YAPHAM CUM MELTOBY PARISH COUNCIL

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**Minutes of Yapham Cum Meltonby Parish Council meeting held on the 10th April 2012 in Yapham Village Hall at 730pm**

Present. Cllrs Linda Gray (Chair), Cllr John Ackerley, Cllr Helen Steele, Cllr Deborah England and one member of the public.

Apologies. Cllr Richard O’Gram

**Public Time.** None

**22/12 welcome to the meeting**

**23/12 To declare any declarations of interest by any Parish Councillor regarding any item on the agenda.**

None declared. Cllr Ackerley stated that he was no longer on the village hall committee

**24/12 To confirm the minutes of the meeting dated 15/03/12. Approved by Council and signed by the Chairman as a true and correct record of the meeting held on March 15th 2012**

**25/12 Matters arising from the previous meeting.**

**Parish Council Website** . The Clerk is now on with this Parish Councillors details have been added, village hall and history pages have also been updated. Clerk has been experiencing problems loading documents on to the site. Cllr England said she had some hard copies of instructions for the website which she would forward to the Clerk which might help him. Cllr Ackerley provided a disc with information on the Church which was to be added to the site.

 **Telephone Box** . Cllr Gray signed for stating that the Parish Council wished to adopt the Telephone kiosk in Yapham. Mr David Barnes and Mr Mark Woodall had offered to maintain the kiosk. Cllr Ackerley said they could always apply to the Parish Council for a grant towards paint anything else that might be needed. Cllr Gray said that if they no longer wished to do so then the Parish Council should take on the maintenance. Mr Barnes and Mr Woodall should be invited to the next Parish Council meeting to discuss plans and ideas for the kiosk. Details should also go on the website asking for ideas for the use of the kiosk. Cllr Gray suggested that maybe Holtby Parish Council should be contacted and asked where they obtained the etched glass from for their kiosk.

 **Feoffee Lane**. Clerk to chase up if the School bus should be using Feoffee Lane, again stated that the lane is unsuitable for a double decker bus which is designed more for urban use rather than rural lanes. Clerk to enquire with ERYC if this is the official bus route and if so to find out why it is not on the gritting route. Matter of urgency now on this item

**Gravel pit allotments**, email sent saying the Parish Council did not have a copy of the Soil Transportation document but suggested that they try the ERYC planning department to see if they held a copy. Invoice for £75 also sent for rent due 2012/ 2013

**Village Hall.** Discussion took place on the claiming of the VAT back on the purchase of chairs for the Village Hall. Cllr Ackerley was concerned that some parishioners might have concerns with the Parish Council purchasing chairs on behalf of the Village Hall so that VAT could be recovered rather than an outright grant of a sum of money to the Village. Letter from Holme on Spalding Moor Parish Council from the VAT department saying the similar suggestion there was ok.

Cllrs decided to buy 20 chairs at £427.45 plus Vat at £85.49p Cllr Ackerley abstained from the vote.

Clerk pointed out that if Councillors were to accept donation from Village Hall and make the purchase themselves then it would only cost the Council roughly £350 for 100 chairs. Initial vote rescinded and this option decided for.

Clerk to contact the Village Hall treasurer and discuss which option they would be happy with. Cllr Ackerley happy with this.

**26/12 Accounts .**

 Clerks Wages £53.74p, HMRC £13.40p, ERNLLCA £126.87p, Yapham Village Hall £40

All payments approved

**27/12 Planning.**

Erection of two storey extension to rear following demolition of existing extension and erection of a front porch following removal of existing entrance at Highfield, The Square, Yapham, East Riding of Yorkshire, YO42 1PJ. For Mr Shaun Duncan.

Full planning applied for. Reference DC/12/01106/PLF/WESTWW

**Parish Council had no observations or comments, recommended approval**

 **Email from Planning enforcement officer/Peter Robinson.**

**Re: Enforcement Issues in Yapham cum Meltonby Parish Area.**

Further to your emails to Mr Simmonds and my telephone conversation with Mrs Grey I shall endeavour to provide an overview of the process of enforcement and Enforcement Notices as well as provide updates with regard to the specific issues raised.

To carry out works without the correct planning permission is not an offence. It is acceptable under planning legislation to carry out works prior to seeking the appropriate consents. An offence is only committed when a person fails to comply with an Enforcement Notice. The Planning Authority would always advise that permission should be sought prior to works being carried out but in reality this does not always happen. Where works have been carried out without the appropriate consent, then an Enforcement Officer will visit and determine whether a breach has occurred. Breaches of planning legislation can be rectified either by a retrospective application, remedial or other works that would bring it within the permitted development rights or by the service of an Enforcement Notice.

Service of an Enforcement Notice is usually a last resort, as the Planning Authority will always try to resolve any breach through negotiation and/or a retrospective application. There are different types of Enforcement Notices these are; an Enforcement Notice, a Breach of Condition Notice, a Planning Contravention Notice and a Waste Land Notice.

An Enforcement Notice will require works to be removed or carried out or a use to be ceased, in accordance with steps specified within the Notice. Once this Notice is served a lead in period is allowed before the Notice formally takes effect, this lead in period allows for the submission of an appeal against the Notice to be made. Once the Notice has formally taken effect then an appeal will no longer be accepted. A period of time for compliance with the steps required will be specified in the Notice, the length of time specified will take consideration of the complexity of the steps required and will be ‘reasonable’. Failure to carry out the steps required within the time frame is an offence and it is then open to the Planning Authority to consider taking prosecution proceedings. Fines may be levied against the offending party and the steps required will still need to be carried out or further prosecution proceedings can take place.

