

**MINUTES OF  
BRENT PELHAM & MEESDEN PARISH COUNCIL MEETING  
THURSDAY 15 APRIL 2010**

**VENUE: BRENT PELHAM VILLAGE HALL**

PRESENT:

Mr W Dimsdale	Chairman
Mr Gordon Livings	Councillor
Mr Trevor Hughes	Councillor
Mrs S Wootton-Ramsay	Councillor
Mr C Hamilton	Clerk

No Members of the public were present at the meeting.

Minute

Action

**10/001 Apologies for absence**

Apologies for absence received from Major Barclay and Mrs Hinch.

**10/002 Minutes of Previous Meeting**

The minutes of the meetings on 14 January 2010 and 21 March 2010 were reviewed. No objections were raised to what was recorded and Mr Livings proposed that the minutes were a fair record. This motion was seconded by Mrs Wootton-Ramsay and passed by unanimous vote.

***Motion Passed***

That the minutes fairly reflect the proceedings of the meetings.

**10/003 Matters Arising from Previous Meeting**

Covered within this meeting's agenda

The item related to inclusion of the Fault Reporting facility in the parish newsletter the Parish Newsletter had been overlooked and was carried forward

Clerk

**Meesden Green**

**10/004 Maintenance of Meesden Green**

The Clerk presented the mowing plan of the green, representing the historic mowing action previously carried out by Fred Fish, and agreed as the status quo at the 14-JAN-2010 meeting. This has been circulated to the head of the mowers, Stephen Beach, prior to the meeting. Mr Beach had indicated that the plan was unambiguous and could be used as the basis for future mowing. The Chairman signed and dated the plan. Clerk to laminate and circulate to the mowers.

Clerk

## 10/005 1 Meesden Green

The Clerk referred to the letters from Katherine Jameson (covering letter from Stanley Tee) and from Graham Fear solicitors. The main points of Mr Fear's letter being:

- That he had measured the boundary from the plan of the green to the front (original front) wall of the 1 Meesden Green to be 27 feet
- That his client was in the process of removing the plants
- That other incursions had been "found", specifically citing Yew Tree Cottage (Old Yew Court) and Fox Lodge as being "blatant infringements" of the green without being specific as to the nature of those infringements
- That his client had "cleaned up" what had been "a rubbish tip", and that his client required reimbursement for this clean up action
- That there was deterioration in the banks of the pond adjoining his client's property
- That they wished to resolve the matter without resorting to litigation

The councillors discussed the matter and resolved that:

- Whilst the original estimate to the front boundary of the property was closer to 5 metres, the difference was not worth further debate and that the proposed 27 feet boundary be accepted
- That a contractor be engaged to restore the green to grassed area and posts be erected along the 27 feet boundary
- That Mrs Parsons' view of the ground that she had caused incursion to as being a "rubbish tip" was unproven and irrelevant as the land was the council's and not open to Mrs Parsons to take matters into her own hands and enact a "clean up". Any claim of reimbursement should be contested in the same way as a neighbour taking matters in the own hands and attacking another's property and then attempting to charge for that action
- The alleged subsidence in the bank of the pond be investigated

As regards the "removal of plants". The clerk reported that he had examined the frontage to the property on the day of the council meeting. There was no evidence of action being taken to remove the plants

Without clear indication of the nature of the alleged "blatant infringements" at Old Yew Court and Fox Lodge, the clerk indicated that he could only conclude these so called infringements as:

**Old Yew Court** – presumed to be the driveway that is not shown on the Land Registration document. This is an omission as the builder (Michael Hart), who constructed the building that replaced the one that had been burnt to the ground, had paid a sum to be granted a new access across the green. This transaction was recorded in an agreement enacted in 1996. This document was drawn up by the builder's solicitor as a basis for recording against the property's land registration. The clerk presented the council's copy of this document as proof of the agreement made

**Fox Lodge** – presumed to be the cutting of the corner of the green by the property wall and paved surface. The clerk presented the minutes of the parish council meeting, dated 25 November 1986, at Meesden Parish Room. This records "The Council was asked if there were any objections to moving a wall at Fox Lodge, Meesden to enable the occupants to park their car. There were no objections". The clerk pointed out that the people who had converted the Fox, public house, into a private dwelling and erected a garage that no normal car could get into with the wall as it stood

was the reason why they had sought permission from the council to move the wall by 3 feet. The clerk indicated that he had, as yet, been unable to find the permission for the resurfacing, however, he presented photographs of the property when it was still a public house, and in a later period. Whilst a pub, the whole frontage of the property was laid to tarmac and a good proportion of the back garden. The later photograph showed the crumbling tarmac removed, replaced by paved area in part and restored to grassed area in other. Though this work was undertaken over 20 years ago and might be ripe for adverse possession claim, no such claim had been made. The councillors discussed this and agreed that the net effect was an improvement and that no incursion had been made as authority had been gained to the widening of the driveway.

