

Mabe Parish Council Planning Committee

Minutes – 30 May 2024

Minutes of Mabe Parish Council held on Thursday 30 May 24 at 1800 hrs, Mabe Parish and WI Hall, Antron Hill, Mabe.

Councillors present: Councillors: P Tisdale (Chair), T Tindle, B Galke, K West.

Officer support: Clerk/RFO

Minute no:	Agenda Items
PC.24.25.006	Apologies for absence – None
PC.24.25.007	Members’ Declarations of Interests – None
PC.24.25.008	To approve written requests for dispensation – None
PC.24.25.009	Public speaking – None
PC.24.25010	<p>Planning applications:</p> <p>Councillor West put the following motion to the Planning Committee. It is proposed that having reviewed the various planning documents and reports submitted to the meeting in relation to the planning applications referenced:</p> <p>PA24/03697</p> <p>PA24/03193</p> <p>PA24/03651</p> <p>That the Clerk be instructed to provide comment to Cornwall Council Planning Department, as agreed at the meeting and directed by the Chair/Vice Chair of the Mabe Parish Planning Committee.</p> <p>That a reply to a five day protocol from Cornwall Council Planning Department regarding PA23/10185 be drafted and for the Clerk to make the response to Cornwall Council.</p> <p>Resolved – That the motion as stated be agreed.</p>
	a PA24/03697 – Noted. No response required at this time.
	b PA24/03193 – Following a short discussion. Resolved – That the application for plots 15, 16, 17 and 18 be supported as per the application. No further change of use or material amendments should be made without a further planning application.
	c PA24/03651 – Following a short discussion. Resolved – Not supported. There is no substantive evidence of disease or danger from the trees. Previous applications of this kind have been refused where substantive evidence does not exist.
	d PA23/10185 – Following a discussion.

	<p>Resolved – That the following be sent to the Planning Department</p> <p>In response to your reply and further request in regard to the 5 day protocol letter dated 28th May 2024, we would make the following comment.</p> <p>Firstly we reiterate our request that the application should be refused.</p> <p>Should that not be your ultimate decision, we would request the matter is referred to the planning committee. Option three of your reply.</p> <p>Your reply confirms the application is a section 73 application, which seeks to vary a planning condition.</p> <p>Your reply also confirms, that the condition in question is seeking to alter condition 1 and to allow substitution on new plans or drawings, which will in fact alter the house, positions, type, layout, appearance and the building fabric.</p> <p>Again your letter goes into some detail in regard to those fundamental changes. Which confirm Mabe Parish Councils determination that the result of approval would in fact vary the description of the development.</p> <p>It also indicates that the resultant modifications would be fundamental and in our opinion substantial.</p> <p>Whilst there seems to be some difference in our perspective and yours as to whether those changes are minor or fundamental. it is however clear, from your reply, that the changes result in alteration to design, appearance, location and height. In other words the description of the development will change.</p> <p>It would therefore seem that the agreed effect of removal of condition one, allowing new drawings, would in fact vary the description of the development and relate to the operative part of the initial application.</p> <p>It is the contention of Mabe Parish Council that under the Town and Country planning act, a part 73 application cannot be used to change the description of development. It cannot relate to the operative aspect of the permission previously granted and it cannot be used to vary the description of the development.</p> <p>A fact that appears to have been supported in a high court ruling [Armstrong v Secretary of State for Levelling-Up, Housing and Communities and Another [2023] EWHC 176 (Admin)]</p> <p>In light of the above it would appear that to approve the application, as you suggest, would be contrary to both the Town and Country Planning Act and rulings of the High Court.</p> <p>Should you disagree then again we would ask that the matter is referred to the planning committee for ultimate determination, as per the five day protocol, option three of your reply.</p>
<p>There being no further business to discuss the meeting closed at 1830 hrs</p>	
	<p>Signed by Chair</p>

