



Loxwood Parish Council

Minutes of the Extra Ordinary Meeting of the Parish Council
held at **7.30pm** on Monday 1st August 2022 in the main hall at North Hall

EO 1/2022 Attendance: Parish Councillors: Rick Kelsey (Chair); Tony Colling; Charles Todhunter; Hannah Carey; Annette Gardner; Simon Bates; James Hume. 7 members of the public and Jane Bromley Parish Council Clerk.

Apologies for Absence – Parish Councillors: None. CDC Gareth Evans.
Non – attendance: Parish Councillor Roger Newman.

EO 2/2022 Declaration of Member's Interest – Cllr Annette Gardner declared a pecuniary interest in planning application LX/22/01565/ELD under item EO 4/2022 and left the meeting during discussions on this matter.

EO 3/2022 Public Participation –

A resident requested to speak regarding Beech Farm item EO 5/2022 and a further adjournment would occur to allow this ahead of consideration of the enforcement.

A resident spoke regarding LX/22/01565/ELD addressing the issue of turning an agricultural field into a garden curtilage. The resident has submitted an objection with comments regarding the use of the area over the last 10 years and setting out other details regarding the use of the land. The resident spoke further advising farm agricultural payments had been received in the past and that the field only has agricultural access across land owned by himself. The applicant was of the opinion that this was not the case as confirmed by his Title Deeds.

Cllr Gardner spoke concerning her husband's application LX/22/01565/ELD and advised that this was part one of two applications the second would follow shortly for the development of one property. Cllr Gardner advised that the whole area had been used as garden as evidenced by artifacts left by previous occupants spread around the area. Since they had purchased the property the grass area has been used as a whole as a garden and the grass is cut regularly with a small tractor. The objections Cllr Gardner considered had come from three households out of sixteen households along the lane. None of the objectors had never having visited the property. Google earth is not a reliable source for observing activity as it was only a snap shot in time. Cllr Gardner shared some photos of the "garden" activity for the land. The second of the applications would be made once this application was approved.

The applicant for LX/22/01565/ELD spoke confirming 3 out of 16 nearby households only had objected and sometimes multiple objections from these three households. The evidence supplied shows no proof of agricultural use and is hearsay during his occupation namely 14.5 years. The lawful proof has been submitted by the applicant with the application. The resident stressed the 10 - year rule applies and the evidence suggests continuous garden use for this time namely 14 years as well as before this time with previous occupants. DEFRA have supported the application as they have confirmed no agricultural payments have been received and is classified by them as non- agricultural activity land.



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EO 4/2022 To Consider new Planning Applications:

LX/22/01565/ELD - Loxwood Farm Brewhurst Lane Loxwood West Sussex

Existing lawful development use of land as garden curtilage.

Cllr Colling directed that the 10 year rule must be applied and nothing earlier. When the current owner purchased the land, the area was in his view more agricultural than not. The applicant has owned the land for 14 years. In 2002 there was a non-compliance notification issued with regard to the agricultural occupancy. The occupants at that time were not agricultural workers but a chauffeur and a cook. The 10- year rule was applied and the occupants had been there for more than 10 years and as such they were not in breach.

When is a garden not a garden? A land registry search was conducted by the Parish Council and the area is shown with two sections blue and pink. The blue section being the area immediately around the property. The different colours indicate different covenants on the land. A document on what defines curtilage was then displayed from the website www.curtilage.co.uk

Cllr Bates asked what the further application would involve. The applicant replied the further application would be for one house.

Cllr Colling advised that treating the land as a garden would not make it easier to obtain planning on that garden which is outside a settlement boundary but that is immaterial to this application.

Cllr Bates advised he has visited the property and that the area looks like a garden and used as such. Cllr Todhunter confirmed he felt the use had been that of a garden, in the balance of probability.

Cllr Carey discussed whether anyone with a field could change its use to that of a garden? Cllr Colling replied each application was to be considered on its own merits.

No objection. The grounds appear to have been used as a garden for at least 10 years. Curtilage is not a planning use term and therefore the land should not be defined as curtilage but as garden/residential use. Voted unanimously in favour of no objection.

LX/22/01669/DOM - Orchards, Two Ways, Loxwood, West Sussex, RH14 0SD

Timber orangery to replace existing conservatory.

No objection. Policy 13 of the Loxwood Neighbourhood Plan applies.(Dec 2021)

LX/22/01735/FULEIA Regeneration of Crouchlands Farm (A sister application exists for 600 houses on Crouchlands Farm).

There are 179 technical documents on the website. The Parish Councils affected by the application have sought an extension to allow professionals to be engaged. This will therefore be considered at the meeting in September (a date to be agreed) and ahead of this there is to be an informal meeting of the northern parishes to discuss a response.



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LX/22/00752/FUL Oaktrees Guildford Road Loxwood West Sussex RH14 0QW
Change of use of land to residential curtilage, including new boundary treatments
(amendments to permissions LX/17/02304/FUL following the grant of planning
LX/20/01203/DOM). Oaktrees Guildford Road Loxwood West Sussex RH14 0QW

Further information is required from the applicant as it is not clear what land the
change of use applies to. Is it the land designated within the red line or the land
within the blue boundary? Curtilage is not a planning **use** term.

EO 5/2022 Enforcement Consideration: Beech Farm, Roundstreet Common, 35
Pitch Caravan Operation without planning.

The meeting was adjourned to allow a resident to speak on this application.

The resident was a neighbour of the property. The farm had previously been let to a
scaffolding operation which vacated the property ahead of ground works being
carried out. Hard standing for which a planning application had been refused and
what looks like a shower block were built. Additionally, a cess pit has been installed.
Beech Farm has recently been advertised as a caravan site.

The works have been explained as being ancillary to the equestrian use.

An enforcement officer has visited and no action has been taken.

The meeting was reconvened.

Cllr Colling requested that an email be sent to CDC Andrew Frost and copy to CDC
Gareth Evans to say that residents of the Parish are concerned as to what is going
on at Beech Farm and that we are not aware of any planning application having
been submitted and that the hard standing was the subject of a planning application
LX/22/01337/ELD which was refused. **Action Clerk**

EO 6/2022 Payments for August. Payments were approved as per the August
payments schedule.

EO 7/2022 Date of next Meeting 5th September

The meeting closed at 8.45pm.