

LITTLE ABINGTON PARISH COUNCIL

Minutes of the Planning Committee Meeting held on Wednesday 19 August 2015 at 6.30 in the Abington Institute, Great Abington

Present. Mr Pritchard (Chair), Mr Brunning, Mr Chesham, Mr Ellis, Mr Wigley. Mrs Dalton (Clerk)

1. Apologies for absence: Mr Adams, Mrs Gunning, Cllr Orgee.

2. Declaration of Interests

- Mr Pritchard's property adjoins land behind Bancroft Farm. He was one of the recipients of the letter from Ms Gorna.
- Mr Adams was absent but he had declared his interest in the application for 36A Church Lane
- The Clerk informed the meeting that she was married to Prof Dalton who would be addressing the meeting. The committee confirmed they had no objections to the Clerk minuting the meeting and providing procedural advice if required.

The Chairman suggested changing the agenda order to take the item on footpaths and access rights in Little Abington immediately after public participation. This was agreed.

Notes of public participation session.

Six members of the public were present. Three wished to address the meeting concerning footpaths and access in Little Abington.

Prof Dalton.

- Prof Dalton was seeking the support of the Parish Council to explore the feasibility of dedicating the footpath along the riverside in Sluice Wood as a Public Right Of Way.
- He sought clarification on the ownership of the land running from Bourn Bridge Road behind the houses of Westfield to the entrance to Sluice Wood.
- He referred to "Private Property" notices that have appeared in the village in the last month "*Access only to Bancroft Farm. Employees and other authorised persons. Pedestrians only. No horses*". The signs also state "*This path is a permissive path only and there is no public right of way over it by virtue of the Highways Act 1980. All dogs must be kept on a lead. Please enjoy and respect the environment*". He noted that a permissive path could be closed at any time.
- Prof Dalton stated that he has walked along the path from Bourn Bridge Road and the riverside in Sluice Wood for more than 20 years without any challenge. On 10 August he received a letter claiming that he had a gate from his property into the wood, which is incorrect, and that he was trespassing into Sluice Wood. The letter set a 31 August deadline before enforcement action would be taken to prevent access. He drew the meeting's attention to the Highways Act 1980 section 31 which refers to the dedication of public rights of way if access has been enjoyed for a period of 20 years without interruption.
- He had taken advice from Cllr Orgee who had suggested that the Parish Council could gather evidence to support an application for dedication of the path as a Public Right Of Way.

- His proposal to the Planning Committee was that the Parish Council should explore the feasibility of dedicating the path as a Public Right Of Way in accordance with the conditions set out in S31 of the Highways Act 1980.

Ms Gorna.

- Ms Gorna is an executor to the estate of Christopher Nutt. She was married to Mr Nutt. They divorced in 2000
- In her view the estate had been left in a shabby state because Mr Nutt was not able to look after it due to health problems
- She understood that he did permit walking in the wood.
- She was advised to put up the private property signs by her lawyers and Cheffins. Mr Talbot had also advised her.
- After writing the letters in early August. She has now checked a map and realised that Sluice Wood is a separate area to the land immediately behind Westfield. She had come to realise that the land behind Westfield is part of the garden of Bancroft Farm. She regretted that this had not been understood at the time that the letters to some residents in Westfield prohibiting access to Sluice Wood were sent.
- The wording of the “private property” notices is the same as the notices on Granta Park.
- She drew the attention of the meeting to covenants, which she had just discovered, regarding properties in Westfield. In her opinion these have been ignored by some householders. She suggested that if Westfield householders agreed to desist from accessing the garden she would ignore any non-compliance.
- With regard to the land called Sluice Wood she understood that the law required the signs to be erected but they still permitted the path to be used.

Mrs Brunning.

- Mrs Brunning has lived in Little Abington since 1979.
- Soon after the family moved in the farmer who used the land confirmed to her that there was no path there. In fact, the map shows that there was a path along the wood but it was not accessible because there were no other paths.
- Until comparatively recently the field running from Bourn Bridge Road behind Westfield had been ploughed almost up to the edge. She understood that the Cambridge International School which she understood now owns the field was happy to continue to permit public access.
- Mrs Brunning said she had always known that the path was not a Public Right Of Way but she had special permission to use it.

Some discussion followed.

- Clarification of ownership of the land running from the corner of Bourn Bridge Road behind Westfield to the entrance to Sluice Wood. If it is not owned by the Nutt estate it was not clear why those householders had received the same letter as those houses that backed on to the land owned by Bancroft farm. Ms Gorna accepted that the letters had been sent in error.
- Mr Pritchard. Two issues were being conflated. The right of householders to have gates enabling them to access the garden of Bancroft Farm which they would need in order to maintain hedges and fences and secondly access to the path running through Sluice Wood. He noted that the Cambridgeshire County Council map is not accurate because none of the established permissive paths on Granta Park are marked. He

confirmed that in his view the path along the riverbank had been in common usage for many years and the erection of the signs provided an opportunity for the public to ask the County Council to declare the path as a Public Right Of Way.

