



BRAMSHAW PARISH COUNCIL NEW FOREST HAMPSHIRE

MINUTES OF MEETING HELD ON TUESDAY 25th October 2016, AT BRAMSHAW VILLAGE HALL.

Members Present:

Sue Bennison - Chairman (SB)
Sally Day (SD)
David Johnston (DJ)
Kay Harrison (KH)
Jenny Watts (JW)

Others:

Cllr Edward Heron (HCC)
Tobias Bauer (HCC)
Sean Marsh (FC)

2 members of the public

139.16 **Apologies for Absence** - to agree any absences of councillors – apologies were received and accepted from Martin Vann, Rachel Winter-Garrett and NFDC Cllr Diane Andrews.

140.16 **Disclosures of interest.**

141.16 **Minutes** – Apart from correcting the typing error in the spelling of Nomansland under item 131.16 it was agreed that the minutes were a true record of the meeting held on 27th September 2016.

142.16 **Reports to be received**

i) HCC Cllr Edward Heron.

Cllr Heron advised he had nothing in particular to report – he was attending the meeting to support Tobias Bauer.

ii) Councillors' reports.

Sally Day advised the meeting that she and Kay Harrison had held the first support meeting with the clerk with the main points being identified was actual workload – frequently more than the 25 hrs/month as per contract – resolution clerk to keep closer check on time and record on formal timesheets. It was also agreed the clerk would identify what training /continued professional development she required and put herself forward to attend such courses.

Colin Paine had also been in touch with Sally over BT's slow response to repairing a telephone line to Janesmoor House. The wire was hanging so low that it was a hazard to both the animals and people. Clerk to write to Chief Executive Officer – Complaints Manager about this, also Edward Heron and the verderers.

As chairman of the Bramshaw Trust, Jenny Watts advised the meeting that the Trust had just secured £10,000 grant from HCC towards the cost of a new kitchen in the hall – there was however a requirement for match funding from the Trust. This was already at £4500.

She also advised that the footpath from Friars Copse to Vice Lane was blocked – clerk to write to Warrens Estate advising them of this, and as the landowners, they have a legal duty to keep the path clear.

143.16 **Public Forum** An opportunity for the public to make known the council any issues of concern, or to make comment on items on the Agenda including Planning Applications.

Mrs Stride provided the meeting with her views and understanding of the current situation at 2 Rose Cottages, Canterton Lane. It was explained to her that the application was in fact for a certificate of lawful development and that as a parish council we had been asked if we were

able to provide any evidence to support the application. The council confirmed that it was unable to do so and will respond accordingly.

Mr Nell from Roundhill, Roger Penny Way, raised his concern over the volume of HGV's using Roger Penny Way. Edward Heron outlined the current situation with Pound Bottom and whilst it still had a licence to be open, there was very little that could be done. He also explained that if an HGV has legitimate business to carry out within the area it is allowed to use the road.

144.16 Planning –

i) **Planning applications for comment:**

[16/00777](#) Single storey extension - BURNFORD LODGE, BROOK HILL, BRAMSHAW, LYNDHURST, SO43 7JB.

Bramshaw Parish Council resolved to recommend permission because:

- a) A very similar application was approved in 2006 and not implemented.
- b) The proposed extension is plainly subservient, is to be constructed from appropriate materials and is well screened from the road.
- c) It is well within the permitted extension limits.
- d) The proposed extension is modest and unobjectionable.
- e) There is nothing to suggest any adverse impact on neighbouring amenity.

but would accept the decision reached by the National Park Authority's Officers under their delegated powers.

[16/00793](#) - Application for a Certificate of Lawful Development for use of existing outbuilding as a single dwelling. ANNEXE, 2 ROSE COTTAGE, BROOK, LYNDHURST, SO43 7HF.

The Council resolved that it was unable to provide any documented evidence to support this Certificate of Lawful Development – detailed response attached.

ii) **Planning applications to note.**

[16/00732](#) - Single storey extension; demolition of existing conservatory - WITTENSFORD COTTAGE, WITTENSFORD LANE, BROOK, LYNDHURST, SO43 7JA (29 September 2016).

LATCHMORE RESTORATION

Ref No 16/00571 – Wetland restoration comprising the restoration of meanders, bed level raising (including the main channel, tributaries and side drains), channel infill (including parts of the existing main channel) tributaries and side drains; removal of spoil banks, trees, scrub and vegetation; installation of debris dams; repair of knickpoints; installation of three culvert crossings and the construction and/or replacement of a total of three vehicle and 12 pedestrian fords on the line of the restored watercourse. (Development Control 15 November 2016).

iii) **Tree applications for comment.**

[CONS/16/0961](#) Prune 1 x fir tree, fell 1 x willow tree, prune 1 x liquid amber tree, prune 1 x weeping lime tree, prune x white poplar tree.

GARDEN COTTAGE, FRITHAM COURT, FRITHAM.

[CONS 16/0970](#) Fell 1 x ash tree.

HEATHERDENE, FURZLEY LANE, FURZLEY, BRAMSHAW, LYNDHURST, SO43 7JJ.

