

ULCOMBE PARISH COUNCIL

Minutes of the Meeting held on Thursday 6th February 2020 at 7.15pm at the Village Hall, Ulcombe.

Present: Cllrs: F Kenward (Chairman); M Lingwood; R Robinson; M Lovegrove; I Moir;
P Titchener;

Also present : Irene Bowie (Clerk)

1. Apologies, Declarations of Interest and Dispensations:

1.1 Apologies for absence received and confirmed by the Council.

Members who cannot attend a meeting shall tender their apologies to the Parish Clerk prior to the meetings, under Section 85(1) of the Local Government Act 1972, the members present must decide whether the reason(s) for a member's absence shall be accepted.

Apologies were received from: Cllr B Stacey; KCC Cllr Prendergast; MBC Cllr Round; MBC Cllr Chappell-Tay

1.2 Declaration of Changes to the Register of Interests. There were none

1.3 To receive Declarations of Interest in respect of matters contained in this agenda.

In accordance with the provisions of the Localism Act 2011 in respect of members and in accordance with the provisions of the Local Government Act 1972 in respect of officers.

1.4 Requests for Dispensations. There were none

1.5 Declarations of Lobbying.

1.6 Recording of the Meeting

Legislation allows for meetings to be recorded by anyone attending. Persons who have concerns about being recorded should please speak to the Clerk.

Cllr Titchener and the Clerk confirmed they were recording the meeting.

2. Public Session (meeting adjourned – minute book closed)

Meetings of the Parish Council are not public meetings, but members of the public have a statutory right to attend meetings of the council as observers. They have no legal right to speak unless the Parish Council Chairman authorises them to do so. Members of the public may not take part in the Parish Council meeting itself

3. Consideration of items to be taken in private (Exclusion of Public and Press)

In accordance with Section 1(2) of the Public Bodies (Admission to meetings) Act 1960, the public and press be excluded from the meeting by the reason of its confidential nature.

It was RESOLVED that all enforcement matters would be taken in private and that the press and public would be excluded.

4. Minutes of the Parish Council Meeting :

To resolve that the minutes of the Parish Council Meetings held on 9th and 23rd January 2020 to be taken as read, confirmed as a correct record and signed by the Chairman.

Cllr Titchener proposed an amendment to the minutes which was not seconded

It was RESOLVED that the minutes were taken as read and confirmed as a correct record and signed by the Chairman.

5. Matters arising from the minutes (not included in other agenda items)

5.1 Village Hall Wi-Fi

Cllr Lingwood gave his report. It was AGREED that Cllr Lingwood would research a group Broadband supplier scheme that may be of benefit to the entire community.

5.2 Defibrillator Training

Cllr Kenward reported that the Defibrillator training day would be held on 20th February 7-9 pm in the Village Hall.

5.3 Footpaths There were no updates.

5.4 Storage of parish council documents

It was AGREED that all historical UPC Minutes would be gathered together and once these had been checked and organised the Clerk would arrange an appointment with KCC Archives.

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- 5.5 Parish Council email address The Clerk reported that this would be actioned at the next PC meeting.
- 5.6 Village Planters : The Chairman reported that a ‘walk about’ had been organised for the 16th February at 2pm to assess the Village Planters.

6. Parish Clerks Report of action taken on any urgent item(s).

The Clerk reported that the only waste bin owned by the PC was sited outside the school. It was AGREED that the PC would consider purchasing three additional bins via MBC. These would be adopted and emptied by MBC. Clerk to confirm if MBC would empty a bin if it were placed on the play area. Possible locations AGREED as : Additional bin at the school; Play Area and outside the Village Hall

7. Highways

7.1 Lenham Road – 30mph Speed Limit

7.1.1 To consider a consultation flyer for Lenham Road:

It was reported that the consultation flyers had be distributed with a deadline for return of the 28th February. It was AGREED that a summary of the responses would be sent to KCC Highways.

7.1.2 To consider funding options:

The Chairman spoke regarding a commitment for KCC Councillor Prendergast for funding of £3000 towards the project. The Chairman and Cllrs thanked Cllr Prendergast for her support. The total project cost would be £4000 . It was AGREED that the Chairman would contact Kingswood PC to enquire if they wished to contribute.

7.2 Highways Improvement Plan (Update) There were no updates

The Chairman reported that work had been started at Chegworth Road.

7.3 To note any new works to be reported.

There were no works reported. Cllr Kenward reported that the yellow salt bin at the Crumps Lane triangle was to be removed.

7.4 To receive parish portal report. The Chairman reported that she had contacted KCC regarding Potholes on the road between Ulcombe and Headcorn.