- Ms Gorna. Stated that Mrs Nutt (Mr Nutt's mother) had not allowed the public to access the wood. Ms Gorna was concerned about the liabilities for the path for insurance purposes.
- Mr Pritchard was aware of similar issues in Great Abington. He was also aware that notices have been placed in the village newsletter.
- With regards to the possibility of permissive access being removed. Ms Gorna stated that it was unlikely that the wood would be sold therefore, in her view, there was a low risk of rights of access being changed.
- Prof Dalton requested clarification on the ownership of the strip of land running from the corner of Bourn Bridge Road behind the houses of Westfield and into Sluice Wood. He quoted the judgement in the case of Sunningwell which had reached to the House of Lords. It seemed to raise similar issues. He reiterated his proposal to the meeting that the Parish Council should support exploration of the feasibility of dedicating the pathway through Sluice Wood as a Public Right Of Way.
- Mr Wigley was aware that a 31 August deadline had been set for the recipients of the letters in Westfield. He asked, given the developments that evening, if it would be possible for that deadline to be extended. Ms Gorna felt she was not in a position to agree to that.

Public participation closed.

AGENDA ITEM 7. Footpaths and access rights in Little Abington;

- Mr Wigley: In full support of the Parish Council collecting evidence about the use of the path. He welcomed conciliatory overtones and clarification of some important points from Ms Gorna. Trade-off of covenants was not acceptable and the terminology used in the letter to householders in Westfield was unfortunate. It was regrettable that residents who are not at fault have had letters threatening legal action causing them some concern. Had the matter been raised at a public forum earlier it may have been possible to avoid a legalistic approach. He felt it would be good if access to the pathway through the wood could be retained. In his view the way forward was to gather information to form an overall view with a view to consider making representations about the status of the footpath.
- Mr Brunning: Supported Mr Wigley's view. Agreed it was not helpful to adopt a legalistic approach. In his view the Nutt estate was not trying to prevent access to the footpath. He was familiar with the Sunningwell case. He felt it may not be directly comparable.
- Mr Ellis: The path has been used for a very long period. It should continue to be used. He was fully in support of Public Right Of Way being applied for.
- Mr Wigley: Important to pay heed to the estate but a lack of precision from the executors has not helped the situation.
- Mr Pritchard: Suggested that as well as Sluice Wood there was a network of paths with a long history of public use in both Little and Great Abington. This was an opportunity to take things forward.
- Mr Chesham: The public do not have a right to walk across other peoples' gardens. The rights of access need to be proved.

- Powers and duties of Parish Councils: The Clerk has taken advice from the Public Rights Of Way Team at the County Council. They confirmed that it is legitimate for parish councils to collect evidence to support the dedication of Public Rights Of Way.
- Mr Wigley: Erection of the permissive path signs has preserved the right of way.
- Mr Pritchard: The signs give implicit permission to use all of the paths where there are signs
- Mr Wigley: Aware that some householders are very concerned by 31 August deadline imposed by Ms Gorna. He said there needed be urgent clarification and answers to some of the points raised during the discussion. The item that had been submitted to the village newsletter would need to be reviewed. He suggested that recipients of the letters should ignore them pending clarification. It was very regrettable that this issue had unnecessarily generated bad feeling due to haste and lack of attention to detail.

Mr Pritchard :

1. Suggested that there should be an item in the village newsletter asking for evidence to support the long-term use of the path. This was agreed.
 2. He proposed considering developing a network of footpaths and establishing a joint project with Great Abington Parish Council. This was agreed.
- 3. S/1784/15/FL Education Building. The Temple, Bourn Bridge Rd. Little Abington (i.e Site of Cambridge International School)**
It was agreed that the development would be an improvement on the marquee. The Parish Council recommended approval with a comment that should access for building works be required over the Protected Roadside Verge any damage should be made good.
- 4. S/1857/15/FL. Extension and remodelling of existing dwelling, including the demolition of single storey front conservatory and outbuildings. 36A Church Lane, Little Abington,**
The committee was aware that neighbours on both sides of the property have been consulted. It recommended approval but wished to draw the District Council's attention to the proximity of a chimney to the neighbouring property, a grade 2 listed thatched cottage. There was concern about a fire hazard.
- 5. S/20138/15/TP Tree works in a conservation area. 51 High Street, Little Abington.**
Whilst the proposed work to reduce two trees and to remove one tree was felt to be acceptable the committee was aware that trees have already been removed from the site. It recommended that at least two new trees, specimen walnuts were suggested, should be planted on the site.
- 6. Planning decisions made by SCDC**
S/1210/15/FL 11 Cambridge Road. Approved
S/1349/15/FL 14 Church Lane. Approved.
- 8.Any other Business**
None. The Clerk was aware of a pending application from Biomed Realty on Granta Park. SCDC could not give any timescales

The meeting closed at 7.50 pm