The content of the covering letter from the Stanley Tee assistant solicitor, Katherine Jameson, was discussed. It was agreed that the letter offered little in the way of legal import, yet reiterated information contained within the Graham Fear letter which was obvious to the councillors. Following discussion, the clerk was asked to write to J Richard Tee, expressing the council concern and disappointment with the advice being given and the high costs being incurred.

#### **10/006 Puddles Barn**

The councillors discussed the incursion at Puddles Barn and the exchange of correspondence on the matter. The gravel to the side of the driveway was identified by Mr Perrin as being in place from the original entrance to Yew Tree Cottage. Whilst it had been accepted that this could be used as a turning point, it was not to be used for parking.

As regards the porch, the original porch was cantilevered from the side of the property and therefore not in contact with the green. The infill of the porch to ground level had brought it into being an incursion onto the green. Mr Perrin had checked with his solicitors and confirmed his boundary as being the front facia of the property. The council had sought legal confirmation that selling the footprint of the porch was not an option. The solicitors had confirmed that this was the case. The council had therefore confirmed that reinstatement to the original porch construction was the only option. Mr Perrin had replied indicating that he was away until 14-APR-2010 and would remove the porch on his return. The councillors agreed to take no further action until end April to allow Mr Perrin some more time to take remedial action as he had indicated that he would comply with the council's request for removal.

#### **10/007 Adopt a BT Kiosk**

Mr Hughes reported that he had yet to obtain clarification on the listed building status of the kiosks. The clerk reported that, in searching through the old minutes of the council for the record of the Fox Lodge approval of action, he had observed:

Minutes of council meeting 24-APR-1990 that the BT Kiosk had been added to the "Listed Building Schedule" at the Department of Environment and that Mr Goddard had written to the Department of Environment seeking similar listing. No record of the confirmation of the listing could be found. Confirmation of the listing is to be sought.

Mr Hughes

Given that BT would be unable to remove the kiosks with the listed building status, it was agreed to defer any further action on the adoption. Should the position change in the future, or should Meesden's kiosk not be listed, then further action would be considered

## 10/008 Planning (Applications)

Pump Hill Cottage

Application received for replacement of existing door with a door more in keeping with the rest of the house. In circulation with Brent Pelham councillors for comment

## 10/009 Highways

The poor state of Kennel Hill was raised. Clerk to report this on the Highways fault web site

Clerk

## 10/010 Risk Assessment

The Risk Assessment, presented and agreed at the previous meeting was discussed. Mrs Wootton-Ramsay sought clarification on the number of points. These points were answered to Councillor Wootton-Ramsay's satisfaction and no change to the Risk Assessment was required

## 10/011 Finance

**Accounts** – The Clerk presented the accounts to the council for the year to date. These showed a current account balance of £29.59 and a reserve account balance of £355.14.

The Clerk also presented the breakdown which is to be used as the basis for the annual audit. The breakdown as reviewed and questions answered. The Chairman proposed that the accounts and audit submission breakdown be approved. This motion was seconded by Mr Hughes and passed by unanimous vote

### ***Motion Passed***

That the accounts were accurate, and that the breakdown was an accurate basis for the annual audit submission.

**Proposals for Payment** – The Clerk stated that the public liability insurance invoice had been received. This was in-line with last year's amount ~£290. Mr Hughes proposed that this amount be paid. This motion was seconded by Mrs Wootton-Ramsey and passed by unanimous vote

### ***Motion Passed***

That payment be made as proposed

Clerk

### **State of Finances**

The clerk indicated that cashflow was a problem for the current year due to the legal costs being incurred in the action against 1 Meesden Green. With HAPTC, payment to David Martin for drainage works and the interim invoice from Stanley Tee, there would be no opportunity for donations to be made this year.

Further discussion was entered regarding additional support for the legal action being obtained from District and County resources. The clerk to provide contact details for District Councillor Rose Cheswright to Mr Hughes

**10/012 AOB**

Mrs Hinch had offered to attend the Locality Panel meeting if no other councillor could make the meeting. Unfortunately, no other councillor could attend. Mrs Hinch to attend.

**10/013 Date of Next Meetings**

The next Parish Council meetings are to be held on:

Thursday 20 May 2010 @ 19:30 in Brent Pelham Village Hall

Thursday 15 July 2010 @ 19:30 in Meesden Parish Rooms

Thursday 23 September 2010 @ 19:30 in Brent Pelham Village Hall