7.5 To consider any other Highways matters

8. To receive reports from :

- 8.1 Chairman Ulcombe Parish Council Cllr Kenward
Cllr Kenward reported on the recent PCSO Surgery in the Village Hall. MBC Cllr Chappell Tay attended and several residents attended. The next surgery will be arranged for March/April. KCC Councillor Prendergast was keen to attend the next meeting.
Cllr Kenward reported on the recent Parish Liaison Meeting with MBC. CEO Alison Broom and several heads of department attended. A positive response was obtained regarding the removal of litter on Chegworth Road. The Chairman reported that it was a very positive meeting.
- 8.2 District Councillor MBC Cllr Chappell-Tay
- 8.3 Kent County Councillor KCC Cllr Prendergast
KCC Councillor Prendergast provided a report. Cllr Prendergast AGREED to provide £500 for her members grant toward the Village Planters. It was AGREED that, when received, the consultations on the Strategic Statement and the Keep Maidstone Moving would be published on the parish council website and Facebook page. The bus pilot is due to launch in February and needs public support to avoid losing the service in the future.
- 8.4 Footpath Warden Report R. Banham
No report
- 8.5 Police and Crime Report PCSO Boyd
The Chairman read out the report.
- 8.6 Community Warden Report D Riach-Brown
No report

9. Planning:

9.1 To receive an update on any outstanding planning applications and results.

- 9.1.1 Acorn House Lenham Road Kingswood Kent ME17 1LU

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Application Permitted

- 9.1.2 Hill Farm Barn Lenham Road Ulcombe Maidstone Kent ME17 1LT
- 9.1.3 Land Adjacent To Peckham Farm Ulcombe Road Headcorn Ashford Kent TN27 9JX
Application Permitted

9.2 To consider the following Planning Applications:

- 9.2.1 19/503989/FULL : Woodview Lenham Road Kingswood ME17 1LU
Demolition of the existing bungalow and erection of 2no. detached dwellings together with associated parking, amenity areas and landscaping.
It was RESOLVED that the parish council had no objection to the application

9.3 To receive late planning applications and other late planning matters.

- 9.3.1 20/500306/PNQCLA: Barn At Knowle Game Farm Knowle Hill Ulcombe Kent ME17 1ES
Prior Notification for change of use of agricultural building to 1no. dwellinghouse with associated operation development. For it's prior approval to: - Transport and Highways impacts of the development - Contamination risks on the site - Flooding risks on the site - Noise impacts of the development - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed - Design and external appearance impacts on the building.
It was RESOLVED that the parish council would object to the application.

- 9.3.2 19/504684/FULL Little Willows Eastwood Road Ulcombe APPEAL
Retention of 2no. mobile homes, one to be used as a holiday let and one for incidental use to the keeping of horses.
It was RESOLVED to object to the APPEAL (Appendix A)

9.4 To receive report from the Village Hall Committee regarding the village hall extension. It was reported that the parish council had leased the Village Hall to the VHM for A peppercorn rent for 99 years. The Chairman had obtained a copy of the lease. It was AGREED that Cllr Kenward and Cllr Chappell-Tay would meet with ASB Law to register the lease with the Land registry.

10. Finance:

- 10.1 To note Receipts of Income. No Bank statements had been received.
- 10.2 To authorise Payments listed on the schedule including :

Cheque No 2164	UVHC	Rent for Meetings	£ 655.00
Cheque No 2167	Total Accounting	Payroll	£ 42.00

It was RESOLVED to authorise the payments on the schedule.
- 10.3 To confirm bank reconciliation. No Bank statements had been received.
- 10.4 To consider funding request for an external consultant re: 19/500167/ENF The Meadows 2 Lenham Road - Appeal against an Enforcement Notice
It was AGREED that the parish council would consider the funding request once the final costs were available.

11. Correspondence – To receive items of late correspondence:

- 11.1 To table items of late correspondence
- 11.2 Items circulated for information:
 - 11.2.1 Maidstone KALC Agenda for Monday 17.2.2020
 - 11.2.2 KALC Survey 2020
 - 11.2.3 MBC Notice of Meetings
 - 11.2.4 Maidstone Museum Flyer

All items were noted.

- 11.3 Items acted on
- 11.4 Items for discussion/action

12. MBC Call for Sites:

12.1 To receive an update on the public consultations:

Cllr Kenward reminded all present that the additional Public Consultation had been arranged for the 27th February in the Village Hall 7 – 9 pm. Several residents had attend the previous consultations. It was AGREED that the Clerk would collate and analyse the responses to the online survey and those returned in hard copy for the April or May parish council meeting.

12.2 To consider the proposed garden village at Lenham Heath

Mr P McCreery gave his presentation on behalf of Lenham Parish Council.

It was AGREED that the parish council would consider a response once the MBC 'sift' of the sites had been completed. The Chairman thank Mr McCreery for an excellent and informative presentation.

13. Recreation Play Area/Car Park:

13.1 To receive the Monthly Inspection Report from Maidstone Borough Council/ parish council and to consider any actions to be taken. The report was received and noted.

13.2 To nominate a Councillor to undertake recreation ground and defibrillator inspection for the period 7th February 2020 to 5th March 2020. It was AGREED that Cllr Kenward would undertake the next inspection. It was AGREED that a rota for inspections would be drawn up for the next meeting.

13.3 To note that Cllr Lingwood is investigating low level lighting at the village hall.

13.4 To receive an update on the litter bins and consider purchasing new litter bins.

13.5 To note any other recreation ground matters for action. It was AGREED that Cllr Kenward would contact the Chairman of the football club regarding the contract to use the playing field.

