

## CLERKS REPORT – January 2012

### Agenda Items

**5d) Application to stop up highway between Lower Mere Park Farm and Lower Park Cottages, Mere** - Mr. & Mrs. Armishaw would be very happy for members to meet with them on site and have extended an invitation for members to contact them on 01747 828492

Letter from Mr. Brooker, Camilla Cottage, Mere Park – ‘I understand that the Parish Council will be giving further consideration to the above application at a meeting on 9<sup>th</sup> January 2012. As I will be unable to attend the meeting, I shall be grateful if you will bring the contents of this letter to the attention of the Council. I strongly object to the application in its current form. Before I give detailed reasons perhaps I can provide some background information. I have lived in one of a pair of cottages situated at the beginning of the road leading to Lower Mere Park Farm for nearly 30 years. Before I purchased the property from the Duchy of Cornwall I made a Local Authority search which revealed that the road and verge giving access to the property were adopted public highway. Wiltshire Council has recognised the need to preserve my access by excluding from the application the section of road and verges fronting my house. Unfortunately it has failed to recognise that if the application is approved, vehicular access to the adjoining property, known as 2 Lower Mere Park Cottage, will be curtailed. My objections to the application are as follows:

1. If vehicular rights are extinguished, the owners of the farm will be able to retain the metal farm gate which currently obstructs the highway. A Wiltshire Council Officer has confirmed that the gate is unlawful. Vehicles using the road at all hours of the day and night have to stop outside the cottages to open and then close the gate, usually generating a great deal of noise in the process. This has been a longstanding source of nuisance and disturbance to the occupants of the cottages and the situation is likely to become much worse. The owners of the farm are planning to operate a hay and straw business from the farm, to use the proposed new farmhouse as an educational facility and to convert the adjoining Dairy Cottage into 2 dwellings. This is in addition to the usual farming activities and will greatly increase the volume of traffic using the road.
2. Fences have been erected recently between the metal farm gate and the boundary of 2 Lower Mere Park Cottage and along the southern boundary. These are, in part, situated on the public highway and consequently are unlawful obstructions. They also restrict vehicular access from the cottage to the public highway, thereby devaluing the property. Having been a Local Authority lawyer and consultant for nearly 40 years, I am quite sure that, if the application proceeds without amendment, Wiltshire Council will be open to a charge of misadministration and to legal challenge. The property was purchased by the present owners in 2010 and they relied on information provided by Wiltshire Council regarding the status of the road. If local authorities could change the status of public highways at will and for no public benefit, thereby depriving owners of access rights, then no purchaser would ever feel secure when buying a property served by a public road and the property market would cease to function.
3. The road provides access to Mere Bridleway 42. It is single track and very narrow and greatly increased use by heavy vehicles will place pedestrian users and riders at risk. They would have to leave the road to avoid lorries and could only do so by trespassing on private land. Over the last year some vehicles have travelled along the road at excessive speed, endangering other users. If the road loses its status as a public highway, Wiltshire Council will be unable to introduce any measures to protect the public, such as width restrictions, a speed limit or traffic calming.
4. The application does not benefit the majority of residents at Mere Park, the people of Mere or the general public. It is difficult to see how it would benefit the owners of the farm in terms of improved security or privacy. Walkers and riders will always be able to use the road for access to Bridleway 42, unless of course, there are plans to apply for the closure or diversion of the Bridleway in the future or to restrict public access in other ways. The Parish Council will be able to judge

whether that is likely, taking into account the failure to remove the unlawful farm gate and the erection of further obstructions on the public highway without any consultation or consideration for others.

It could be argued that, if approved, the application would relieve the Highway Authority of the cost of maintaining the road. In the last 30 years such maintenance has been confined largely to the occasional filling of potholes and minor patching and the minimal cost is outweighed by the value of public access in terms of recreational and health benefits and tourism. Several generations of Mere people and the general public have enjoyed trouble free access to Bridleway 42, knowing that their rights are protected by local authority control of the road. I hope that the Parish Council will agree that there is no good reason to change the situation and will oppose the application.

I enclose, for information, a plan prepared by Wiltshire Council highway records, showing the extent of the adopted public highway, in the vicinity of the cottages, in blue and the position of gates and fences obstructing the highway.

