

Linkinhorne Parish Council

Minutes of the Virtual Meeting of the Council

Monday 8th February 2021, 7.30pm

MINUTES

Those present were: Cllr Ward (Chairman), Cllr Hearn (Vice -Chairman), Cllr Adams, Cllr Beech, Cllr Corfield, Cllr Lobban, Cllr Sharp-Philips and Cllr Wallis.

Melanie Kilby (Clerk)

Members of the public: 3

1) Absent: Apologies received from Cllr Daniel, Cllr Hordley and Cllr Rounsevell

- 2) Code of Conduct:**
- a) Declarations –
Cllr Corfield item 7a, iii.
Cllr Ward item 7a, v.
 - b) Grants of dispensation – none.

3) Minutes

Resolved that the minutes of the previous meeting of the Parish Council of Monday 11th January 2021 be confirmed, and these were signed as an accurate record of the meeting.

4) Adjournment of up to 15 minutes for members of the public to raise matters

The Chairman read out two objections relating to item 7a,iii - PA21/00087. Land North West Of Lower Stanbear Cottage, Henwood. Construction of an agricultural barn with hardstanding and access track.

5) Reports from and matters of concern to:

- a) Cornwall Councillor Daw
Cllr Daw has recently attended a gambling awareness training course. There is Community Chest funding available and requested project to be put forward to fund.
- b) Reports from other councillors (other meetings, conferences)
The Vice Chairman informed the council that the enforcement matter will be taken to the Caradon Community Network Area meeting within the next 6 weeks. It would be helpful to have a Councillor to attend the meeting to convey concerns about the enforcement process. Cllr Lobban volunteered to represent the Parish Council, with Cllr Adams and Cllr Ward to observe.

6) Finance

- a) Cash flow of accounts
Resolved that the bank reconciliation/cash book statement be confirmed an accurate account, and this was signed by the Chairman.
- b) Payments
Resolved that the following payments be approved:
 - i) £190.55 inc Vat. Cormac Solutions Ltd (Jubilee Field and Parsons Meadow Maint.)
 - ii) £254.50 inc VAT Cormac Solutions Ltd (WC clean UX).
 - iii) £254.50 inc VAT Cormac Solutions Ltd (WC clean Minions).
 - iv) £120.00 INC VAT TM Garden, tree & Paddock Service. (Burial Ground Maint.)
 - v) £59.77 M. Kilby Admin.
 - vi) £2.20 HMRC.

c) Receipts i) None

d) To consider / accept the Local Maintenance Partnership 2021-2022 payment of up to £2,093.81 for the cutting of the public rights of way within Linkinhorne Parish.

Resolved to approve the acceptance of the Local Maintenance Partnership 2021-2022.

e) To consider/approve any received grant applications.

Two grant applications were submitted for consideration. The members **resolved** to make the following grant payments:

- I. £200 to Linkinhorne Parochial Church Council for the maintenance of the two churchyards (St Paul's and St Melor's), primarily grass cutting and tree surgery.
- II. £350 to Rilla Mill Village Hall for the maintenance of Parsons Meadow.

f) To approve the purchase of three signs for Jubilee Field and Parsons Meadow.

Resolved to approve the purchase of three signs for Jubilee Field and Parsons Meadow at the cost of £12 each.

7) Planning

a) Planning Applications

Proposed, seconded, and upon being put to the vote it was **resolved** to make the following recommendations:

- i. PA20/11509 Yolland Farm, Upton Cross. Proposed demolition of entrance porch and construction of replacement; replacement windows and doors and upgrading interiors. Linkinhorne Parish Council has no objections to the application.
- ii. PA20/11510. Yolland Farm Upton Cross. Listed Building Consent for proposed demolition of entrance porch and construction of replacement; replacement windows and doors and upgrading interiors. Linkinhorne Parish Council has no objections to the application.

Cllr Corfield did not participate in the discussion for item 7a,iii)

- iii. PA21/00087. Land North West Of Lower Stanbear Cottage, Henwood. Construction of an agricultural barn with hard standing and access track.

In order to be able to come to a view on this application Linkinhorne Parish Council requests that the following is provided:

- That the scale of the building is appropriate and that evidence on the visual impact of the proposal when viewed from outside of the AONB is provided.
- Clearly identify as to whether or not there are any protected properties within 400m of the proposal, and if there are an articulation of the impact of the proposal on those properties.
- That the plans of the agricultural barn clearly identify the area of the building to be used for livestock housing and the area of the building for deadstock use.
- An assessment of the foul water drainage is undertaken and shows adequate and appropriate mitigation will be put in place to avoid runoff into adjacent watercourses.