14. Village Litter Pick:

It was reported that the next litter pick will be Saturday 14th March starting at 10.30 am in the Village Hall car park.

15. To receive reports from Councillors who have attended external meetings:

16. VE Day Celebrations:

It was AGREED that the parish council would :

a) Establish if additional premiums would be required by the insurers

b) The parish council would cover the costs of any additional premiums.

17. Village Newsletter:

It was AGREED by way of clarification that the Village Newsletter is an independent publication and has no connection with the parish council. Further the parish council does not exert any influence over the content of the Newsletter.

18. Policy Review:

It was AGREED that all communication from the parish council to third parties would only be via the Chairman or the Clerk.

It was AGREED to review the following polices at the next meeting:

Document Retention/GDPR; Communication Policy; Standing Orders; Grant Policy

Part 2

Exclusion of Public and Press – In accordance with Section 1(2) of the Public Bodies (Admission to meetings) Act 1960, the public and press be excluded from the meeting by the reason of its confidential nature.

19. Enforcement matters

The Chairman reported on various enforcement issues and these were noted.

There being no further business to conduct, the meeting closed at 9:55 pm

Date of Next meeting: Thursday 2nd April 2020

Annual Meeting of the Parish Council and the Annual Parish Meeting will be held on the 14th May 2020. The Annual Parish Meeting will start at 6:30pm followed by the Annual Meeting of the Parish Council.

Signed: *Fiona Kenward*

Chairman

Date : 5th March 2020

APPENDIX A:

9.3.2 19/504684/FULL Little Willows Eastwood Road Ulcombe APPEAL

Ulcombe Parish Council confirms its previous opposition to application 19/504684 submitted on 17th October 2019, and supports the refusal decision made by Maidstone Borough Council on 15th November 2019.

We agree with Maidstone that to approve this application would be contrary to policies SP17, SS1, DM3, DM30, DM38, and DM41 in the 2017 Maidstone Borough Local Plan, and NPPF para. 170 which places high priority on protecting and enhancing valued landscapes. This site is in a Landscape of Local Value.

We believe that this Appeal has been timed out and we are not clear why it was accepted under the conditions laid out in Section 78 of the Town and Country Planning Act 1990. This is included in Appendix 5 of the Appellant's Appeal, which says in its notification to an applicant concerning Appeals to the Secretary of State, that "*if this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against the LPA's decision on your application, then you must do so within 28 days of the date of this notice*". The Appeal started on 29th January 2020 in response to Maidstone's refusal dated 15th November 2019. (75 days). This is not a householder application.

We are also concerned that the Appellant is in breach of the Injunction of 11 January 2018 which applies to the land. The Defendants include "Persons Unknown". It says under "The Effect of this Order" that "*it is a contempt of court for any person notified of this Order knowingly to assist or permit a breach of this Order*". The current Injunction therefore still applies to the Appellant (Appendix 2), being both "*any person*" and a "*person unknown*".

We wish to make the following additional comments on the Appellant's Appeal against Maidstone's refusal of the application 19/504684.1 q`

1) Sustainability:

Appeal Doc. Para 2.3 - there is no bus service to Headcorn from Ulcombe or Grafty Green as stated by the Appellant, and the journey on the three available daily buses to Maidstone, 8 miles away, takes about 90 minutes. As MBC says in its refusal dated 15th November 2019, "*the proposed holiday accommodation represents an unsustainable development where future occupants would be reliant on the use of the private car*". The Enforcement Notice of 7/8/18 also states that the "*site is remotely located and is therefore considered to be unsustainably located*"

- 2) The Appellant's Application paragraph 22 is incorrect (Appendix 4) because it states that the two mobile homes are not visible from a footpath. The official footpath (KH 328) is only 30-35m from the mobile homes and not the 60-80m stated in Appeal Document paragraph 6.5. This footpath has been moved without getting permission from Kent County Council. Screening and landscaping is not a solution because the very presence of these mobile homes is contrary to all the 2017 Local Plan policies as listed by Maidstone, and because their existence is contrary to the Enforcement Notice, and contrary to the High Court Injunction.
- 3) The Application does not include change of use from agricultural land to equestrian use or to residential/holiday occupation, and is in breach of the Enforcement Notice (para. 3), Planning Control and particularly the Injunction paragraph 1 on residential occupation.
- 4) The Enforcement Notice is clear (para. 4) on "*the ongoing harm to the landscape*" and "*continued residential use represents unjustified development harmful to the character and setting of the countryside*"
- 5) The Google Earth pictures (Appendix 9) do not show the mobile homes because the pictures are out of date. The mobile homes are not located at the edge/boundary of Little Willows. They are outside the residential curtilage in open countryside by a footpath.
- 6) On holiday accommodation and Tourism (Appeal Doc para 6.7 and 6.16), The Maidstone Tourism Destination Management Plan says there is no demand or requirement for single mobile homes for holiday let accommodation.

Ulcombe Parish Council hopes the Inspectorate will uphold the refusal decision made by Maidstone Borough Council and also uphold the terms of the High Court Injunction Order and Enforcement Notice.

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