Mrs. Amanda Adeney from Tisbury writes: 'It has come to my attention that a request for vehicular public access to be denied on the road at Lower Mere Park Farm. I wonder why this is considered necessary? Why change a very long standing public right of way, steeped in farming traditions, which has on occasions provided a most valuable access to Cowridge Wood and onwards? It is a very long way round by road and considerably more dangerous to cart and best! As a child I would meet friends, on our ponies, in the Ox Drove. It was an ideal halfway meeting point for my friend and I. Many a time we would safely play and picnic together, causing no trouble and coming to no harm. How lucky we were to have this idyllic playground. I strongly believe it is important to keep these rural accesses open, as the roads forever become increasingly more dangerous, for children on bicycles and ponies especially. I cannot think of a good reason for this access to be closed. The house is not at all near the right of way and the occasional traffic could hardly be considered a big inconvenience.

Mr. Kevin Gale, Senior Legal Executive at Wiltshire Council says: 'If a stopping up order were to be made, this would not of itself legitimise the presence of the metal stock-type gate. For it to remain, a gating order might well be necessary. This is a separate legal process and, again, the Parish Council would have an effective veto. I am instructed that the existing running surface/wearing course of the highway at this location is of a fully metalled tarmac construction. Although it is somewhat aged it is expected that any serious deterioration should be repaired with materials of an equivalent standard to the original. Any new property built at the farm end (i.e. the section over which highway rights would potentially be extinguished) would, to the best of my knowledge, either be owned by the Armishaws or alternatively could be sold off with an easement to secure right of access to the lane. Public and private access to the right of way network and Lower Mere Park Cottages respectively would be preserved if the application were to proceed and be granted by the court.'

#### ***7a) Proposals to crease hard standing and provide barriers around football pitch in Recreation Ground -***

Members of Mere Town Football Club will be present at the meeting to answer questions but, in the meantime Mr. Kevin Wagland, Coach for Mere Town Football Club has written the following:

'I am writing on behalf of Mere Town Football Club. As you may be aware the club has been going from strength to strength over the last couple of years and last season saw the club win Dorset 2<sup>nd</sup> Division and the Banks Cup. This progress has allowed us to build and field a reserve team this season offering more opportunities for the players of Mere to be involved and offer a continuing developmental route for the young players of Mere. We are currently in 2<sup>nd</sup> position in Division 1 of the Dorset League 2 points behind the leaders with 2 games in hand and we are also in the quarter finals of the Wiltshire Cup. Hopefully, if our form continues, we will be promoted to the Dorset Senior League, as high as the club has ever been.

With this promotion though would come certain stipulations concerning stadia. In order to conform to Dorset League standards we will need to be able to at least cordon off the playing area. This could be done by rope for one season but we would like to be able to look to the future and create a hard standing around the pitch which would allow us to progress further up the football pyramid. We see so much potential in this Town and

this Team and see a very bright future for the club. We are hoping that we can work together with the Parish Council to effect the necessary changes.

We realise that the playing area is part of the recreation ground but also feel that this would be a legitimate use of the land. With proper playing facilities and surrounds we will be able to create a structure which will permeate right through the club to the youngest age group footballers of the town. What we want to create is a place for Mere players to play and aspire to play. To often, in the past Mere players have played for other clubs in the local area like Gillingham, Wincanton and Shaftesbury because Mere Town was not playing at a high enough level. We want the players of Mere to want to play for their local club at a high a standard as possible and for those who do not quite make that level to have the opportunity to progress through a strong Reserve Team and even a third team if numbers permit. But we will only be able to achieve this if we are able to play 1<sup>st</sup> team football at good level and this will only be achievable if we are able, with your help, to adapt our current facilities. We understand that there was some concern about the number of Mere people currently playing for the club. We would like to assure the Council that of the players currently signed on over 60% are Mere residents or have been recently, several of which are between 16 and 18. The Youth Section of the club runs teams from U7 up to U15 and currently at U15 there is a squad of 20 players who will be ready to fight for a place in the senior teams. The main pitch with hard standing will allow a good level of football to be played in Mere which will also attract people to matches, especially younger people, and generate more and more interest. This will encourage these younger players to join Mere Town and consequently make Mere Town Youth stronger. With the higher levels of football come bigger audiences. This will mean more people coming through Town and increasing passing trade for local businesses. This was borne out during pre season friendlies against Bridgwater and Chard where crowds of 80 to 100 watched these games.

There is precedent for teams playing Dorset Premier League football with Recreation ground facilities such as Blandford, Sturminster Marshall, Poole Borough, Cranborne, Oakford Fitzpaine (recently erected barriers) and Wareham have even had barriers erected in a School ground. We understand that there are restrictions on use of Recreation grounds but we feel that if we can achieve our goals together the club will benefit not only the local trade but the Town in general.

