

# **BORROWBY PARISH COUNCIL**

## **MINUTES OF THE MEETING HELD ON WEDNESDAY 23 NOVEMBER 2005**

**Present:** Cllrs F Cowton, D Frith, D Jackson and Mrs C Thornton  
P Harrison (Clerk)

There was a public attendance of six, including County Councillor G Dadd.

In the absence of the Parish Council Chairman, Cllr G Weir, the chair at this meeting was taken by Cllr F Cowton

**1. APOLOGIES** An apology was received from Cllr G Weir

### **2. MINUTES**

The minutes of the meeting held on 19 October 2005 were taken as read, approved and signed by the Chairman.

### **3. MATTERS ARISING**

- 3.1 The Clerk reported that, in accordance with Minute 6.2, he had transferred £2,000.00 from the current account to the savings account.
- 3.2 The Clerk reported that, in accordance with Minute 7.2, arrangements have been made for the Parish Council to join the Yorkshire Councils Associations
- 3.3 A note from Cllr Weir indicates that he has paving stones available for the work described in Minute 9.1
- 3.4 Also arising from Minute 9.1, Cllr Jackson reported on his investigations into the subject of a village caretaker. It seems that the employment of a caretaker would only be financially feasible if a number of Parishes combined in a joint project. No immediate action was proposed.

### **4. CORRESPONDENCE**

Various items of correspondence were tabled, including the following:

- 4.1 Letter dated 21 October from HDC with minutes of the Flood Forum meeting on 29 September circulated to Councillors. It was noted that the work of Borrowby Drainage Improvement Group had been praised, with particular reference to Ann Johnson's continued commitment to resolving Borrowby's flooding problems.
- 4.2 Letter dated 8 November from HDC on the subject of dates for wheelie bins, including posters for display.
- 4.3 Letter dated 8 November from Mr Eric Rowland on the subject of Chestnut Bank. See agenda item 6.
- 4.4 Letter dated 11 November from Mouchel Parkman on the subject of Woundales Bridge.
- 4.5 Letters dated 14 and 18 November from Mouchel Parkman on the subject of road improvement works on Allerton Wath Road from the junction with Park Lane to beyond the iron bridge. Work to start after the New Year.
- 4.6 Letter from NYCC advising of a meeting of its "County Committee for Hambleton" in Thirsk Town Hall on Monday 28 November at 2.00 pm.

- 4.7 Letter dated 19 November from District Councillor Denis Howey (a) acknowledging receipt of Minutes of Borrowby Parish Council's October meeting and the agenda for this one, and (b) advising of the approval of the Woundales planning application by the HDC Planning Committee. See agenda item 5.3.
- 4.8 Letter dated 21 November from NYCC Highways on the subject of Chestnut Tree Bank. See agenda item 6

## 5. PLANNING ISSUES

- 5.1 **Possible development sites in the village** The Hambleton District Council's letter dated 4 November and its appendices were tabled and discussed. The "Hambleton LDF – Allocations DPD – Site Assessment" document for each of four possible sites in the village was included in the appendices, and each of these documents indicated the preliminary view of the HDC Planning Policy Team. After consideration of the documents the Parish Council concluded that it generally agreed with these initial assessments and that none of the four sites was suitable for development at the present time. Although site 017/04 was thought by HDC to be a possibility for an affordable housing allocation the Parish Council has reservations about the building of affordable housing in the village. It was agreed that this should be considered further at a later meeting. The Clerk was asked to report the outcome of the discussion to the HDC Planning Policy Team.
- 5.2 **5 The Byre – Proposed conservatory** No objections were raised to this proposal.
- 5.3 **Woundales Lane – Replacement dwelling** Although no official report had been received from HDC on the Planning Meeting of 21 November it is believed that this proposal had been passed. The Parish Council asked the Clerk to express its dismay and disappointment at this decision when the expected report is received, and to strongly request the Planning Committee not to see this as a precedent to allow any further development in this otherwise unspoilt area.
- 5.4 **South Villa – Revised roof lights** No objections were raised to this proposal.

