

**Minutes of Woolfardisworthy Parish Council Meeting held on Tuesday, 19 April 2022  
in Woolsery Sports and Community Hall on the rising of the Annual Parish Meeting  
and talk by a TDC Enforcement Officer.**

**Present:** Councillor M Hill (Chairman, Councillors Harding (also District), Heywood, S Hill, Spittles, Salivdant.

**County Councillor Wilton-Love**

**3 Members of the public**

**Mrs Squire, Parish Clerk**

**2122 - 068 Talk by TDC Enforcement Officers**

The married team with a background in policing covered the TDC area, divided into two.

A guide to Planning Enforcement was circulated.

Councillors were advised that planning is complex and the law changes quickly. Some changes are temporary due to Covid guidelines and restrictions are beginning to change back to pre-Covid.

Breach of planning control was explained. It is long and complex and it is not unusual for cases to last 2 or 3 years.

They are not planners and have to consider cases on the basis of expediency, proportionally and harm.

They were unable to discuss any live enforcement cases which are covered by confidentiality.

Freedom of Information requests are generally denied as TDC is not under any legal obligation to provide this. The reason for cases being confidential covers the reason for the breach which is not criminal but may become criminal if a further breach occurs and this is covered under criminal legislation.

Definition of development: If building something, demolished or changed or the designation of land is changed. It is usually both.

An explanation was given as to when planning legislation applies. If a house was built before 1947, it would not have initial planning permission. This does not include maintenance and is not covered under planning.

Permitted Development Rights (PDR) – covers things that can be done in a property or garden and this is referred back to Planning.

PDR does not apply in certain circumstances and is restricted in Area of Outstanding Natural Beauty (AONB) or Article 4 on land where the building is listed.

PDR also falls under use such as a restaurant allowed to do take away food during Covid but not reverted back to the original use.

National Planning Policy Framework (NPPF) gives guidelines to all aspects of planning and planners have to be guided by this.

Enforcement action has to be discretionary, proportionate and in line with the local enforcement plan.

The Council has an obligation regarding a breach of planning, but not obligation to investigate and must be proportionate. There has to be an expedient check.

Investigations are subject to expediency and very few cases get as far as enforcement as they are not classed as this.

Generally things will be permitted unless there is harm. The basic premise is that planning is a permissive regime and the fundamental issue comes down to harm.

**Q: What about planning consent with conditions?**

**A: This is supposed to be done and if there was sufficient time, it would be checked. It needs someone to say it is not being done.**

The volume of planning applications received prevents checks being made and the public have to be relied on to advise any breaches.

Councillor Salvidant gave an example of the Route 39 School lights which had to be lowered but had not been.

**Q: What about when planning regulations are breached and permission has not been granted. It then comes to light and a special dispensation is given for a certain length of time for the breach to be put back as it was.**

**A: If there is temporary permission, once expired then the conditions no longer apply and it is looked on as unlawful development.**

Councillor Spittles explained that information said to be on the planning portal had been requested by Woolsery Parish Council but had been refused to be given.

**A: The advice may not show as it may not be material consideration.**

It was suggested that an email is sent to the Officers for assistance.

Decisions are based on policy and all opinions are based on planning policy. A Local Plan is being drawn up at present.

Basically, enforcement is there to prevent inappropriate development and one of the tests for expediency was given.

When planning permission is granted, no further action can be taken and work has to be on a consistent basis.

Councillors were given an explanation as to what constitutes harm – flooding, unacceptable design, severe harm to highway safety, loss of residential amenity, harm to a heritage asset or designated landscapes.

What does not constitute harm – loss of value to a property, competition with another business, loss of view as no one has a right to a view, trespass or boundary disputes, breaches of Covenant.

A case can take 3 years to complete as there is a process to follow.

A high priority would be a listed building and trees with a Tree Preservation Order (TPO). If works are carried out to a listed building without consent it is a criminal offence.

