

**Claverton Parish Council**  
**Minutes of Ordinary Meeting Held on 9th September 2015 at St Mary's Church**

**Present**

Councillors: Thomas Sheppard, Mark Mackintosh, Chris Jensen, Glennis Naylor, Richard Mould and Anna Beria  
 Clerk: Lesley Watkinson  
 Other: None

**Open Forum**

Representations were made by directly members of the public. However Cllr Naylor made a representation on behalf of a member of Parish who wished to inform the Parish Council that she received a cold call who asked her for details of the owners of the nearby fields with view to planning to set up solar panel installations. Appears to have been a very speculative cold call.

**Apologies for Absence** - Rodger Sykes

**Declaration of Member Interests** - Cllr Richard Mould declared an interest in any discussions relating to The Piggery as he is the owner of neighbouring property. Cllr Mould will not participate in any discussions relating to The Piggery and will participate in any vote concerning The Piggery, though will remain present at the meeting

**Approve the minutes of the Ordinary Meeting of the Parish Council held on 8th July 2015.**

The minutes of the Ordinary Meeting of the Parish Council held on 8th July 2015 were agreed as accurate and signed by the Chairman.

	<b>Actions</b>												
<p><b>Matters arising from the minutes</b>            Cllr Mackintosh still receiving not information from B&amp;NES re Thyme Barm. B&amp;NES were awaiting a proposal from the applicants. MM to follow up</p>	MM												
<p><b>Receive and Discuss Correspondence</b>             All correspondence relating to Claverton has been circulated in advance by the clerk. All relevant items covered by agenda.</p>													
<p><b>Financial Officer's Report</b>             Clerk produced recent bank statement for councillors to review. All councillors present reviewed. The following invoices and requests for payment were presented for inspection and cheques signed.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;">158</td> <td style="width: 20%;">Zurich Municipal</td> <td style="width: 45%;">Annual insurance premium</td> <td style="width: 30%; text-align: right;">£243.80</td> </tr> <tr> <td>159</td> <td>J Potts</td> <td>Newsletter</td> <td style="text-align: right;">£100.00</td> </tr> <tr> <td>160</td> <td>St Mary's</td> <td>Use of St Mary's</td> <td style="text-align: right;">£300.00</td> </tr> </table> <p>The clerk also advised that involve arrived from BT Openreach. All callers present asked the Clerk to contact BT and advise that final billing was premature as Broadband project not yet complete. The clerk will request a credit note.</p> <p>Clerk advised councillors that the 14/15 Accounts and the Annual Statement have been audited by Grant Thornton. There was no fee this year.</p>	158	Zurich Municipal	Annual insurance premium	£243.80	159	J Potts	Newsletter	£100.00	160	St Mary's	Use of St Mary's	£300.00	
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	Actions
<p><b>Receive Planning Committee Report and discuss planning matters including: 15/03703/CLUE Orchard Fields of Application for a Certificate of Lawfulness</b></p> <p>The Planning Committee is keeping in touch with B&amp;NES planning and enforcement departments to keep abreast of their reviews of planning issues in the village.</p> <p><b>15/02914/FUL - Conversion of former Piggery to Dwelling.</b> Clouds informed that the application has been referred to the chairman of the development control committee who has decided that the application should be delegated to officers and not determined by committee.</p> <p>Claverton Parish councillors considered, <b>15/03703/CLUE Orchard Fields of Application for a Certificate of Lawfulness</b> and decided to <i>object in principle</i> to the application on the following grounds:</p> <p><b>1: Lack of Evidence of Residential Use.</b></p> <p>The PC has reviewed Parish Online’s archive of aerial photography which go back to 2005 with reasonable resolutions, and then jump back to poorer quality images in 1999, and then 1991. Based on these images the ‘development’ appears between 1991 and 1999, and is then clearly visible in 2005 with what appears to be an established allotment.