

MINUTES: CORBY GLEN PARISH COUNCIL

Minutes of the meeting held on Monday 13th July 2020 at 7.30pm using video conferencing.

Present: Cllrs Lamming (Chair), Collins, Fowler, Fox, Hargreaves Parker, Muir, & Walsingham

In attendance: Mrs S Woodman, Parish Clerk

- 1. Apologies for absence:** Cllr Cook. Reasons noted and accepted.
- 2. Councillors' Declarations of Interest:** none noted.
- 3. Matters to be further discussed at this meeting:**

Appeal against the refusal of planning permission regarding Planning Application S19/1299 (Land in Musson's Close) ref APP/E2530/W/20/3248783.

The Parish Council discussed the communication to be made to the appropriate authorities. The wording of each section was agreed individually.

After discussion, the Parish Council resolved to contest the appeal against the decision by SKDC to refuse planning permission (ref S19/1299 and APP/E2530/W/20/3248783) by communicating with the appropriate authorities as below. Agreed. 7 for, 1 against.

Meeting closed at 8.48 pm.

Mrs. Sue Woodman – Parish Clerk

S19/1299 Musson's Close – Objections to Appeal against Refusal of Planning Permission

Insufficient Quality Green Space in Corby Glen:

Corby Glen is already deficient in green space, the importance of which has been highlighted by the current coronavirus outbreak and resulting restriction in personal movement.

This land was always intended as green space in its entirety and should remain so, properly maintained, as it was originally. With ownership comes responsibility, and the owner is already the subject of a court case for failing to maintain the land in a tidy condition. The fact that the land is a distance from his residence is no reason not to comply with this.

Agreed. 7 for, 1 against.

Visual appearance of the area:

Building dwellings as per the proposed plan would seriously impact the visual appearance of the surrounding development, to the detriment of local area. The position of the dwelling is out of keeping with the development of Musson's Close.

Agreed. 6 for, 1 against, 1 abstention.

Housing Need:

Plans are already underway to build 250 new homes on a site elsewhere in the village; therefore the village has no need for additional housing stock, but it does have need of green space to support the physical & mental health of its current and future residents.

Agreed. 7 for, 1 against.

Parish Council Support:

The Parish Council has a duty to hear and consider the views of all its residents, whom it represents. It then makes its own decision based on a balance of their opinions and its own knowledge of the needs of the local community. The above representations reflect that process.

Agreed. 7 for, 1 against.

Comments on the Appeal Case

History:

Paragraph 2: “The upshot of this situation is that the owner has *no legal obligation* to manage this land”

The owner is subject to a pending court case for failing to maintain the land in a tidy condition in accordance with the instructions of the local council – this implies that he therefore DOES have a legal obligation to maintain the land in a tidy condition.

Paragraph 3: “It is not surprising therefore that little has been done to actively manage it in the intervening 25 years or so, as there is no incentive to do so, especially if residents (understandably) treat it as Public Open Space when it patently is not.”

This is incorrect. The land **was** maintained prior to its purchase by the current owner, initially by SKDC and subsequently by local residents, who continue to maintain the public footpath which runs across the land.

Paragraph 4: “Consequently, several attempts have been made to obtain some permitted use on part of the land,”

Previous attempt to make use of the land all failed to recognise its value as green space (see SKDC Planning Applications S16/1717 & S18/1554),

Para 6: “irrespective of the extremely difficult logistics of doing so, when not a resident in the village”

Given that the owner’s residence is a short drive away, and that he has visited the land on numerous occasions, it is difficult to see how maintaining the land can be described as “extremely difficult logistically”, especially as there are a number of reasonably priced local contractors who already maintain green spaces on behalf of the Parish Council.

Par 7: “there has been, still is, and always will be, a total impasse. If the opportunity is not responsibly taken to address this matter and find a reasonable solution, it will continue to cause both the landowner and all those residents and public bodies involved further worry, concern, annoyance and frustration.”

There is indeed an impasse, but permitting the building of dwellings on the land is not a solution.