An explanation was given about the process of when an enforcement complaint is received. The team can issue a Planning Contravention Notice or a Breach of Condition Notice.

They can ask that the development is removed, amended or altered. If this does not happen on an informal basis, an Enforcement Notice can be issued if not complied with and it then becomes a criminal offence.

The Council then has to take the decision as to whether the person should be taken to Court or take intervention measures itself by ruling that the building is taken down or amended. This is an expensive process for the Council to try and negotiate.

95% of cases are agreed with a resolution and no action is taken. Examples were given.

If an enforcement notice is served on the land, it is there in perpetuity as does a Contravention Notice. Some demonstration of need must be carried out.

The Enforcement Team were thanked for their attendance.

## **2122 - 069 Public Comment Session**

**2122 – 069.1** A member of the public introduced himself who explained they were interested in being co-opted. They had lived in Woolserly since 1967 and was well known.

It was left that they would email the Clerk requesting to be co-opted.

## **2122 – 069.2 Representations received which were too late to be included on the March Agenda.**

It was noted that these had been acknowledged.

## **2122 – 069.3 Representations received relating to Variation of Planning Application 1/0368/2022/FUL.** These were noted.

## **2122 – 069.4 Representations regarding the floodlighting of All Hallows Church.**

A reply to be sent advising the Parish Council is aware of the plans but have not been involved, and will not be involved in the decision. Until a complaint is received, it would then have to be taken up.

## **2122 - 070 Apologies.** Councillor S Raffe

## **2122 - 071 Declaration of Personal / Prejudicial Interest for items on the Agenda**

Councillor S Hill declared an exceptional request relating to the foodbank. This facility was in place during Covid but was no longer in operation. Leading up to the Easter weekend, a hardship request had been received and on liaison with other Councillors, it had been agreed to assist on this one off basis, it being made clear that the Parish Council was not in a position to continue.

A receipt for the groceries purchased was handed to the Clerk.

## **2122 - 072 Minutes of the Parish Council meeting held on 15 March 2022 to be approved and signed as a true and accurate record.**

**Proposed by Councillor S Hill, seconded by Councillor Harding and unanimously agreed.**

## **2122 - 073 Clerk's Report**

*The items listed below are for information updates only:*

### **2122 – 073.1 Freedom of Information Act Request.**

A reply has been received from TDC and refused.

**Action: The Enforcement Team who had been present at the meeting earlier to be asked to help.**

### **2122 – 073.2 Highways.**

Pothole reported – road from Ashmansworthy Cross to Ashmansworthy Bridge.

The assessment was due to have been completed by 23/3/22.

Pothole reported – road from Ashmansworthy Cross to Dipple Bridge.  
The assessment was due to have been completed by 23/3/22.

An email from the Neighbourhood Highways Officer had been received and read by the Chairman which pointed out that Woolserly had received a large proportion of the budget spent on the Parish's roads.

County Councillor Wilton-Love spoke about the A39 being de-trunked and he was not in agreement with this.

**Action: The Clerk to write to Bradworthy Parish Council enquiring about the road condition on the Woolserly to Bradworthy road.**

**Action: The Clerk to report that the railing and posts on the southern side of Venn Bridge had given way.**

**2122 – 073.3 Adoption of BT Telephone Box in Woolserly.** BT is ready to proceed with the adoption and the relevant form for completion had been completed and returned.

The Clerk had been advised that the fee of £1 will not be followed up.

**2122 – 073.4 Copper Close Car Park.** There had been no reply to the letter sent.

**2122 – 073.4 Bucks Mills – Fencing.** Reply from the Woodland Trust and the Neighbourhood Highways Officer (NHO).

The Neighbourhood Highways Officer had requested a site meeting with a Parish representative to ensure the works which DCC are funding are clear and what the Parish would be looking to fund.

