



Broomfield Parish Council

A meeting of **Broomfield Parish Council Planning Committee** was held on **Wednesday 1st November 2023** at 7.30 pm in Broomfield Village Hall for the purpose of transacting the business shown in the agenda.

PLN23/95	Members attending Present: Cllrs Thomson, Barnes, Bowman Apologies received: Cllr Blake – unanimously agreed		
PLN23/96	Declarations of Interest No declarations of interest were received.		
PLN23/97	Public Question Time No members of public were present.		
PLN23/98	To Approve Previous Minutes Minutes of the last meeting held on 4 th October 2023 were approved as true record.		
PLN23/99	Planning Applications received for consultation:		
a. 63/23	23/01506/FUL	77 Nash Drive	Two storey side extension including alterations to fenestration
	DECISION: No comment		
b. 64/23	23/05195/TPO	29 Berwick Ave	T1 Oak - located in rear garden - Reduction of overhanging branches and limbs by 2m. Reason: overhanging and rubbing onto garage roof.
	DECISION: No objection		
c. 65/23	23/01579/FUL	2 Scots Green	Proposed Demolition of Existing Outbuildings and Erection of a Single Storey Detached Dwelling with associated Amenity and Parking. Alteration to existing access.
	DECISION: No objection		
d. 66/23	23/01614/CLEUD	182 Main Road	To confirm the existing use of the Barn at Brooklands, 182 Main Road, Broomfield, Chelmsford, CM1 7AJ as Class E(g) commercial use and light industrial building as part of an operating base for a landscape contractor's business under section 191 of the Town and Country Planning Act 199
	DECISION: Object 'The Parish Council ('the Council') cannot add any new evidence about the claimed use of the barn as a base for a landscape gardening business as neither councillors nor staff have been witnesses. However, the Council makes the following observations which it believes are relevant:		

1. The Legal Statement accompanying the Application states in para. 4.5.3 that enforcement officers inspected and photographed the barn. It seems unlikely, on the balance of probabilities, that the barn would have been excluded if it was an integral part of the landscape garden base operated by TCLC.
2. App.s 6 and 7 of the Legal Statement comprise photos taken by the officers, but are not available on the City Council's website. The Parish Council therefore cannot comment on them conclusively. However, given ongoing claims that the landscape business also looks after the grounds of Brooklands itself, the Council would have liked to clarify whether the quoted use of the barn by TLCL might be in connection with this aspect of its activity, rather than the commercial base servicing other contracts.
3. The evidence (proof) given by Mr Ravitch (owner and director of TLCL) suggests that it was the appeal site itself (i.e. excluding the barn) that formed his company's base. In point 14 of his evidence, he lists all the equipment stored - *'Basically all the equipment/machinery required to carry out landscape construction and estate and garden maintenance is kept there* (i.e. in the appeal site, not the barn)'. Whilst he refers to some equipment being stored in a barn, he does not say which (the only reference being to Duffy's Barn). This all suggests that the use of any barn has been, at most, peripheral to the main operation which was within the appeal site.

Turning to the relationship between the barn and the wider, adjacent appeal site and the neighbouring properties in Mill Lane. This is the critical issue in the Council's view, as it impinges on the proper enjoyment of amenity for residents; and the safe and effective accessing of the Brooklands site as a whole.

4. The Council strongly disagrees with the assertion in para 4.3.3 of the Legal Statement that the principal aim of the Enforcement Notice is concerned with the storage of plant machinery, equipment etc. Rather, the principal concern is that the enforcement/appeal site should (as stated in the Notice) *'cease (to be used) as the operating base of a landscape contractor's business'*. It is the nature of the operating base that is the problem (e.g. comings and goings early in the morning, noise associated with preparing for work, loading and unloading equipment) not the storage *per se*, which is therefore a secondary if inter-connected concern.
5. Given that the barn in question is surrounded either by neighbouring properties or by the enforcement site (as amended and upheld by the Inspector at appeal), the Council cannot see how the barn could be

	accessed without infringing the enforcement/appeal site, which has been specifically ruled out for activity in connection with use as a landscape contractor's operating base. The applicant could in theory negotiate a new access to the barn through a neighbouring property, but in the current circumstances this seems unlikely. 6. Therefore, the Council cannot see how approving the current CLEUD application for the barn would comply with Section 91(2) of the Town and Country Planning Act, as access to the barn for this purpose would constitute a contravention of a planning enforcement notice currently in force and upheld at appeal. 7. For this reason alone, regardless of the facts regarding the actual use of the barn, the CLEUD application must, in the Council's opinion, be refused. Indeed, if use of the barn as part of an operating base of the landscape company is continuing as claimed and accessed through the enforcement site, that must surely constitute a contravention at the moment.		
e. 67/23	23/05198/TPO	Broomfield Hospital	All trees on the Broomfield Hospital site protected by TPO's 2001/072, 2001/107, 2002/071, 2002/127 and 2003/055 - 5 year management plan to crown lift to give 2.4m clearance from ground level over footpaths, 3m clearance over parking bays and 5.4m clearance over roads. Within the same management period, clear out deadwood/dangerous trees/branches as appropriate after first taking photos and providing them to LPA. Reason: to prevent damage to property/injury to visitors/staff at the site
	DECISION: No objection		
f. 68/23	23/01674/FUL	54 Church Ave	Proposal Single storey rear extension following removal of outbuilding; extend rear patio; alterations to fenestration
	DECISION: No comment		
PLN23/100	To discuss any applications received up until the date of the meeting No further applications had been received.		
PLN23/101	To receive decisions made by Chelmsford City Council re previous applications consulted upon		

	Noted.
PLN23/102	To discuss & finalise Planning Committee's budget for 2024/25 financial year A total budget of £23,410 was proposed and will be submitted to the Finance Committee for discussion.
PLN23/103	Policy Matters:
	a. To receive an update on Broomfield's Neighbourhood Plan & consider any recommendations from the Steering Group Notes from the meeting held on 5th October had been circulated. At the last full Parish Council Meeting it was decided to defer approving the Submission Draft of the NP to the next meeting on 15th November 2023. b. Local Highways Panel – update on installation of Village Gateway (if any) Nothing further to report at present.
PLN23/104	CONFIDENTIAL: To note Chelmsford City Council's Planning Enforcement Notices Noted.
PLN23/105	Any other business to be referred to the next meeting. Councillor Blake reported via email that he had met with a Councillor from Little Waltham PC regarding support for a possible re-route of the N2T pylons to move them northwest of Gt Waltham. There is nothing urgent to report and he will update at the next Planning Committee Meeting. There being no further business the meeting was closed at 8.35 pm