUNTRYSIDE PROPERTIES (NOW THE VISTRY GROUP) - PARKING AND TRAFFIC CALMING, VICARAGE ROAD**

Having chased this, the Clerk has been informed that Countryside Properties no longer exists and she has been given a contact at The Vistry Group who was unaware of any of the issues. The Operations Director has confirmed that they will follow up on all outstanding issues.

The Clerk has also spoken with the KCC Development Manager, who has agreed to investigate the current position with the traffic calming. **CHAIR/CLK**

#### **15. FLOODING**

##### **15.1. GENERAL UPDATE**

YPC and Collier Street Parish Council have asked for replacement road closed signs as many have been damaged especially as Hampstead Lane and Maidstone Road have been regularly closed. This has caused an argument between KCC departments as to whose budget this is coming from. This still has not been resolved and a letter will be sent to Simon Jones KCC Corporate Director for Growth, Environment and Transport. **CHAIR**

A complete review of flood actions in Yalding and Laddingford to include flood wardens, flood gates and road closures has commenced. **CHAIR**

##### **15.2. SUBSTATION UPDATE**

The matter is still ongoing.

YPC will write to Golding Homes and MBC. The Chairman will also chase UK Power.

**CHAIR/CLK**

## **16. NEIGHBOURHOOD PLAN (NhP)**

Derek Hudson has stated that he is going back through the drafts to see if anything needs to be altered. He is aiming to get this done by around the end of July. The Clerk has asked him to send us the latest draft before he sends it to MBC so we know where we are up to. He is also updating MBC's tracker.

## **17. EVENTS**

### **17.1. D-DAY 80 CELEBRATIONS – DEBRIEF**

Very good turn out and well received.

### **17.2. PARISH PICNIC**

The Parish Picnic will take place on 8 September 2024.

The event has been advertised, the band is booked, JW will be in charge of BBQ, AS will order Beer and cider, GB will order wine, soft drinks and food. KG to check gas and BBQS, and gazebos.

The Clerk will sort out the car park and security and get The Assistant Clerk up to speed on the documentation.

## **18. CONSULTATIONS**

No consultations have been received this month.

## **19. CORRESPONDENCE**

### **19.1. KENT ASSOCIATION OF LOCAL COUNCILS (KALC) AND NATIONAL ASSOCIATION OF LOCAL COUNCIL (NALC) CORRESPONDENCE RECEIVED AND CIRCULATED**

- NALC Chief Executive's bulletin – 06,13,20,27 June 2024
- KALC bulletin – 14,21,26, 28 June 2024

### **19.2. OTHER GENERAL CORRESPONDENCE RECEIVED AND CIRCULATED**

- NHS Kent and Medway community health services events and survey.

### **19.3. LETTER FROM SPEEDWATCH TO SPONSOR A MATURE DRIVERS & PASSENGERS PRESENTATION**

Yalding Speedwatch have written to ask if The Parish Council will pay for the hire of the hall and refreshments for a mature driver and passengers' presentation. KG proposed, PJ seconded and all agreed that this was acceptable.

### **19.4. INVITATION TO SISEKPA TANGNAM 2024**

The Chairman and The Clerk have received an invitation to Sisekpa Tangnam 2024, Saturday 13<sup>th</sup> July 1pm to 5pm.

It was agreed that The Clerk, DS and TC would attend.

### **19.5. OTHER CORRESPONDENCE RECEIVED BEFORE THE MEETING**

No further correspondence has been received.

## **20. OTHER PARISH BUSINESS**

### **20.1. TO AGREE ANY WELCOME LETTERS THAT NEED TO BE SENT**

The Clerk will deliver to the properties suggested.

### **20.2. INSPECTION OF DEFIBRILLATORS**

All defibrillators have been inspected.

The alarm on the defibrillator at Little Venice is not working, it was agreed this is not affecting the operation of the unit.

### **20.3. TO REVIEW AND UPDATE THE HOUSEKEEPING LIST**

The Housekeeping list was reviewed and updated.

### **20.4. COUNCILLOR TRAINING**

Councillors need to take up training opportunities if possible.