</p> <p>In 2005 there appears to be vehicular access into the shed from the north side based on the worn tracks running into the shed. This appears to be still the case in 2006, and the roof-lights on the southern part of the site appear to have been altered. Between 2006 and 2009 the tree at the southern end of the shed appears to have been felled, creating some additional space and it appears on the 2013 image that there may be a further development/extension made on this part of the site (it is in shadow). All images have the appearance of the development being a shed, with none of the external areas one would expect of a property that was lived in permanently.</p> <p>Separately we also note that the track from Claverton Hill own the fields adjacent to Claverton comprises a single path in 2006, and then a grassy vehicle track in 2009, with some bare earth at the southern end of the path, and gravel was laid along its length by 2013. The open sheds which are now on the land are not visible on the images as they are obscured by trees, and therefore no date can be put on their development, although it is inferred that they date from 2009 or later. Whilst this shows the presence of the main development has been there as long as it has been claimed, it does not demonstrate that the development was permanently lived in at that time. Based on the verbal reports from a previous neighbour (the previous resident of Vineyards Farm which is immediately east of the development), there is no evidence that this has been use as permanent residence, although there was activity in the summer with gardening and occasional parties. The presence of these parties was reported to be more notable due to the absence of any signs of residence the rest of the year.</p> <p>In summary based on the aerial photography and the verbal evidence, and other discussions in the parish, there is a lack of any evidence of anyone living in this development recently or over the previous 10 years. Therefore we strongly question the presence of any evidence which claims to illustrate this has been used as a permanent residency, and until very recently the property has not been connected with the electricity grid.</p> <p><b>2. Legal Precedents</b></p> <p>It is the PC’s concern that there appears to have been a deliberate attempt to conceal the alleged change of use, the change is not apparent either on the ground nor from any usual actions – such as connection to services or paying rates (the property is not on the electoral register). From what we understand it was not apparent to anyone that someone was living in this farm building and it does not enjoy normal domestic services. There appears to be a deliberate attempt to hide a change of use so that the land owner can claim a four year period. We refer to the recent case of the house hidden in a haystack (<a href="http://www.ashfords.co.uk/concealment-high-court-confirms-welwyn-has-not-been-replaced/">http://www.ashfords.co.uk/concealment-high-court-confirms-welwyn-has-not-been-replaced/</a>). The following statement in this link is relevant: ‘In light of these two cases, Parliament enacted Section 124 of the Localism Act. This Section gives the local planning authority a power to apply to the magistrates court for a planning enforcement order ("PEO") where, on the balance of probabilities, the apparent breach has been deliberately concealed and the court considers it just to make the order having regard to all the circumstances.’</p> <p>Given this is in a very sensitive protected area of landscape, the PC feel that it is important that the Council exercise their rights under Section 124 of the Localism Act and apply to the magistrates court for a planning enforcement order on the basis the apparent breach has been deliberately concealed and ask the court to make an order having regard to all the circumstances.</p>	MM/LW

	<b>Actions</b>
<p><b>Broadband Project update</b></p> <p>As Councillor Sykes sent his apologies discussion postponed to October ordinary meeting.</p>	
<p><b>Transportation Update, including actions arising re Warleigh Weir</b></p> <p>Stakeholder meeting too place with all stakeholders apart from Highways agency. Councillors noted disappointment that Highways did not send a representative. Cllrs will maintain momentum. Councillor will take lead on signage and refuge. Councillor Mould will request upsides to Websites and Cllr Mackintosh will offer review materials re proposed railway Bridge.</p>	
<p><b>Review of Standing Orders</b></p> <p>Claverton Parish Council must update standing Orders. Clerk to report to October Ordinary meeting</p>	LW
<p><b>Exchange of Information</b></p> <p>None</p>	

The meeting closed at 8.30pm

Future Council Meetings: Wednesday 14th October 2015, Wednesday 11th November 2015

Signed ..... Date .....

Cllr Chris Jensen, Chairman, Claverton Parish Council