- In the event that planning permission is approved that a condition is applied for agricultural use only and the agricultural barn is tied to the land holding via a section 106 planning obligation.

iv. PA20/11498. Hedgehog Cottage Minions. Proposed extensions. Linkinhorne Parish Council have no comment on the application.

Cllr Ward left the meeting and handed the Chair to Cllr Hearn

v. PA21/00505. Little Barn Darley Farmhouse Darley. Construction of a single storey building for use as holiday accommodation with associated air source heat pump, decking area and septic tank. Linkinhorne Parish Council objects to the application on the grounds that the construction, materials and design are inconsistent with the historic setting of the hamlet of Darley.

Cllr Ward re-joined the meeting and took back over as Chair.

b) To consider / decide upon a short summary of the planning enforcement issues / concerns the Parish Council has experienced.

Resolved to submit the following which will be presented at the Caradon Community Network Area meeting. As summary of the key background issues relating to enforcement cases within the Parish for Linkinhorne:

To question the:

- Length of time it takes to investigate an enforcement issue. E.g. EN EN20/00358 is taking exponentially longer than it should. What do the enforcement officers do when it takes longer to resolve?
- The way in which the enforcement officers utilize their resources e.g. site visits.
- What measures and arrangements are in place to monitor pre- conditions:
 - Monitoring those conditions when development is taking place
 - When they are notified of a breach of condition which is notable and obvious – what is the timeframe for dealing with it?
 - If the planning / enforcement officers cannot monitor the pre-conditions are they really necessary? If they are, should something be put in writing which ensures development cannot progress until the condition has been met?

Linkinhorne Parish Council would like to highlight the following ongoing planning enforcement issues:

1. EN20/00358: Alleged breach of condition 4 and 5 of planning approval PA17/04850 Land North West of Little Upton Farm, Upton Cross. Comments have been resubmitted highlighting the issues of non –compliance and a request was made for a report on the progress of the enforcement and a timetable to bring the enforcement to a conclusion.

2. EN18/01797 and PA20/00670 - Upton Cross Stores. A formal complaint has been submitted by Linkinhorne Parish Council concerning the handling of the ACV, enforcement case and the retrospective planning application for the property previously known as Upton Cross Stores. Linkinhorne Parish Council believes that they were faced with a fait accompli brought about by the failure of Cornwall Council on two counts:

1. First to positively and actively engage with the community in securing an ACV over the premises. This would have provided time in which to properly consider options.
2. Second the failure to properly follow up the enforcement of the change of use prior to the conversion of the premises. Cornwall Council did not respond in a timely manner when the

commencement of works to convert the shop to residential was reported to it. Furthermore it is apparent that the enforcement officer made a policy judgement contrary to Policy 4 section 4 of the CLP without any reference to interested parties thereby in effect bypassing proper consultation on the loss of an important community facility. The Council believes this to be a potential maladministration issue.

This led to a retrospective planning application being submitted months after the work had been completed allowing the applicants to then sell the property as residential. The Parish Council requested that the process, by which the enforcement officer came to their conclusion, including a timeline on how the enforcement case was progressed, is provided to the council. The council is concerned that this may happen in other rural locations where shops /post offices are considered vital to the community.

3. Enforcement case EN20/01284 which investigated the creation of the access on Grassmere Lane was closed on the grounds that the access was in accordance with the approved plans of planning permission PA19/07961. Recently the Council has received complaints that the access has since been increased in size and no longer meets that shown on the approved plans. On this basis a new enforcement case has been created to investigate the new complaint under reference EN21/000200. Linkinhorne Parish Council contacted the enforcement officer and asked for a report on the progress of the enforcement case and requested the evidence used to prove that an access was previously there and what type of access it was e.g. a footpath, a horse and cart access etc. The property is now for sale on the open market.