## 6. CHESTNUT TREE BANK

The Clerk reported on the investigations he had made since his last report on 28 September. These have included:

- 6.1 Communications with the Land Registry (York) culminated in a letter, map and certificate 14/M08JMEB dated 10 October 2005. This demonstrates that the Land Registry have no evidence of registration of ownership of any of the land between the frontages of the properties and the edge of the tarmac between Borrowby Cottage and Aysgarth Rise. It needs to be recognised that the records at York do not go back very far. To determine the real ownership of the land would appear to be a very difficult task.
- 6.2 A search in the County Records Office and Northallerton Library showed that Ordnance Survey maps produced in 1857, 1930 and 1980 all indicate that the land in front of the properties, excluding the front garden of Fern house, is part of the Highway.
- 6.3 At a meeting in County Hall on 10 November the "Definitive Map" was inspected. This shows all the registered public rights of way. The map covering Borrowby does not include the hardcore road along the top of Chestnut Tree Bank. To have the road included on the Definitive Map we should need to produce satisfactory evidence that the road has been used by the public, without hindrance, for a period of 20 years or more
- 6.4 Physical examination of the area along the top of Chestnut Tree Bank showed that (a) there is a line of electricity poles along the hardcore road, on the property side of the road and two of these carry road lights, (b) there is a GPO manhole in the bank near to the chestnut tree itself, (c) there is a drainage inspection chamber cover adjacent to the hardcore road, on the property side, just outside the wall of the garden of Fern House.
- 6.5 A number of discussions and a site visit with Mr Eddy Hayward, the Area Manager for NYCC Highways, resulted in a letter dated 21 November from him. From the letter it is

clear that it is Mr Hayward's view that the grass bank does form part of the highway. He also considers it likely that, as the public have had unrestricted access over the hardcore road at the top of the bank for many years, highway rights would apply there also, even though the hardcore road itself was not maintained by the County.

A letter dated 8 November from Mr E Rowland was read out. This exemplified the deep concern felt by a number of residents of the village about any possible changes in ownership of the bank, and the right of way along the hardcore road along the top.

The conclusion seems to be that ownership of the land is a complex issue. Of immediate importance is probably the question of whether the bank and the hardcore road above it are considered to be part of the highway, and Mr Hayward's letter deals with this. In order to formalise the situation it was agreed by the Parish Council that steps should be taken to collect evidence sufficient for the hardcore road to be included in the County's Definitive Map of public rights of way.

Reference was made to the letter dated 10 January from Mr Pimperton of NYCC Highways to the Parish Council in which he proposed to institute "a twelve month probationary period to allow the village to consider whether there are any objections to the bank being recognised as falling under the ownership of the adjacent properties". He also said that the end of that period, if reasonable objections have not been made, he would "look to arranging a stopping up order". At the present meeting the Parish Council wished its objections to be recorded, and noted that Mr Hayward's letter went some way to deal with their fears. It was agreed to ask the Clerk to seek to clarify the situation with NYCC Highways. It particular he should reject the imposition of a "stopping up order"

**7. ANY OTHER BUSINESS** – No other business was brought forward.

## **8. OPEN FORUM**

- 8.1 Mr Alan Smith reported that he had all the materials ready to carry out the improvements to the access to the notice board at the south end of the village, and had discussed with Mrs Reveley what he was going to do there. He will carry out the work when he receives the paving stones from Cllr Weir
- 8.2 Miss Mary Peckitt asked if the Parish Council was aware of the "No Though Road" sign that had been erected on the lane from Brant Bank up to Mowbray House. No one knew about this, and the Clerk said he would check with NYCC Highways.
- 8.3 Concern was expressed about the state of the grass bank outside Wildcroft, and the obstruction to the grass path from the road to the corner of the Village Hall. Cllr Cowton said that he would make more enquiries about this.
- 8.4 The Chairman thanked County Councillor Gareth Dadd for attending the meeting. Cllr Dadd said that he had found the meeting interesting and useful. He reminded those present about the meeting of the Hambleton Committee of the County Council to be held on Monday 28 November in Thirsk Town Hall.

## **9. DATE OF NEXT MEETING**

It was agreed that the next meeting should be held on Wednesday 4 January 2006 at 8.00pm in Borrowby Village Hall. *(NOTE: It was later found that the village hall was not available on that date so the meeting was rescheduled for Wednesday 11 January 2006, at 8.00pm.)*

There being no further business, the Chairman closed the meeting at 9.20pm

Signed:.....Dated:.....