**Action: The Clerk to reply that Woolserly Parish Council cannot assist with the funding and no one Councillor has authority to give instructions.**

It was felt that this is the responsibility of Highways and the Woodland Trust should be invited.

**Action: Councillor Harding to investigate a wall that has been built.**

**2122 – 073.5 Enquiry regarding charge for hire of room for meetings.** This was being researched.

**2122 – 073.6 2022 Grass Cutting Contract.** The successful and unsuccessful contractors had been advised.

**2122 – 073.7 South West Water Application – Bucks Mills Sewerage.**

A decision was due by the end of March 2022 but this has not happened. TDC is pressing South West Water for more information.

County Councillor Wilton-Love had tried unsuccessfully tried to get a response.

**Action: Councillor Salvidant to write to Mr Mark Beer (TDC) to enquire about the Parish Council making representations to Ofwat.**

**2122 – 073.8 Walland Barn.** Item 8.2 refers, third bullet point refers.

**2122 – 073.9 Impact damage to Bucks Cross Village Gateway.** There was no further information as to when the work will be done and a further reminder had been sent.

It was reported that a large directional road sign was blown down by Storm Eunice on the south side of the road involving the main sign to Woolserly, Bucks Cross and Bude.

**2122 – 073.10 Written Reports on training events attended – to follow**

**2122 – 074 Reports from County Councillor, District Councillors and Parish Councillors**

**2122 – 074.1 County Councillor Wilton-Love.**

He had been doing a lot of work with Social Services and lobbying regarding the state of the roads.

A position was vacant on the Corporate Infrastructure Committee which fits with the Children's Scrutiny Committee, of which he is a member. He was pleased to advise that his nomination was accepted and has visited Taw House and spoken to social workers to listen to any problems.

He was told that they feel isolated in the North of the County as a service and are treated differently from their Exeter colleagues.

A preliminary report has been prepared to go to both Committees.

He wants the service to be graded as Outstanding from Requires Improvement.

**2122 – 074.2 District Councillor Harding.**

He had attended a full Council meeting at TDC where a talk from Tim Steer of the Bideford Railway Heritage had been given. The group were hoping to get funding to re-line the Barnstaple to Bideford line and have the Tarka Trail to the side.

TDC has officially appointed a Dog Warden.

The Armed Forces Covenant had been readopted.

Councillor Spittles spoke about the property Breconside where there had been 8 documents on the planning portal which had then been removed. She had spoken to the TDC planning officer and the situation was explained that there had been a meeting with Parkdean and planning permission was unlikely to be granted.

The Planning Support team had put the documents on the portal which the planning officer had then seen and noticed they were different to the planning application in place, and suggested either a new Application or leave the Application as it is and he would make a decision on the information he had to hand, or deal with the previous details.

A decision is not expected in the near future.

District Councillor Harding had been contacted by parishioners regarding the Rainbow Animal Rescue Centre which was dealt with later in the meeting.

**2122 – 074.3 Councillor Salvigent – beach huts at Bucks Mills Beach.**

The recent historical details were given in that she had contacted an officer at TDC where, in February 2022 the original intention was for residents to have sheds in places which are not being used. No legal agreement was in place.

The sheds on the beach are in a derelict condition, considered dangerous, it being known that children climb in them and it was felt they should be removed.

Because of rubbish lying around, it gives the impression that anyone can leave it there to be collected but the TDC Waste and Recycling Team do not do this.

**Action: The Clerk to ask TDC for their plans in relation to these sheds.**

It had been busy in the area over Easter and parking was challenging.

A body had been found on Bucks Mills beach.

**2122 – 074.4 Councillor Harding – shed at Animal Rescue Centre, Barn Lane, Ashmansworthy.**

Separately, the Clerk had received an email from the Enforcement Officer advising that the Planning Enforcement Complaint No. is E/22/0068/UND. Planning Application refusal 1/0838/2020/FUL has been appealed to the Planning Inspectorate. Should this appeal succeed it will grant planning permission for this structure and regularise the breach of planning control. The Parish Council will be contacted again on the outcome of the investigation.