### **20.5. TO AGREE AMENDMENTS TO THE CRICKET CLUB KIOSK AGREEMENT**

The amended agreement was sent to The Cricket Club for signing, they have asked for some further amendments which were circulated.

It was agreed that these were acceptable.

### **20.6. YALSA – KINTONS PARKING ARRANGEMENTS**

It was agreed at the YALSA meeting that parking on the grass would only occur once the car park was full and there was to be no parking adjacent to the play area or kiosk or any driving across the football pitches. Dan Martin has roped an area against which the football club are happy for parking to take place and will mark the grass.

## **21. PARISH MATTERS**

- The foot path from Riverview Mobile Home Park to East Peckham is impassable. The Clerk will report to The Public Rights of Way officer. **CLK**

### **CLOSED SESSION**

## **22. ENFORCEMENT**

The enforcement list had been updated and was discussed.

### **COMMENTS ON PLANNING APPLICATIONS**

24/502003/FULL

The George, Benover Road

Section 73 Application for Minor Material Amendment to approved plans condition 2 and 6 (to allow for the removal of stairs, existing front doors to be retained and layout amendment) pursuant to 23/502781/FULL for Change of Use from ground floor Sui Generis (Public House) to Class E restaurant part retail facilities with ancillary Sui Generis use (Takeaway)..

#### **STRONGLY OBJECT**

**Yalding Parish Council strongly objects to this planning application 24/502003/FULL-Section 73 Application for Minor Material Amendment to approved plans condition 2 and 6 (to allow for the removal of stairs, existing front doors to be retained and layout amendment) pursuant to 23/502781/FULL for Change of Use from ground floor Sui Generis (Public House) to Class E restaurant part retail facilities with ancillary Sui Generis use (Takeaway).**

**The original planning application was approved on 9 August 2023 for Change of use from ground floor Sui Generis (Public House) to Class E restaurant part retail facilities with ancillary Sui Generis use (Takeaway).**

**Councillors and residents felt that the change of use from a much-loved public house to class E for eating and drinking on the premises and the sale of local produce together with the Sui Generis use as a takeaway would allow for this valuable community asset to be retained the best way possible.**

The proposition was accepted by the community for a restaurant which would allow take away of its menu and the retail purchase of local produce.

Quoting from the planning application:

1.Design and Access Statement – “The proposals our clients have for The George public house is to transform the facility into a restaurant which will specialise in promoting local produce in the menu and also with a facility to sell local produce within the building.”

2.The planning permission was granted for “Change of use from ground floor Sui Generis (Public House) to Class E restaurant part retail facilities with ancillary Sui Generis use (Takeaway).”

3.Condition 6 of that planning permission quite clearly states “The area of floorspace to be used for restaurant and retail use shall be as set out on approved drawing 200 (proposed plans). Reason: Unrestricted use of the building or land could cause demonstrable harm to the character, appearance and functioning of the surrounding.” (Drawing attached)

What has actually delivered is a convenience store and the installation of a cold store (not on the original plans) , leaves no room for a restaurant.

Indeed, the plans submitted by the applicant for an amendment to the Premises’ Licence (granted on 5 June 2024 ), is very close to the current actual layout and admits “ the business model for the premises has changed, with the main focus being a convenience store.” (attached). As we have stated earlier, this application is an amendment to the existing planning permission and there has been no request to change the business concept.

Enforcement action commenced against the applicant mainly because he had not complied with the layout and concept of the application. This current planning amendment 24/502003/FULL was submitted to try to address the issues raised by planning enforcement.

However, Councillors feel this new application does not address the issues at all. Whilst the title of the application remains the same i.e. a restaurant, the plans actually show at least 70% retail.

Yalding Parish Council has serious objections to the premises being a convenience store only, most particularly as there is already a convenience store that has been operating in the adjacent premises for the past 100 years and in the ownership of the same family for that last 20 years. It is nonsensical to have two shops next door to each other selling the same items in such a small community. This does not protect the community asset at all.

Yalding Parish Council requests that this application be refused.

Particular concerns are:

- It is fair to assume the original concept still stands as this is a Section 73 amendment and has no associated documentation to suggest otherwise.

- The retail shown on the new drawing is far in excess of that originally granted.

