

**MINUTES OF THE SPECIAL PARISH COUNCIL MEETING
HELD AT 7.30 P.M. ON THURSDAY 27TH OCTOBER 2014
AT WILMCOTE VILLAGE HALL – N0.68**

1. Present: Cllr. Ray, Chairman, Cllr. A. McMillan, Cllr. K. McMillan, Cllr. Ledger, Cllr. Roberts. Cllr. Mander.

2. Apologies: Cllr. Clarke

3. Declarations of dispensations granted for Disclosable Pecuniary Interests already in the register of Members Interests:

Cllr. Ray – Pecuniary interest in land identified in the Plan

Cllr. Roberts – Pecuniary interest in land identified in the Plan

Cllr. Ledger – Pecuniary interest in land identified in the Plan

Cllr. Mander – Pecuniary interest in possible development of land identified in the Plan.

Cllr. K. McMillan – Potential pecuniary interest in possible development of land identified in the Plan.

4. Written requests for dispensations for Disclosable Pecuniary Interests where that interest is not already in the register of members' interests.

A written request had been received from Mr. K. Guy, a member of the Neighbourhood Development Plan Steering Group.

Dispensation was granted to Mr. Guy to enable him to participate fully in the development of the Plan.

The dispensation is valid from the date of the decision until the Neighbourhood Development Plan succeeds at referendum or four years, whichever is the shorter.

The chairman proposed that the Neighbourhood Plan issues be discussed after the planning applications had been considered. All Cllrs. were in favour.

5. To consider the following applications:

Application No. 14/02456/LDE for a Certificate of Lawful Development, The Stables, Featherbed Lane, Wilmcote.

Confirmation that existing activities on the site (involving introduction of mainly young people to the horses thus permitting better re-schooling and rehabilitation of the horses and of potential

purchasers to the facts and realities of horse ownership so as to prepare them to purchase a horse (preferably one of this businesses re-schooled and rehabilitated ones) are not in breach of Condition 8 of permission Reference 11/01906/FUL for "Change of use of site to use for agriculture and equine re-schooling equine psychological rehabilitation therapy, and retention of temporary mobile home in connection with that business "which limits use to "mixed use for agriculture and equine re-schooling and equine psychological rehabilitation therapy only, and not for any other private or commercial venture" and as such are lawful.

As this is a complicated application advice was sought from our Consultants and a copy of their report was circulated to all Cllrs. Prior to the meeting.

Cllr. Roberts proposed that the application be refused in line with the comments from the Consultants. A vote was taken with a show of hands and it was unanimously agreed that the following response be made:

It does appear that the District Council's notification to the Parish Council does not set out correctly what is being requested in the application. The application is not seeking a certificate to confirm that the use described has been carried out continuously for 10 years, it is seeking to establish that the existing use described as being carried out on the site is in compliance with condition 8 of planning permission 11/01906/FUL. This condition restricts the use of the site to a mixed use for agriculture and equine re-schooling and equine psychological rehabilitation therapy and not for any other private or commercial venture.

- The Applicant is specifically seeking confirmation that the existing use of the site, which it is stated involves the introduction of mainly young people to the horses as well as introducing potential purchasers to the facts and realities of horse ownership to prepare them to purchase a horse falls within the limits of the approved mixed use for agriculture and equine re-schooling and equine psychological rehabilitation therapy and does not represent any other private or commercial venture, and therefore is lawful. It is for the District Council to confirm whether or not these activities fall within the scope of the relevant planning condition. The application is not an assessment of the planning merits of the proposal and therefore it is not necessary to comment on the merit of the uses on the site and their compliance with planning policy.
- The 2011 description of the use is in line with the description set out by the Applicant's Agent in the later 2012 application - 12/02039/FUL for the permanent dwelling on the site. The

Applicant's Agent described the use of the site in some detail. The description provided by the Applicants Agent does not in any way suggest that people other than the staff and the Applicant, who is the manager of the site, are working with or riding the horses. It mentions prospective purchasers and confirms that these would normally be limited to between 1 and 3 people visiting the site per week. This description appears at odds with the existing use described in the current application for the Lawful Development Certificate which states that members of the public will be coming to the site to be introduced to the horses in connection with the equine re-schooling and equine psychological rehabilitation therapy, and sessions will be held for potential purchasers to learn more about the facts and realities of horse ownership. The description of the use of the site in 2011 and 2012 did not appear to make reference to this.

