

# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **AREA 2 PLANNING COMMITTEE**

**Wednesday, 30th October, 2024**

**Present:** Cllr W E Palmer (Chair), Cllr B Banks, Cllr R P Betts, Cllr M D Boughton, Cllr Mrs T Dean, Cllr D Harman, Cllr S A Hudson, Cllr J R S Lark, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton and Cllr M Taylor.

Apologies for absence were received from Councillors P Boxall and C Brown and apologies for in-person attendance was received from Councillors M A Coffin and S Crisp who participated via MS Teams in accordance with Council Procedure Rule No 15.21.

### **PART 1 - PUBLIC**

#### **AP2 24/32 DECLARATIONS OF INTEREST**

For reasons of transparency, and on the advice of the Monitoring Officer, Councillor W Palmer declared a potential pre-determination and bias regarding application TM/24/01452/PA (Land known as Mumbles Farm, Crouch Lane, Borough Green). After hearing the views of the Parish Council, she addressed the Committee before withdrawing from the meeting and took no part in the debate or vote. In the absence of the Vice-Chair, it was proposed, and seconded, that Councillor S Hudson chair the remainder of the meeting.

#### **AP2 24/33 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 2 Planning Committee held on 18 September 2024 be approved as a correct record and signed by the Chairman.

#### **AP2 24/34 GLOSSARY AND SUPPLEMENTARY MATTERS**

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

**DECISIONS TAKEN BY THE COMMITTEE****AP2 24/35 TM/24/01452/PA - LAND KNOWN AS MUMBLES FARM, CROUCH LANE, BOROUGH GREEN**

Lawful Development Certificate Existing: Section 191, Town and Country Planning Act 1991, for the change of use of land from Agricultural Land to use as a Caravan Site for the siting of a static caravan for human habitation and land used in conjunction with that human habitation, as defined in Section 1(4) of the Caravan Sites and Control of Development Act 1960.

Members noted that the onus rested with the applicant to provide sufficient information to make their case in relation to a Certificate of Lawful Existing Use or Development application. However, if the Local Planning Authority had no evidence itself, nor any from others, to contradict or otherwise make the applicants version of events less than probable, there was no good reason to refuse to grant a certificate, provided the appellants evidence alone was sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

Members sought clarity on the definition of a caravan, what constituted continuous use and human habitation.

**RESOLVED:** That a Certificate for Existing Lawful Development be issued.

[Speakers: Mr Charles Baseley (on behalf of Platt Parish Council) and Mr Tony White (on behalf of the Applicant) addressed the Committee in person].

**AP2 24/36 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS**

The report setting out updates in respect of planning appeals, public inquiries and hearings held since the last meeting of the Planning Committee was received and noted.

**AP2 24/37 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 7.58 pm