•The amendment has included the original approved layout as justification for the new layout but with a shaded area such that it is misleading as to the percentage of retail to restaurant. The owner is suggesting that it has always been 70:30 retail to restaurant however Councillors feel that this completely ignores ancillary areas and the stairs and counter removal and the original plan was more balanced between the three functions.

•It seems the owner may have had some pre – application advice (shown in the application document) which states “Considering the restaurant use (which would likely be the cause of more disturbance) would be decreased with the proposed layout I do not believe there would be an issue with this” Firstly, the approval was for a restaurant therefore there most definitely is an issue with the decrease in area and secondly, this is the planning officer confirming that the restaurant area is now smaller than the original plan shows.

•The original permission indicated 16 seats whereas the current reduces that to 8.

•The current layout suggests not a restaurant but customers waiting for their take away.

•There is no mention in the application for outside eating and drinking but this was included in the approved Premises Licence application.

•There is no indication how those sitting in the garden can be served or access toilet facilities.

•The approved application provides for toilets for staff and separate male and female toilets (including baby changing facilities); the current application does not include for any changes to toilet facilities but the plan shows only one unisex toilet for both staff and customers.

•The windows were originally, in common with many public houses in the area, glazed with frosted glass and the doors were part wood and glazed. They were in keeping with the building and the Conservation Area and emitted limited light pollution. Councillors are happy with the retention of the two doors adjacent to the highway but the new windows and doors are all clear glass, totally out of keeping with the design of the building and the Conservation Area causing light pollution especially to the residential properties opposite.

•The internal staircase has been removed; whilst there is a metal external fire escape this is now the only access to the upper floors. This has essentially created two separate properties. There is no indication as to the use of the upstairs property.

•The steps leading from the carpark into the side entrance have been covered up with concrete to form a ramp with a very steep gradient that would be difficult to push a wheelchair or a pushchair up. The old steps were shallow and it was fairly easy for a wheelchair to access backwards a step at a time.

This planning amendment does not give the residents of Yalding what they were promised and as such supported. There has been no effort made to introduce any restaurant facilities at all. The applicant has obviously converted the previous public house into a

**retail store and is now proposing to introduce the bare minimum to endeavour to comply with the planning permission.**

**There is very little local produce for sale; it certainly cannot be described as a "Farm Shop" and there is much duplication of the goods for sale in the already established shop next door. Yalding is not in a position to sustain two convenience stores.**

**Yalding Parish Council urges Maidstone Borough Council (MBC) to refuse this Section 73 amendment in its entirety before Yalding loses two vital community assets.**

**If the planning officer is of a mind to approve, Councillors request that it be put before the MBC planning committee.**

24/502343/REM

The Packhouse Queen Street, Paddock Wood

Approval of reserved matters (scale, appearance. Layout and landscaping) pursuant to application 21/503225/OUT for proposed development of site with light industrial/storage business units and associated facilities.

**NO COMMENT**

**It should be acknowledged that the application states that "the site entrance is located on the northern boundary with an access road which is shared with nearby properties" YPC understand the access road /track is actually fully owned by Little Fowle Hall Farm and the Packhouse only has a right of way over the track but no other rights.**

24/502328/LDCX

1 Orchard Cottages, Lughorse Lane

Lawful Development Certificate for existing use as an unrestricted residential dwelling in non-compliance with condition (ii) of planning permission MK/3/63/488 and Condition 1 of appeal decision T/APP/U2235/A/90/169528/P5 of application MA/90/039

**OBJECT**

**There is still a demand for agricultural properties in the area. Indeed, there is a current application in the same lane for the siting of a rural workers dwelling (24/502389/FULL)**

**Yalding Parish Council is appalled that planning permissions and conditions can be ignored to the extent that planning permission can subsequently be obtained by way of an LDC.**

24/502557/FULL

The Oast Kenward Road

Erection of external staircase and first floor decked area to north elevation with new door to replace window, new pergola to rear with alterations to patio, and alterations to fenestration.

**NO COMMENT**

24/502389/FULL

Willow Farm, Lughorse Lane

Retrospective application for siting of a rural workers dwelling for a temporary period of three years.