Note that this was added after the meeting:

4. Enforcement EN20/01648 - equestrian ménage and extension to stable block has arisen without planning permission being sought. The Parish Council expressed concerns that the matter has not been followed up with a request for a retrospective planning application so that matters of acknowledged importance (if any) can be addressed via conditions. In order to seek the regularisation of the planning situation, the Parish Council requested that the enforcement officer invited the owner of the property to submit a retrospective planning application.

c) Decisions received from Cornwall Council Planning and Regeneration

- PA20/08045 WITHDRAWN. Land North Of Gospenheal Upton Cross Cornwall PL14 5AX Proposal: Outline application for an exception scheme of up to 20 dwellings with all matters reserved except access.
- PA20/02275/PREAPP Closed - advice given. Land West Of Yonder Netherton Rilla Mill Cornwall PL14 5BD Proposal: Pre application advice for 3 temporary agricultural workers' dwellings for a period of 5 years and associated works including an agricultural barn with PV array to provide three affordable smallholdings to new entrants to ecological agriculture.
- PA20/11212 Decided not to make a TPO (TCA apps). Nampara, Henwood. T1 - Ash single stem fell tree, part of group of Ashes. T2 Ash multi stem, remove two branches, overhanging shed. Both are showing signs of die back.
- PA20/10594 APPROVED. 9 Moor View Terrace Upton Cross. Provision of two off street parking spaces with crossover and drop kerbs.
- PA20/11512 APPROVED. 1 Little Upton Court Land At Little Upton Farm Upton Cross . Application for a non-material amendment (no.3) following grant of planning permission PA17/04850. Amendments sought: Addition of a single storey extension to rear (NE) elevation and amendments to windows on re

8) Play equipment and recreational areas

a) Weekly safety inspections

i) **Jubilee Field:** Reports highlighted the following issues.

- Mole hills
- Stone walling along the left hand side has slipped into the field.
- Fence along the Starts end of the field.

ii) **Rilla Mill play area**

- Mole hills
- Fencing – to be re-aligned and re-bedded in late spring / summer months.
- Swings – appear to show potential wear and tear and are to be looked at by a professional to establish whether they need replacing or can be fixed.

Clerk to organise for works to be carried out.

b) To consider / approve additional cut during Feb / March for Jubilee Field and Rilla Mill Play area.

Resolved to approve an additional pre-season cut of both Jubilee Field and the Play area at Parsons Meadow Rilla Mill. Clerk to arrange.

9) Neighbourhood Development Plan – to receive update

The Neighbourhood Development Plan has been submitted and will enter the legal compliance stage which will take approximately 3 weeks to complete. The Council will be notified and if it passes this stage with no alterations, Cornwall Council will start a 6 week consultation period. If it passes this stage and no comments which need addressing are received the plan will be put forward for examination.

10) Public Conveniences

a)

i) **Minions** - nothing to report

ii) **Upton Cross** – nothing to report

11) To discuss / provide comments on proposed amendments to the Cornish Code of conduct.

Resolved that the following comments be submitted:

The Parish Council thank you for the opportunity to comment on the proposed amendments and look forward to the opportunity to comment on the code of conduct that applies to Town and Parish Councils. The Council would be grateful if you could take into consideration the following:

- The Council is looking forward to seeing whether or not specific reference is made to social media;
- The Council would like to suggest that each Council holds a register of outside bodies that each member serves on;
- It would be helpful to have some assurance that the next Town and Parish Councils code of conduct retains some of the options that the Council may or may not adopted;
- The Council feels that a more robust arrangement in relation to a requirement for training needs to be included within the code of conduct;
- That the code of conduct acknowledges and recognises bullying and harassment within the sector
- That meaningful sanctions are put in place for a breach of the code conduct.

12) To discuss / agree on the recommendations made by the working group looking at making a case for adding the COO37 from Upton Cross through Rilla Mill to Kersbrook Cross to the precautionary gritting route

A working group meeting held on the 2nd February 2021 made the following recommendation which were approved by the Council:

- Clerk to contact Cornwall Council Highways and request information on the following
 - The process by which the council can put forward a case for adding part of the COO37 to the precautionary gritting route.
 - The information that would be required
 - A timeframe / deadline for when the case would be considered.
- Evidence is to be collated, including a timeline of snow and ice events, photograph, anecdotal evidence e.g. diary entries, temperature records or diary of weather events over the last 10 years.
- Clerk to contact schools concerning cancellation of buses etc

13) Salt Bins:

- i) **To consider / discuss the offer of placing a Salt bin at Sharp Tor.**
Resolved to approve the purchase of 5 bags of salt. It will be a yearly agreement to provide the salt within the allocated budget.

14) To consider / discuss the timing of the Annual Parish Meeting and theme of the meeting.

At present the legislation surrounding the use of virtual meetings comes to an end on the 7th May 2021 after which the Council will return to physical meetings. The Council **resolved** to hold the Annual Parish Meeting on the 12th April 2021 so that it could be undertaken virtually rather than a physical meeting, on the advice that a large section of the population will not be vaccinated when physical meetings return. All parishioners are invited to attend. Clerk was asked to advertise that parishioners can submit any issues or provide comments or updates on a community group by Wednesday 7th April 2021.

