

Minutes of Bucklebury Parish Council Planning Committee  
Meeting held on Monday 25<sup>th</sup> March 2013 at 8.00pm in The Victory Room, Bucklebury.

Present: Mr. B. Dickens (Chairman); Mrs. L. Clarke; Mrs. H. Cairns; Mrs. P. W. Frankum; Mr. T. Banks; Mr. A. Dunkerton; Mr. P. Brook; Mr. J. Brims; Mr. G. Pask (District Councillor); Mrs. H. Pratt (Clerk).

Others: Mr. R. Beech (WBC Enforcement Officer); Mrs. V. Coulson; Mr. B. Coulson.

Apologies: Mr. A. Gilbert; Mr. T. Slatford; Mr. A. Stott.

Declarations of Interest:

There were no declarations of interest.

P1. Discussion with Richard Beech (WBC Enforcement Officer) about Land Usage.

Mr. Dickens introduced Mr. Beech to members of BPC and outlined the concerns of BPC about domestic curtilage and agricultural land, and Certificates of Lawfulness.

Mr. Beech defined curtilage as residential garden land. All land started with agricultural usage, however over time it has changed. Some land already had residential use when planning was introduced in 1947. If a different use is made of land for a period of 10 years or more, no enforcement action can be taken; a Certificate of Lawfulness can be applied for to regularise the situation. If residents/owners of a residential property purchase adjacent agricultural land and wish to use it as garden, they may do this officially by applying for planning permission.

To determine whether land is being used as part of the garden curtilage, maintenance of the land and any other visually available indicators are used.

Fences up to 2m (and 1m adjacent to the highway) do not require planning permission. There are no restrictions on trees or shrubs. Whoever erects a fence must have control (and most likely ownership) of the land on which the fence is to be erected. There is a lot of case law about fencing. If agricultural land is adjacent to domestic curtilage, the fence may be removed provided that the agricultural land is left as agricultural, however if the land usage needs to be restored, the fence also needs to be restored.

The "28 day law" allows agricultural land to have a temporary change of use for a maximum of 28 days in any calendar year. For example, if a marquee for a wedding reception were erected, the marquee could only be up for a maximum of 28 days.

Picnic benches are not considered to be sufficiently harmful, in their own right on agricultural land, however with a barbeque and land management in keeping with domestic use there are issues to be addressed.

The designation of small holdings is dependent upon the levels of commercial activity. Horticultural use of land comes under the same class of use as agricultural. If a small holding is being used to produce fruit and vegetables for the dwelling it is ancillary to the dwelling and should normally be within the domestic curtilage.

In order for the designation of land to be changed, a planning application must be submitted. This planning application requires the normal process of consultation.

There are two relevant time periods to consider: for change of use of land it must have been on-going for 10 years, however if an outbuilding is being used as accommodation for 4 years this is sufficient.

Garages and outbuildings may be used as ancillary to the main dwelling, but it depends on the conditions. If a barn which can't be seen is being used for residential purposes, a Certificate of Lawfulness can be applied for after 4 years.

Agricultural land can be used to graze horses, however if the horses are fed nuts or hay from elsewhere there is technically a change of use. Field shelters on skids can be used on agricultural land, but if they are permanent fixtures, there is a change of use. There is much case law on agricultural land versus equestrian land.

Conditions applied on granted planning permission, should always be enforceable and any breaches to

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such conditions should be reported to the Enforcement Team. However there are issues with ensuring that the conditions are actually enforceable.

Some discussion followed on how BPC should proceed with the properties on the list of sites being monitored. It was felt that if a conversation between one or two BPC members and the residents might resolve the situation to initially try this approach, however members of BPC are not trained in planning law. Cases which are likely to be more controversial or where the residents/owners are aware of what they are doing should be referred to WBC Enforcement.

There was some discussion about whether getting signed letters from residents on how they are using or proposing to use land was of use, should a subsequent Certificate of Lawfulness application be received. Essentially if this were the case, the resident may claim that he was lying or deny signing the letter. Signed letters are therefore not acceptable.

Mr. Dickens thanked Mr. Beech for all of the information he had shared with BPC.

- P2. 13/00455/HOUSE Burnside, Bucklebury.  
*Single storey extension to convert existing garage into a new study, together with new porch roof and boundary wall to the front elevation.*  
BPC has no objection to the conversion of the existing garage, however it was unanimously agreed to **object** to the application as the boundary wall and railings proposed adjacent to the road are out of keeping with the surroundings.
- P3. 13/00331/FULD Bushnells Green Farmhouse.  
*New agricultural workers dwelling to replace existing temporary dwelling.*  
The Agricultural Appraisal Report is confidential and therefore the financial information supporting the permanent need for the dwelling is unknown to BPC. It was unanimously agreed that: if the report shows a sufficient agricultural business for the replacement dwelling, BPC had **no objection** to this application, but requests that an agricultural tie be placed on the dwelling and should it no longer be needed for agricultural workers then it should be removed. Alternatively if the report shows insufficient agricultural business to support the dwelling, BPC **objects** to this application.
- P4. 12/00916/FUL Land Adjacent to Highway, Bucklebury Common, Formerly known as Wood Gate, The Avenue.  
*Re-instatement of Common gate posts at Wood Gate, Bucklebury Common.*  
BPC has **no objection** to this application.

The meeting was closed at 9.45pm.

Next Planning Committee Meeting:	Monday 22 <sup>nd</sup> April 2013 at 8pm, Victory Room.
Next BPC Meeting:	Monday 8 <sup>th</sup> April 2013 7.45pm, Memorial Hall.

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