**STRONGLY OBJECT**

**The temporary rural worker's dwelling appraisal supplied states that, in order for the applicant to continue and grow their business and provide for the welfare of their livestock, a temporary rural worker's dwelling on site is required. However, this application is a repeat of 23/504423/FULL, which was withdrawn by the applicant, at which**

time an independent expert, instructed by MBC, stated that there would need to be a significant increase in the number of livestock to create an essential need to live on site.

Yalding Parish is a rural parish and Councillors have years of experience with rural issues and maintain that there is no essential need for a worker to live on a holding of this size. Local farming knowledge suggests that it is extremely unusual and unnecessary for a farm of this size and nature to require on-site living.

There are many examples in and around Yalding of livestock successfully managed without anyone living on the land; even lambing does not require a worker to live on site. Indeed, the land that is referred to in this application as Yalding Lees has for many years been used for grazing for part of the year without anyone living on site.

This application appears to attempt to supply the business plan and financial data the expert suggested was needed for this justification, however this information has been redacted so it is impossible for YPC to be able to comment on this.

Councillors do contend however that this application has failed to provide the necessary further evidence proving the essential need to live on site, or substantial evidence of circumstances where an onsite presence has been required.

The appraisal states that the land is for or is intended to be used for:

- A mixed farming unit of poultry (rearing, selling eggs and laying birds), Sheep (for fleeces and lambing), goats, guinea pigs, a horse, with associated grazing.
- A range of fruit growing and sales (pears, cherries, plums and blackberries) and nut trees.
- Craft products (vegetarian sheepskin rugs, peg loom rugs and felted crafts with fleeces from their own sheep.
- Sales of log chipping, charcoal and meadow hay sales
- A care farm

The current appraisal no longer mentions the packaging of fruit or honey production or the storage and maintenance of farming equipment; is it fair to assume that these activities are still in place?

It is stated that the holding is some 26.43 acres with 20 acres of permanent pasture and 5 acres of established orchards. This small acreage also includes barns and polytunnels with the driveway and mobile home eating into the usable space. The applicant's web site advertises a pond but this is not shown on any plans and it is unclear of its size. The pasture is for grazing and hay production. The trees are for fruit and log chippings.

By virtue of the fact that there is competing activity on the same area of land may cause the forecasted profitability of the enterprise to be unreliable and for the operation to become unviable, unsustainable and vulnerable to future failure which could be detrimental to the welfare and husbandry of the animals.

The applicant states that they have rights to graze on a further 13 acres of common grazing land at The Lees, Yalding. Yalding Parish Council owns the land known as The Lees and there are no grazing rights on that land. We therefore assume that the land referred to in this application is the field immediately adjacent to the Parish

**Council land on Lees Road in the direction of Laddingford from Lees Road/Hampstead Lane junction. This land is designated as a Flood Zone 3b, part of the functional flood plain unsuitable for grazing during the autumn/winter months. At times of severe flooding the land is inaccessible leaving animals at risk of drowning. Indeed, in the floods of Christmas 2023, 21 sheep were drowned on land just across the river and two horses has to be physically rescued by swimmers from further along Lees Road.**

**The land is currently in poor condition, not conducive to grazing, and the mobile home situated thereon was used as a tearoom and is subject to enforcement issues.**

**The applicant expresses security concerns but there has been no crime reported at the application site via the police e-watch.**

**The applicant has issues with predatory foxes and reports that their geese have been spooked and were only saved by an on-site presence however, there is no mention other than this that there are geese kept on the farm. Livestock can be spooked or damaged by wild animals whether there is an on-site presence or not. Predatory creatures have been known on many an occasion to take chickens and rabbits from people's back gardens.**

**The applicant reports to sell certain items online and over the farmgate however an internet search does not bring any results in the name of Willow Farm, Lughouse Lane or Yalding selling any of these products. There is no advertising for selling over the farmgate at either the property, in the local Parish Magazine or on local social media sites. Indeed, there is no advising items for sale on the applicant's own website. The applicant does however sell eggs through the local post office.**

