

RENEWAL AND RECREATION PORTFOLIO

Minutes of the meeting held at 10.30 am on 3 October 2013

Present:

Councillor Peter Morgan

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 MINUTES OF THE MEETING HELD ON 11 AUGUST 2010

RESOLVED that the Minutes of the meeting held on 11 August 2010 be confirmed and signed as a true record.

3 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

4 KESTON FRUIT FARM, BLACKNESS LANE, KESTON - PROPOSED ARTICLE 4

Report DRR/13/127

The Portfolio Holder considered a request to endorse the making of an Article 4 Direction with immediate effect to remove specific forms of permitted development regarding small plots of land advertised for sale at the former Keston Fruit Farm to the west of Blackness Lane, Keston. Officers considered it expedient to make an Article 4 Direction with immediate effect as there was concern that sub-division of the land and fragmentation into small plots could threaten the open character and visual amenities of the area due to indiscriminate development which would not normally require planning permission including fencing, structures, temporary uses of land and stationing of caravans.

The Legal Representative advised the Chairman a decision reached at the meeting to make an Article 4 Direction would not of itself give rise to a liability to pay compensation. However, issuing an immediate Article 4 Direction could potentially give rise to future compensation claims from land owners in cases where planning applications for development which would not otherwise require permission had been refused. To prevent a possible claim for compensation the alternative would be that the Chairman authorise the making of an Article 4 Direction to take effect 12 months from the date of issue.

Officers proposed that a Direction be issued with immediate effect in relation to the specified classes of permitted development set out in 3.10 (i)-(iv) of the report. With regard to paragraph 3.10 (v), it was proposed that the making of a Direction come into force 28 days after issue.

Referring to the situation with regard to travellers moving onto land at Walden's Farm, it was reported that, along with the additional actions carried out by the Secretary of State (including the issuing of injunctions etc), the issue of an Article 4 Direction had made a positive impact in preventing the erosion of amenity.

It was also reported that an Article 4 Direction was issued in similar circumstances in Layhams Road following the fragmentation of land and sale of small plots. Enquiries had been received from various prospective purchasers regarding a variety of proposed uses which would otherwise have fallen outside the scope of planning control. However, concerns about claims for compensation had been unfounded.

RESOLVED that:-

- (1) an Article 4 Direction with immediate effect (an 'immediate direction') be made on land known as Keston Fruit Farm, Blackness Lane, Keston, to remove permitted development rights for the following classes of development:-**
 - (i) erection or construction of gates, fences, walls or other means of enclosure (Class A of Part 2);**
 - (ii) formation, laying out and construction of means of access (Class B of Part 2);**
 - (iii) provision of temporary buildings, etc. (Class A of Part 4); and**
 - (iv) temporary uses of land for any purpose for not more than 28 days (Class B of Part 4);**

- (2) an Article 4 Direction be made on land known as Keston Fruit Farm, Blackness Lane, Keston to remove permitted development rights for the following classes of development:-**
 - (i) use of land as a caravan site (Class A of Part 5).**

**5 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE
LOCAL GOVERNMENT (ACCESS TO INFORMATION)
(VARIATION) ORDER 2006 AND THE FREEDOM OF
INFORMATION ACT 2000**

The Chairman moved that the Press and public be excluded during consideration of the item of business listed below as it was likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

6 EXEMPT MINUTES OF THE MEETING HELD ON 11 AUGUST 2010

RESOLVED that the exempt Minutes of the meeting held on 11 August 2010 be confirmed and signed as a true record.

The meeting ended at 10.38 am

Chairman