The current committee of Mere FC is populated by not only Mere residents but former players and people who have had involvement in the club for more than 40 years and we look forward to your favourable consideration of this request and working with you in the future.'

**9d) Excessive rises in Council Tax and the application of a Local Referendum** - The relevant parts of the Localism Act applicable to the Excessive Council Tax Veto proposals were commenced by Order (2011 SI No: 2896) on 2<sup>nd</sup> December 2011. These require each local precepting body (town & parish councils, parish meetings) to prepare a budget and to calculate the relevant council tax charge at Band D (Precept divided by Tax Base for the year), to compare the tax charge with that of the previous year and, if excessive, to proceed to a referendum. What is "excessive" is set by the principles issued on behalf of the Secretary of State in the Local Government Finance Report (Draft). This document was issued by Written Statement in the House of Commons on Thursday 8<sup>th</sup> December.

The Written Statement (under the name of the Parliamentary Under-Secretary of State, Bob Neill) can be found in Hansard of that date in Columns 38WS to 41WS.

The principles established (subject to consultation which closes on 16th January) show:

"....if compared with 2011-12 they set a council tax increase that exceeds:

3.5% for most local authorities; 3.75% for the City of London; 4.0% for the Greater London Authority, police and fire and rescue authorities", the referendum provisions will apply. He continued " **I am proposing that no equivalent principles will apply for town and parish councils for 2012-13, although they may in future years.**"

# Information Items

## Planning Applications determined

**Application Number:** S / 2011 / 1748  
**Location:** The Boardroom House The Square, Mere, Warminster.  
**Proposal:** Part removal of lath and plaster partition on the second floor  
**Agent:** Brimble, Lea & Partners Wessex House High Street Gillingham SP8 4AG.  
**Case Officer:** Ms Jocelyn Sage  
**Category Of Application:** LISTED CONSENT  
**Decision:** APPROVED **Date of Decision:** 22/12/2011

**Application Number:** S / 2011 / 1341  
**Location:** Land adjacent to Downs View Southbrook, Mere, Warminster.  
**Proposal:** Erect two dwellings and double garage, form new access and alter hedge line for access visibility splay  
**Agent:** Gary Adlem Planning 14 Lammas Close Gillingham SP8 4RP.  
**Case Officer:** Mr A Bidwell  
**Category Of Application:** FULL PLANNING  
**Decision:** APPROVED **Date of Decision:** 09/12/2011

**Application Number:** S / 2011 / 1529  
**Location:** Latimer Coach House Castle Hill Lane, Mere, Warminster.  
**Proposal:** Conversion of garage to residential use  
**Agent:**  
**Case Officer:** Charlie Bruce-White  
**Category Of Application:** FULL PLANNING  
**Decision:** APPROVED **Date of Decision:** 02/12/2011

**Application Number:** S / 2011 / 1495  
**Location:** The Old Rectory Church Street, Mere, Warminster.  
**Proposal:** 1 x Horse Chestnut, remove up to three lower branches  
**Agent:**  
**Case Officer:** Mr Shane Verrion  
**Category Of Application:** TREES CONS AREA  
**Decision:** NO OBJECTIONS **Date of Decision:** 16/11/2011

**Application Number:** S / 2011 / 1458  
**Location:** Chantry Cottage Church Street, Mere, Warminster.  
**Proposal:** Erection of conservatory to link existing house to garage and various internal alterations  
**Agent:** Relph Ross Partnership 35A Brown Street Salisbury SP1 2AS.  
**Case Officer:** Mr S Banks  
**Category Of Application:** LISTED CONSENT  
**Decision:** APPROVED **Date of Decision:** 18/11/2011

**Application Number:** S / 2011 / 1457  
**Location:** Chantry Cottage Church Street, Mere, Warminster.  
**Proposal:** Erection of conservatory to link existing house to garage and various internal alterations  
**Agent:** Relph Ross Partnership 35A Brown Street Salisbury SP1 2AS.

**Case Officer:** Mr S Banks  
**Category Of Application:** FULL PLANNING  
**Decision:** APPROVED

**Date of Decision:** 18/11/2011

**Newsletters/Magazines/Periodicals**

Countryside Voice – Winter 2011 (Campaign to Protect Rural England)

Protect Wiltshire – CPRE South Wiltshire Group Newsletter – Autumn 2011

Bulletin No 51 – November 2011 – War Memorials Trust

Wiltshire Wildlife Members Magazine – Winter 2011-12

Local Council Review – Winter 2011