History comments: *Agreed. 7 for, 1 against.*

Decision Notice:

Reason 1:

Para 1: “As regards there being no demonstrable public benefit “to justify such loss of public open space”, the statement is not true – this is not Public Open Space.”

The land **is** currently open space, with a public footpath running diagonally across it, even if it cannot be considered ‘public’.

Para 2: “since it seeks to preserve 76% of the total land ownership at Mussons Close”

The ‘open space’ remaining if the proposed dwelling were build would be ‘enclosed’ on 3 sides and thus a very unattractive proposition, as opposed to an open grass area central to the current development.

Paras 4/ 5: “A modest single storey bungalow has been proposedSuch proposals constitute significant public benefit with considerable weight”

The building of one dwelling cannot be described as “significant public benefit with considerable weight”, especially when set against the clear community benefit of open space.

Reason 2:

Para 2: “at the northern end, the arrangement is more circular around the cul-de-sac, with the site in question sitting to the south of the open land in the centre. Therefore the addition of the small bungalow alongside the existing garden to No. 21, makes little difference to the overall pattern and is subsumed by it rather than in any way being obtrusive or intrusive into this pattern.”

The dwelling would immediately face anyone entering Musson’s Close and thus can hardly be said to “make little difference to the overall pattern”. It would not be “subsumed “ by the development, and on the contrary, in such a position, would be very “obtrusive” and “intrusive”.

Decision Notice comments: Agreed. 7 for, 1 against.

Conclusion:

Para 1: “This proposal represents a suitable and appropriate development..... It does not detract from the open appearance of the approach along Mussons Close from the Swinstead road. Most importantly it offers an acceptable solution to an intractable situation that has existed for over 20 years and will provide significant public benefit that outweighs any policy concerns there may be.

It is a matter of opinion whether the proposal “represents a suitable and appropriate development” – see comments to Reason 2 above. The refusal by the planning authority surely demonstrates that satisfying “most” of the Planning policies is not good enough.

Again, one can take issue with the statement that it “does not detract from the open appearance of the approach along Musson’s Close from the Swinstead Road”. Very much to the contrary.

The “intractable situation” has **not** existed for 20 years, but only since the purchase by the current owner some 5 years ago, and the solution may be “acceptable” to the owner, but it certainly is not “acceptable” to others.

To re-iterate, it is difficult to see how building one dwelling can constitute “significant public benefit that outweighs any policy concerns”, as set against the undoubted public benefit of open space.

Para 2: A Unilateral Undertaking to offer the remaining land ownership outside the site to the Corby Glen Parish Council will be provided shortly to demonstrate firm intention

No such undertaking has so far been received to date by the Parish Council. There has been an approach to the Parish Council in the past; however, this involved the Parish Council in considerable expense as it was required to cover all fees.

Conclusion comments: Agreed. 7 for, 1 against.

Summary

The proposed development is considered to be at odds with the other properties immediately around it, The main objection is to the loss of green space for the village.

Also, presumably, the understanding that this area would be given over to green space existed at the time when previous developments were not objected to by the parish council. In that regard, the village and the

parish council have been let down by the local authority in its failure to correctly adopt the land, a failure that ultimately triggered its sale.

We also take exception to the inference that the previous developments were “sporadic” and that maintenance has been neglected for a period longer than the present owner has owned the land. Previous developments have gone through all the relevant applications and approvals and maintenance was not an issue until 2015 when the present owner took over

Agreed. 7 for, 1 against.

The Parish Council stands by its original objections to this application, namely:

“The Parish Council objects to the application by a majority decision as it would prefer that the whole area remain as open green space regardless of ownership, as was originally intended, as long as it is well maintained.

The Council re-iterates its position as per the former decisions in response to the theoretical offer by the land owner to sell the land to the Parish Council provided the Parish Council covered the fees.

The Parish Council stresses that it is the District Council, namely SKDC, who makes planning decisions notwithstanding any objections from the Parish Council.”

The Parish Council resolved to object to the Planning Application (S20/1299) and to contest the Appeal against the decision by SKDC to refuse planning permission (ref APP/E2530/W/20/3248783).

Agreed. 7 for, 1 against.