15) To approve the list of signs for the Caradon Community Network Highways Scheme - Small Highways Works.

Resolved to approve the following:

- Minions both signs entering and leaving the village
- Signs when you enter and leave Linkinhorne.
- Replacement signs to Rillaton
- Ice warning signs on the steep Hills at Rilla Mill

16) Exclusion of Press and Public to exclude press and public on the grounds that the following item of business involves disclosure of confidential information as defined in Section (12) of the Public Bodies (Admission to Meetings) Act 1960.

- i) **To agree timeframes for the disposal of public conveniences at Upton Cross.**

Resolved to advertise the property for sale, offers to be submitted prior to the next meeting on the 8th March 2021.

17) Correspondence (as listed)

Doc. Date	Title	Summary
12.01.2021	Rural Service Network	The Rural Bulletin - 12 January 2020
13.01.2021*	Devon and Cornwall Police	Reporting suspected Covid-19 breaches to police
13.01.2021*	CCNA	Localism Strategy Launch - RSVP by 20th January
13.01.2021*	CCNA	Caradon CNP Police Update

<u>Doc. Date</u>	<u>Title</u>	<u>Summary</u>
13.01.2021*	CALC	Local elections to go ahead
14.01.2021*	CALC	CALC BRIEFING FAQ 16 - Meetings and Gatherings
16.01.2021*	CC	Town and Parish Council COVID-19 Update - 15 January 2021
16.01.2021*	CCNA	Cornwall Council Car Parks
16.01.2021*	CCNA	Salt bins and winter gritting service information.
18.01.2021*	CCNA	Caradon Community Network Highways Scheme - Request for Small Highways Works - Deadline Monday 1st February 2021
19.01.2021	Rural Service network	The Rural Bulletin - 19 January 2021
21.01.2021*	CCNA	Covid Vaccination Centre Transport
21.01.2021*	Devon and Cornwall Police	G7 press release
22.01.2021*	CC	Town and Parish Council COVID-19 Update - 22 January 2021
25.01.2021*	Cornwall Area of Outstanding Natural Beauty (AONB)	Cornwall Area of Outstanding Natural Beauty - Latest News - A Monumental Improvement Community Survey
25.01.2021*	Cornwall Council Planning and Sustainable Development	FW: EN18/01797 and PA20/00670 - Upton Cross Stores
25.01.2021*	Devon and Cornwall Police	In Conversation with Chief Superintendent Nikki Leaper
26.01.2021*	Rural Service Network	The Rural Bulletin - 26 January 2021
28.01.2021*	Devon and Cornwall Police	Warning - NHS / Coronavirus Scam
28.01.2021*	NALC	CORONAVIRUS UPDATE – remote meetings
28.01.2021*	Devon and Cornwall Police	The results from the Police and Crime Commissioner’s recent annual survey
28.01.2021*	CALC	CALC FAQ 17 - updates and the future of virtual meetings
30.01.2021*	CC	Town and Parish Council COVID-19 Update - 29 January 2021
30.01.2021*	Devon and Cornwall Police	People, prevention and technology at the heart of next Devon and Cornwall Police budget
30.01.2021*	CC	Neighbourhood Planning E-Bulletin
30.01.2021*	Devon and Cornwall Police	How to contact the police in a non-emergency (Feel Free to share)
01.02.2021	Licensing Officer Cornwall Council	Current Premises Licence Applications
01.02.2021*	CCNA	Community Network Highway Schemes updates - January 2021
02.02.2021	Rural Service Network	The Rural Bulletin - 2 February 2021
02.02.2021	CC and CALC	Polling Station survey - Help needed
02.02.2021*	CCNA	Young People Cornwall Updates
03.02.2021	<i>Agenda distribution</i>	
04.02.2021	<i>Rural Service Network</i>	<i>RSN Rural Funding Digest - February 2021 Edition</i>
04.02.2021*	<i>Devon and Cornwall Police</i>	<i>PCSO update</i>
04.02.2021*	Response from Principal Support Officer, Cornwall Council Planning and Sustainable Development.	EN18/01797 and PA20/00670 - Upton Cross Stores
05.02.2021*	CC	Town and Parish Council COVID-19 Update - 5 February 2021
05.02.2021*	Resident	Objection PA21/00087
05.02.2021*	Devon and Cornwall Police	Unanimous approval for Police Commissioner’s plans to boost frontline staff
05.02.2021*	CALC	Briefings on Elections and a return to physical meetings

a) Items for information only

20) Close of Business The meeting closed 9:55 pm