**Action: The Clerk to advise the reason why this was not on the portal and Woolsery Parish Council not advised.**

District Councillor Harding advised that the RSPCA had been alerted about the situation and he had also spoken to the Cat Welfare Trust. It was understood that an official complaint would not be made as TDC and the EA were expected to become involved.

***Standing Orders were suspended to allow a member of the public to speak.***

They asked if animals were being kept on the site and this was confirmed. The Environmental Officer had visited and submitted a report to the RSPCA. The Parish Council was informed that the Animal Rescue Centre is keeping animals in a field that cannot be accessed by vehicles, with the only access from a bridleway.

***Standing Orders were reinstated.***

District Councillor Harding will continue reporting the situation.

**Action: The Clerk to ask TDC Legal Department if the Parish Council can put a post on Facebook saying the Rescue Centre is not a charity and expressing concern about how the animals are being cared for.**

**2122 – 074.5 Councillor Spittles – North Devon UNESCO Biosphere Team Webinar – Nature Recovery in your Community: What can town and Parish Councils do?"**

This item was deferred to the next meeting.

**2122 - 075 Planning Applications.** The following were considered:

**2122 – 075.1 1/0301/2022/FUL – Extension to existing porch on west elevation, single storey extension to the south and conversion of attached side barn to create additional accommodation – Cranford Barn, Cranford, Bideford**  
**It was resolved to reply 'No comment'.**

**1/0368/2022/FUL – Variation of condition 4 of planning approval**  
**1/0410/2021/FUL (bakery use and hours restriction) – Costcutter, The Post Office, Chapel Street, Woolsery**

It was noted that representations had been sent to TDC with the Parish Council being copied in for information and were appearing on the planning portal.

There was a discussion on the details, where the EA had increased the hours they are allowed to open and made it clear that staff have to be there to operate it without opening.

The Environmental Planning Officer had recommended an opening time of 7.30pm – 9pm, 7 days a week. Environment Protection Team had recommended opening until 7pm on weekends and 10am – 4pm on Sundays.

At the MXB meeting held earlier, it was advised that the latter opening times were not acceptable as the additional 2 hours were required to be in line with the shop, fish and chip shop and pub so as to be able to provide dinner and takeaways.

**Proposed by Councillor Heywood to respond: Woolsery Parish Council agree with the comment of the Environmental Planning Officer, but would have no objection for the hours to be extended from 7pm to 9pm on Friday and Saturday evenings only. Seconded by Councillor Salvidant and agreed. There was one vote against the proposal.**

**1/0239/2022/FUL – Repair and rebuilding of storm damaged outbuilding / shed with replacement roofing – Mill Cottage, Bucks Mills.  
It was resolved to reply ‘No comment’.**

**1/0272/2022/FUL – Change of use of redundant agricultural barn and refurbishment to create No. 1 dwelling – barn at Cranford, Devon. Grid Ref: 234665 121496.**

**It was resolved to reply: Woolsery Parish Council is concerned about the development of buildings under Class Q regulations and the question is asked as to the reason this is not a Class Q Application, subject to these details being circulated to Councillors for comment.**

## **2122 – 075.2 Planning Correspondence: Decisions, Enforcement & Appeals.**

**The following TDC Decision Notices were noted:**

**Approvals for:**

- **1/1180/202018/FUL** – Retrospective application for the change of use of a former agricultural silage barn to be used as a camping barn – Lane Barton Leisure Barn, Woolsery
- **1/1328/2021/FUL** – Erection of agricultural shed with bokashi waste management – land at grid reference 232958 120638, Woolsery.
- **1/1245/2021/FUL** – Retrospective application for creation of driveway and change of use of land from agricultural to domestic for erection of domestic dog kennels/aviary – Walland Barn, Bucks Cross.