In regard to a Breach of Condition Notice, these are slightly more straight forward. Either a condition that formed part of a planning permission has been complied with or not. If not, it is then up to the Planning Authority to consider whether it is in the public interest to formally pursue formal action. If a Breach of Condition Notice is served there is still a lead in period however there is no right of appeal. A period of time will be specified within the Notice within which the requirements of the condition must be complied. Failure to comply with the Notice is an offence and prosecution proceedings can occur.

Planning Contravention Notices are a means of formally requiring information from whoever may have breached the planning regulations. The purpose of gaining this information would be to see if further formal action, such as an Enforcement Notice, is required. The Planning Contravention Notice will set out questions to which responses must be submitted back to the Council within a specified time. Failure to respond to the Notice or knowingly giving false information is an offence and prosecution proceedings can occur.

Waste Land Notices (Section 215 Notices) are used in exceptional circumstances whereby a piece of land or buildings are considered so untidy as to have a serious detrimental effect on the public amenity. A Waste Land Notice will also have a lead in period prior to taking effect. These Notices differ from Enforcement Notices as any appeal against the Notice would be made to the Magistrates Court rather than the Planning Inspectorate. The Notice will specify steps to be taken to tidy the land and give a ‘reasonable’ period of time in which these works must be undertaken. Failure to comply with the Notice is an offence and prosecution proceedings can occur.

In relation to the specific issues raised by the Parish Council, I was unaware of the further stables and buildings down Miller Lane until Mr Worrall’s email of 19th March 2012 so have started this particular issue off as a new case. I have visited the site and recorded the new access and buildings that have appeared between the two previous existing sites owned by Mr Busfield and Mr Webster. I have carried out a Land Registry Search on this new parcel of land and have discovered the owner to be a resident of Pocklington. I have written to him and asked to meet with him on site to discuss the buildings and current use of the site in general. It would appear that the situation in regard to the two adjoining sites have not changed since the issue of the mobility of the buildings was resolved previously.

In regard to Treveen House, two conditions were applied to the appeal decision. One condition has been discharged but the works have not been carried out and the other condition has yet not been discharged. The Planning Department has been chasing Mr Woodliffe and his agent over these conditions for nearly 2 years without success. Formal Enforcement action is now being proposed, this would take the form of an Enforcement Notice in this case as the Council would wish to specify the precise nature of the works required.

Green Fields, Feoffee Lane was visited last year by a Planning Officer and myself to look at the use of the site. It was clear that the major use of the site was agricultural although on a small scale. We were assured at the time of the visit that the static caravan was not used for permanent accommodation purposes but for meals, washing and bathroom facilities through the day. Overnight stays had occurred only when lambing, pig litters or other animal welfare issues arose. If the Parish Council have any evidence to the contrary in regard to permanent accommodation I would be happy to revisit the site.

In regard to Eastfield, Feoffee Common Lane an Enforcement Notice was served and no appeal was made. This Notice has not been complied with and prosecution proceedings are being considered in relation to this matter. Consideration has been made in relation to the Human Rights Act and numerous approaches have been made to the Council by the owner’s solicitors in relation to any proposed action. Statements have been taken from the Planning Officers, Housing Officers and Enforcement Officers that have been involved in this investigation and it is hoped that these will form the basis for the any Court action currently being considered.

Parish Councillors that there were other land owners who had animals down Feoffee lane who lived elsewhere, even Pocklington that did not need to be with their animals 24/7. Also if these building are only for overnight stays when animals are sick then why is there a need for a post box and a name for the site.

Cllr Ackerley said that Parish Councillors did not report breeches in planning out of vindictiveness but because they had a duty to protect those who go through the proper channels and abide by the rules, and to protect the village environment.

Cllr Gray said that all Parish Councillors were duty bound to follow up any queries made by any member of the Parish and that when people have gone through the proper channels then it was very rare that the Parish Council did not support the application. More often is the case that the Parish Council has supported an application only for the ERYC to refuse the application.

Cllrs said also people think that one person can get away with not applying therefore they’ll try. This is a risk they take and not to be recommended.

**28/12 ERYC Severe weather Grant.** The grant scheme is still open, but it has evolved into a wider grant
scheme that is not just ring fenced to winter planning. The scheme is
being run by the ERYC Community Partnerships scheme . Clerk started on forming a Community Emergency Plan. Also to purchase a box to place all Emergency items recommended by the ERYC. Box to be kept in the Village Hall. Cllr Gray to look over plan and make recommendations. Clerk to order Hi Viz jackets x 8

Clerk to inquire rather this fund can be used to purchase the chairs for the Village Hall, if not then to go ahead with the grant application for winter maintenance. If Feoffee Lane is part of official bus route and is to be gritted then grant application for winter maintenance not to proceed.

**29/12 Correspondence**

Letter from Standards board inform of Case no SCASC/159/Atkin/Yapham-Cum-Meltonby

East Riding Parish News

Letter from Mr M. Atkin read out along with Clerks reply.

ERNLLCA District meeting at Gowdall Village Hall on April 18th 2012 a 7.30pm. No one from Yapham Cum Meltonby Parish Council attending.

**30/12** **Councillor Reports**

Clerk to highlight the fact there is two vacancies on the Parish Council on the website.

Speeding becoming a problem again at Yapham Mill. Councillors said they had done all they could regarding this matter, they had had speed surveys done with view to supporting application for VAS Signs installed but these were going to cost the Parish Council £6,000. The Police didn’t have the man power to more routine speed checks. Clerk to inquire about community speed check programs. Cllrs said that you had a three groups of drivers, those who kept to the speed limits, those who blatantly did not, and those who are confused by all the changes in limit speeds in such a short space.

**31/12 Date , Time and venue of next meeting.** Next meeting to be held on May 15th 2012. Meeting was closed at 21.17pm