- Notwithstanding the above, from other sources of information it is considered that the description of the use set out in the Certificate of Lawfulness application does not appear to set out the use actually undertaken at the site. From information obtained from the Applicant's own website, the Applicant offers of a range of activities which would appear to a reasonable person to constitute the operation of a horse riding school. The following information is available –
 - *The 'Home' page of the Applicant's website confirms that "Featherbed Stables is a family run business...providing riding and all horse care knowledge to the children and adults of Stratford upon Avon and the surrounding areas. Our aim is for the children to learn to ride..." It makes no mention of equine re-schooling or rehabilitation. The "Kids Club and Own a Pony for a day" page shows the availability and prices for private sessions and lessons. On this page, the Applicant appears to be actively inviting the public to come to the site and pay for spending time with and riding the horses. There are a variety of sessions advertised from Wednesday to Sunday.*
 - *The advertisement in the 'View' magazine (Summer Edition 2014) of Stratford-on-Avon describes the opportunity for the public to 'learn how to look after and ride a pony in a safe, friendly and fun environment', 'holiday activities including own a pony week, camp and so much more'. Equine re-schooling and rehabilitation is not described or mentioned in this advertisement.*
- In the view of Wilmcote Parish Council the advertisement and the website describe the activity of a horse riding school. This would not appear to comply with the wording of the 2011 planning permission (Condition 8) as the use of the site appears to fall

under the remit of another commercial venture. The Applicant's Agent's letter in connection with the current application acknowledges in paragraph 2.3 that if specific riding lessons were being provided for the disabled, this would not fall within the definition of the planning condition and would require a separate planning permission. Wilmcote Parish Council query why riding lessons being provided for others would be interpreted differently?

- In summary, from the available information, it is considered that a reasonable person with knowledge of these circumstances would conclude that the use of The Stables, Featherbed Lane, Wilmcote falls outside the limits imposed on the 2011 planning permission (condition 8) and would consider the use has changed to include an additional or even an alternative commercial venture, namely a horse riding school.
- It is recommended that The District Council should undertake further investigation into the uses carried out on the site, although of course the onus of proof is on the Applicant to prove the use is lawful. It is also considered that the District Council should seek a legal opinion on the matter.

Planning Application No. 14/02590/FUL 149 Aston Cantlow Road, Wilmcote: Insertion of dormer window to side elevation.

Cllr. Roberts reported that the neighbour at No. 151 Aston Cantlow Road had expressed concerns to him about the proposed window overlooking his property.

After due discussion it was proposed by Cllr. Roberts that the following response be made:

Wilmcote Parish Council is in favour of the proposal to insert a dormer window to the side elevation of the property, providing the Case Officer takes due recognition of the concerns of the neighbour No.151 Cantlow Road who we believe will be sending comments.

With a show of hands, all Cllrs. were in favour of this proposal.

Planning Application No. 10/01059/VARY Stratford on Avon Gliding Club, Snitterfield Road, Bearley: Variation of conditions 6 & 16.

We were notified of this application as an adjoining Council, no concerns had been received from the residents of Pathlow and it was concluded that no comments were required.

6. Neighbourhood Plan: Site Assessment:

Cllr Ray reported that he and Alan Griffith have had a number of discussions regarding the content of the questionnaire. Mr. Griffith has been carrying out further research and Cllr. Ray feels that he is coming to the same conclusion as the Parish Council on points such as Green Belt and that infill is the only way available to meet the housing numbers. For the time being the NPG timetable has been put on hold.

An informal meeting has been arranged on the 29th October for members of the Parish Council, Alan Griffith, Roger Harrison and possibly John Singleton to share the results of investigations and agree how to proceed with the questionnaire in advance of the NPG meeting on the 4th November.

Cllrs. were invited to put forward their views on the current draft questionnaire.

Cllr. Ledger referred to the Locality Road Map, a Neighbourhood Plans Road Map guide which provides details of the Neighbourhood Plan Process. As this is a large document Cllr. Roberts offered to analyse it and produce a shorter document highlighting the main points.

Whilst Cllr. Roberts does not wish to become directly involved with the preparation of the Neighbourhood Plan he kindly offered to assist in an advisory capacity relating to planning issues should this be considered to be of assistance.

Both the above offers were welcomed by the Councillors.

Some considerable discussion then took place and it was generally agreed that more information about Green Belt plus an explanation of infill should be included in the questionnaire, and specific site information should be removed.

Cllr. Ray concluded that the main items to be discussed at the informal meeting on the 29th should be the questionnaire, the Village boundary and that it is necessary for the Parish Councillors and the Neighbourhood Plan Steering Group to work more closely together.

No further discussion took place and the Chairman closed the meeting at 8.50 p.m.