[CONS 16/0979](#) Prune 1 x silver birch.

2 BUTCHERS CORNER, BRAMSHAW, SO43 7JLB.

The Council resolved that it had no comment to make on any of the above three tree applications.

iv) **Tree applications to note:**

[16/0843](#) – BRAMLEYS, FRITHAM – fell one purple leaved plum tree. Raise no objection.

v) **Enforcement as per N F NPA's website on 19 Sept 2016 and as per list published–**

QU/16/0135: PENN MANOR FARM (Formerly Penn Vale Farm), PENN COMMON ROAD, BRAMSHAW, SO43 7JL

Description: Habitable use of outbuilding contrary to Breach of Condition Notice (served 20 July 2012); Use of different roofing materials on conservatory (Breach of condition 3 of pp 08/93170); Creation of additional bedroom in the roof of the dwelling contrary to S106 agreement; Use of French doors rather than window in first floor rear elevation.

Case Status: Further investigations. Priority: Standard

145.16 Finance and policy

- i) To consider renewing the GIS SLA agreement with the NFDC (£100 per annum for 3 years).
The council resolved to renew this agreement for a further 3 years. There was a request for the clerk to organise a further training session and to have passwords re-issued.
- ii) Payments for authorisation – The following payments were approved for payment.

Jane Mullan (Clerk)	Salary + expenses –	000780	£283.50
Sue Bennison	Mileage	000781	£24.30
Remember When (UK)	Telephone box door	000782	£800.00
GIS	SLA Agreement for 2016-17	000783	£50.00

iii) Financial report

Outgoings - £ 3918.38
Income - £ 6620.00
Bank balance - £11664.20

146.16 To consider and resolve to approve a decision as to the next step following presentation by Tobias Bauer (HCC) on a proposed traffic calming scheme for Bramshaw.

Tobias explained how he was new to the role. He affirmed that there was an approved budget for some work in Bramshaw, but firstly there was a need to take a step back and conduct a feasibility study to know that any scheme had the full support of the residents of Bramshaw. He believed the plans he had found on file were out of date probably by at least 10 years and it was his understanding that the parish were interested in longer stretches of road narrowing possibly along the stretch of road close to the Bentley Garage and between Burnford Bridge and the village shop.

HCC would be looking for a contribution towards design costs.

Average speed cameras are not feasible because of the cost currently about £1m each.. Research shows that speed indicator devices (SID) are effective in the short term, but as time passes, this fades.

It was suggested that a short meeting be held in the field with Edward Heron, Tobias Bauer, Sue Bennison, Jenny Watts and Kay Harrison plus HCC's traffic engineer to look at the two locations mentioned above; with a view that any scheme was probably just road narrowing and was in keeping with the area. TB to email those interested in attending with potential dates.

- 147.16 To consider and resolve to approve a decision on the Forestry Commissions proposal to install dragons teeth and undertake ditching and banking (as per attached maps) along Forest Road, Nomansland as part of the Preserving the Forest Fringe project.**

Sean Marsh confirmed that most of the dragon's teeth they were proposing to install were renewals of posts that had been there in the past and had either rotted or been cut down by the residents, as would most of the ditching and banking be reinstatement of past lengths off this.

The Parish Council resolved to approve that the Forestry Commission undertake this work.

- 148.16 To consider and resolve to approve appointment of one councilor to prepare a report and draft response on behalf of the Parish Council to the consultation on the New Forest National Park Draft Local Plan. (27th November).**

The Parish Council resolved to not reply as a corporate body – it was agreed that it would be better for individuals to comment and respond as they felt appropriate.

It was also agreed that the Council should do what it can to inform Bramshaw residents of this consultation and encourage them to make their own representations.

- 149.16 To consider and resolve to approve a response from the Parish Council to the Department for Communities and Local Government's Technical Consultation on the Local Government Finance Settlement with particular reference to the practical implications of a possible extension of referendum principals to all local precepting authorities.**

It was resolved that the Parish Council would respond to this consultation with particular reference to question 6 and 7.

- 150.16 Consideration of report prepared by Sally Day on Footpath 2 (St Peter's Church to Cove Copse) and approval of her proposal to ask clerk to write to landowner.**

Sally Day advised that the stiles on this footpath are and overgrown with brambles – it was resolved that the clerk write to the landowners (St Peter's Church and Sarah Harrison) asking them to clear the stiles.

- 151.16 Consideration of proposal to appoint a councillor to take lead on preparing a management plan to assist the Parish Council in prioritising work required by the various stakeholders to keep Bramshaw tidy.**

The Council resolved to appoint Sally Day to take the lead on this with Kay Harrison supporting her. In drawing up the plan SD requested that each councillor identified the 'Village Greens' that have now been taken over by brambles (eg along Rowe Hill). She also requested that she be given all contact details of all organisations involved and point of contact currently held by individual councillors, so that she and KH can put together a comprehensive list and write to them.

- 152.16 Consideration of Items for meeting on 22nd November 2016. for**

Communications - Bramshaw Telegraph, email and website.

Living in the New Forest as prepared by Martin Vann and Kay Harrison.