## **2122 - 076 Progress of Highway Issues**

- a. Priority Roads for 2022/23.

**Action: The Clerk to circulate the details.**

### **Woolsery**

- **Missing sign.** Councillor Harding advised that the sign has been stolen. A replacement is being purchased by the owner of the house at the request of TDC.

### **Bucks Cross**

- **Bucks Mills - Waterfall Sign.** Councillor M Hill advised that no further progress had been made.

**2122 - 077 Affordable Housing – Way Forward.** Councillor M Hill advised that this was in progress.

**2122 - 078 Update from MXB Sub-Committee held ahead of this Parish Council Meeting** Councillor Heywood advised that works were continuing including permission from Highways to resurface the road. Information is requested about the planters as MXB wish to support this.



Councillor Harding advised that efforts had been made to make contact but the representative was not on site when it had been hoped to speak to her.

**2122 - 079 Projects**

- a. Planting of Wildflowers. The planters in place. There had been subsequent problems with residents regarding the location.

**2122 - 080 The Queen's Platinum Jubilee**

Councillor S Hill advised that a grant funding application had been submitted to Asda. Details of the events would be advertised in the near future.

**2122 - 081 Finances**

**Payments to be authorised:**

**Proposed by Councillor Spittles, seconded by Councillor Harding and agreed.**

Councillor S Hill did not vote.

a. **Sue Squire:**

March 2022 salary	£439.68	
Expenses (broadband, mileage, photocopying)	£ 27.25	<b>£466.93</b>

- b. **Woolserly Village Hall** Hire of room for meetings **£ 42.00**

- c. **DALC – 2022/23 Membership Subscription** **£269.05**

- d. **Councillor S Hill.** Reimbursement for one off foodbank items **£ 30.77**  
Councillor S Hill declared a Prejudicial Interest in this item.

e. **Councillors Allowances.**

**Proposed by Councillor Spittles, seconded by Councillor Heywood and unanimously agreed.**

f. **Income and Bank Account Balances:**

NatWest Current Account: £1,043.04.

NatWest Savings Account: £19,530.53

After the last meeting, the Clerk transferred the sum of £1,500 from the Savings to the Current Account with the intention of paying the Councillors allowances but this had not been possible as not all the bank account details were to hand.

Councillors M Hill and Spittles signed a retrospective authorisation for the transfer of money.

- 2122 - 082 Correspondence received.** Emails from various agencies had been forwarded to Councillors.

- 2122 – 082.1 North Devon and Torridge Housing and Economic Land Availability Assessment.** Email forwarded to Councillors on 12/4/22.

- 2122 – 082.2 Environment Agency consultation on strategic plans for protecting and improving the water environment – open until 22 April 2022.** Email forwarded to Councillors on 12/4/22.

- 2122 – 082.3 Fraud Webinar.** Email forwarded to Councillors on 12/4/22.

- 2122 – 082.4 North Devon and Torridge draft Affordable Housing Supplementary Planning Document (SPD).** Email forwarded to Councillors on 12/4/22.

In conjunction with the above, a further email, forwarded to Councillors on 12/4/22 headed Have your say on the draft Affordable Housing SPD and new Planning Validation Checklist refers.



**2122 - 083 Road Closure from 4 – 8 July – road from Claw Cross to Ashmansworthy Cross, Ashmansworthy to provide a new water service.**

**2122 - 084 Date and time of next meeting:** Tuesday, 16 May 2022 at 7.30pm at Woolsery Village Hall.

This will be the Annual Parish Council Meeting (AGM).

Councillor S Hill gave her apologies in advance.

The meeting ended at 9.45pm.

The next Agenda to include bin bags.

**Summary of Decisions:**

- **Minutes of the Parish Council Meeting held on 15 March 2022**
- **Planning**
- **Payments**
- **Councillors Allowances**

\_\_\_\_\_  
**Chairman**

\_\_\_\_\_  
**Date**