**The application states that special consideration is needed for on-site living due to the nature of the care farm. Councillors commend the running of the site as a care farm and did not object to planning application 22/505714/FULL but only expressed logistical concerns. However, the essential need for a care farm is no greater than that of a livestock farm therefore, essential, onsite accommodation need cannot be attributed on this basis. Also, as part of the planning application 22/505714/FULL, the applicant did not declare a need for on-site living. Indeed, in the document (Applicant Response) the applicant actually states "The mobile home which is currently on site is authorised under a Lawful Certificate which was granted by MBC. This is not part of this application and it has no bearing on this application for a part of the farm to accommodate the care farm. Again, the request for a planning condition seems to be unfounded." This was in response to Yalding Parish Councils request that the application does not indicate a need of on-site residential accommodation and this should be formalised with a planning condition.**

**The application states that there is no other suitable, affordable accommodation available elsewhere in the locality to meet their need. An internet search on 02.07.2024 brought up several similar mobile home type properties for under £100,000 just 1.1 miles from the farm and closer to the second piece of grazing land in Lees Road that the applicant has added to their holding.**

It should be noted that a neighbouring holding, fourfold in size, has previously had its agricultural tie removed as it was deemed by MBC not to be a viable size. Indeed, there is a current planning application 24/502328/LDCEX for a property in Lughorse lane that has applied to have the agricultural tie removed as there is no deemed demand for rural workers' accommodation.

This application is retrospective as was the previous withdrawn application. The mobile home as shown on the plan was erected under planning application 20/501117/LDCEX for use whilst a barn granted under planning application 18/503344/AGRIC was being built or 5 years from the date of approval. This expired in August 2023 and therefore the occupants have been living there without planning permission for almost a year.

In summary:

- The application site has restricted growth potential due the physical size constraints of the holding.
- The applicant has not demonstration that there is a special or essential need for on-site accommodation.
- Expert opinion states that the holding has insufficient livestock to merit on-site accommodation.
- The applicant has provided no sustainable argument for a current need for on-site living.
- The applicant has not demonstrated the lack of alternative accommodation available locally.

Therefore, it is not considered that the application meets the exceptional circumstances required by both the NPPF and the Maidstone Adopted Local Plan and should be refused.

Should the application be approved there must be a condition for an agricultural occupancy tie on the mobile home.

Should the planning officer be of a mind to grant this application, Councillors ask that it be called into The MBC Planning Committee.

24/502519/FULL

Hatchgate, Mill Lane

Demolition of an existing dwelling and replacement with a self-build new two storey dwelling and associated landscaping

#### **OBJECT**

The application site is inaccessible at times of severe flooding with flood water approximately 1m deep in places. Councillors therefore do not believe there should be an increase in the occupancy (2 to 4 bedrooms) of this property as it could be put occupants and emergency services and other lives at risk.

The application also fails to demonstrate safe access and egress to a flood zone 1 at times of severe flooding, it is the planning authority's obligation to ascertain such a route.

Should the planning officer be of a mind to approve this application, Councillors ask that it be put before Maidstone Borough Council planning.

#### **MBC PLANNING DECISIONS SINCE LAST MEETING**

24/501358/FULL

Larkspur Cottage, Wagon Lane

Demolition of garage and erection of a timber prefabricated single storey granny annexe for ancillary use to the main dwelling.

**GRANTED**

24/501724/TPOA

5 Hawthornden Grove

TPO application to reduce one Ash (T1) to a height of 18m and 16m spread. Removal of one Ash (T2) due to die back and removal of one snapped out Damson tree.

**T2 REFUSED, T1APPROVED**

24/501690/PNQCLA

Little Darmans Farm, Darman Lane

Prior notification for the change of use of 1no. building and land within its curtilage from agricultural to 1no. dwellinghouses and associated operational development. For its prior approval to: - Transport and Highways impacts of the development. - Noise impacts of the development. - Contamination risks on the site. - Flooding risks on the site. - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change from agricultural use to C3 (dwellinghouses). - Design and external appearance impacts on the building. - Provision of adequate natural light in all habitable rooms of the dwellinghouses.

**GRANTED**

24/501136/FULL

Chapel House, Laddingford

Erection of single storey rear extension with replacement pergola.

**WITHDRAWN**

There being no further business the meeting closed at 21:55

Signed.....

Date.....