Clerk's annual salary review.

Budget for 2017-18.

Update on auto-enrolment.

Management plan.

153.16 Confirmation of dates of future meetings.

The council resolved to change the date of the December meeting to 13th rather than the 20th of December 2015.

22 November 2016; 13th December 2016; 24th January 2017, 28th February 2016.

Meeting closed 9.22 pm

Signed: Date:

Planning Report on application for Certificate of Lawful Development at 2 Rose Cottages.

Bramshaw Parish Council has little to offer in the way of factual evidence about the use of the structure at Rose Cottage as a dwelling. This is not surprising given that the structure has been hidden throughout behind a high hedge. We note that no councillor, nor any member of the public present at our meeting had any knowledge of this structure being used as a dwelling.

In considering the facts submitted on behalf of the applicant we note:

1. The structure itself is wholly unsuited for use as a dwelling as your own inspection will have revealed. It seems unlikely that such a rough outbuilding could have been used as a dwelling for the period claimed, in any normal application of the word.
2. The Applicant claims that the structure was built for occupation by Martin Huntley. Looking at the structure it seems unlikely that it was ever built as a dwelling.
3. Martin Huntley claims to have lived there from 1987 to 1999. There is no evidence bar his and his mother's statements to support that assertion.
4. The statements made by Mr Huntley and his mother were made in July this year immediately before the property was sold to the present owner. In late July 2016 Mrs Huntley said that she owned the property. The applicants, Mr & Mrs Allison said on 20th September, just a few weeks later, that they owned the property. The possibility of obtaining a Lawful Development Certificate may have played a significant part in the transaction and the evidence of Mrs Huntley and her son should not be treated as independent in the present circumstances.
5. Mr Huntley's occupation, if indeed he was ever in occupation, ended by his own evidence no later than 1999, which is 17 years ago. We fail to see how a period of occupation, even if that did occur, ending so long ago is relevant to this application.
6. Mrs Huntleys evidence is that between 1999 and the end of 2011 – a period of 12 years – “various friends and family members used the property”. There is no evidence of when, how and by whom the property was used during that time, save in the vaguest terms. It is impossible to conclude that the property was used for residential purposes during that period.
7. Miss Justine Lloyd has provided evidence that she resided in the building between May 2012 and November 2013. In support Mrs Huntley says that she paid the council tax but has produced no evidence to substantiate that.
8. Mrs Huntley said that between November 2013 and June 2016 Mr Snellgrove resided in the outbuilding but he has declined to corroborate that. The applicants' agent said in correspondence that Mr Snellgrove declined to do so for “personal reasons”. In the absence of any corroboration it is impossible to conclude that Mr Snellgrove resided in the property or any part of it. In the absence of detailed information the most likely explanation for Mr Snellgrove's reluctance to provide evidence, despite request, must be that he is unwilling to lend his name to evidence which he does not support.
9. Mrs Huntley has produced a copy of a single Council Tax receipt relating to what is called “the annexe at 2 Rose Cottage”. This is dated March 2016, when Mrs Huntley might well have been exploring the possibility of selling 2 Rose Cottage. The wording of the document leaves open the possibility that the property might have been unoccupied at the time. There is no history of council tax payments over the period of occupation claimed in support of this application.
10. It is convenient for Mrs Huntley to say that Mr Snellgrove left in June 2016 because taken with Ms Lloyd's occupation that just gets to a 4 year period of use. But the evidence relating to Mr Snellgrove is unsatisfactory. Even if he was in residence at all – which he is not prepared to say – there is nothing to say his residence continued until June 2016, a date which happens to serve the Applicant's purpose rather nicely.

11. We respectfully suggest that in considering whether the Applicant has proved their case on the balance of probabilities it is important to be aware of what has not been provided. There is nothing from Mr Snellgrove. There are no statements from neighbours confirming the facts alleged. There are no statements from independent parties saying they visited the property and saw it in use or any other material that might corroborate the assertions made on behalf of this applicant. There is no tenancy agreement with Mr Snellgrove or Ms Lloyd; no rent receipts or similar documents.
12. In any event there is no basis for claiming that the alleged use extended to as much of the property as has been marked or claimed. The Applicant's agent talks about two bedrooms, one later used as an office. No one bar the Applicants and their agents (who have no personal knowledge of the use of this building) provides any evidence of the accommodation comprising two bedrooms or even one bedroom and an office. Mr Huntley claims just one bedroom with no mention of an office; Ms Lloyd refers only to a bedroom, bathroom, living room and kitchen, hot and cold water and a wc. No one claims use of the car port.

Conclusion

Bramshaw Parish Council has no knowledge of this structure being used as a residence but equally, has no direct evidence to the contrary.

The evidence submitted does not support the claim that the structure included two bedrooms or an office and does not support any claim in relation to the car port.

The evidence that has been submitted on behalf of the application is limited, weak and uncorroborated.

We respectfully submit that on the balance of probabilities the applicant has failed to prove that the outbuilding was used as accommodation for a continuous period of 4 years before the application was made. In particular, the alleged occupation by Mr Snellgrove is highly questionable.