



Coleford Town Council

Planning Committee Tuesday 10 September 2019 Minutes

Attendees: Cllrs M Cox, S Cox & Elsmore

Public Forum

There was no one present in the public forum

1. Apologies were noted from Cllrs Lusty & Drury
2. There were no declarations of interest on items on the agenda
3. There were no dispensations requests
4. The minutes of 30 July 2019 were approved
5. There were no matters from the minutes of 30 July 2019

The comments made on applications in August were noted

6. The recent planning decisions were noted
7. To have an update re the FoDDC planning training
This item is deferred to the next meeting

8. To be made aware of on the status of unlawful trading re planning terms

Cllr M Cox felt the committee should be aware of the advice provided by a planning officer re unlawful trading

“I am afraid the effects or merits of the use or operation are irrelevant in this case.

The application, submitted under Section 191 of the Town and Country Planning Act 1990, seeks to determine whether the following form of development is now lawful (and therefore immune from enforcement action):

The operation of a timber/fencing business from a residential property’.

Section 191 of the Town and Country Planning Act 1990 indicates that a Certificate of Lawfulness for an existing use should be allowed if it can be proven that in the case of change of use that on the balance of probability (civil law standard) the use has been taking place for a period in excess of ten years. However the onus of proof is on the applicant. Their evidence should be clear and unambiguous. Case law dictates that the applicant’s own evidence does not have to be corroborated by independent evidence to be accepted. If the LPA have no evidence of their own or from others to contradict or otherwise make the applicant’s version of events less than probable, then the application may not be refused.”

With this in mind all councillors should be vigilant to people trading unlicensed as after 10 years their businesses will automatically become legitimate



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9. To make comment on the following application:

Reference	Address	Proposal	Observation
P1311/19/FUL	Land at Grasshopper Rise The Purples GL16 7JL	Erection of a detached dwelling with associated parking, access and landscaping	No Objection CTC would note that there is no reference by applicant to Coleford NDP. Also, that the settlement area as defined by the Coleford NDP includes this property. This is at variance with the published FoDDC Allocations Plan. As the CNDP supercedes the Allocations Plan, this application is within the defined settlement boundary. CTC stress that the conditions re extension of bound material access to within 10m of public highway recommended by GCC Highways & the confirmation re position of SUDS on owed land/ land ties in perpetuity, and the overflow field for the sewage tratment plant required by the Environment Agency must be addressed.