

# HASCOMBE PARISH COUNCIL

**MEETING MINUTES** of Hascombe Parish Council held on **Thursday 4<sup>th</sup> July 2013** in Hascombe Village Hall, Mare Lane, Hascombe at 7.30pm

**Attendees:** Mr C Orange – Chairman  
Mr P Lye – Vice Chairman  
Mrs S Jeffrey – Member  
Mrs S Sullivan - Member  
Mrs B Weddell – Clerk  
Mr Richard Gates – Waverley Borough Councillor  
PCSO Philip Snow

**Apologies:** Apologies had been received from Mr Kevin Kingham

**13/064            Declarations of Interests**

Mr Lye declared a non-pecuniary interest in planning application WA/2013/0913

**ACTION**

**13/065            Minutes**

The minutes of the meeting of the Parish Council held on 7th March 2013 minute 13/045 to 13/063, as circulated, were approved and signed by the Chairman as a correct record.

**13/066            Clerk's Report**

The Clerk reported that the new bank account for operating internet banking had been opened. It was agreed that £5000 would be transferred from the existing account into the new account for operating the internet banking payments.

**13/067            Chairman's Report**

Regarding the purchase of a defibrillator, the Friends of Hascombe provided the results of a survey and confirmed that they did not wish to be involved in fundraising to purchase the defibrillator. The Chairman advised that he had applied to the British Heart Foundation for a grant and was also waiting for Surrey County Councillor Victoria Young to advise whether she would provide some funding. The siting of the unit will be agreed once the funds are available.

It had been agreed via email that the annual charity concert could be held around the village pond on 6<sup>th</sup> August.

The Chairman had put up some reflectors on the wall by the pub in the hope it may stop vehicles reversing into it. This will be funded out of the Chairman's allowance.

The Chairman had contacted Waverley to correct some inaccuracies in the assessment of need and land availability for affordable housing in Hascombe, which had been included in a report circulated via email.

The Chairman and Mr Kingham had attended a meeting to encourage the playing of cricket. The Friends v. the White Horse cricket match was planned to take place on 21<sup>st</sup> July

13/068	<p><b>Risk Assessment</b> Members reviewed the risks and noted that there were no issues of risk identified to be addressed.</p>	
13/069	<p><b>Hascombe Pond</b></p> <ul style="list-style-type: none"> <li>• Regarding fishing on the pond, the Clerk had issued one permit.</li> <li>• Mr Lye had yet to pursue organising the Community Payback team with Surrey Probation service to clear the path around the pond.</li> <li>• Mr Lye had instructed AS Pest Control to deal with the moles around the pond. It was agreed that an annual contract would not represent value for money.</li> <li>• Mr Lye would contact the Elliotts about treating the Japanese Knotweed in the pond area.</li> </ul>	<p>Mr P Lye</p> <p>Mr P Lye</p>
13/070	<p><b>Highways, Bridlepaths &amp; Footpaths</b></p> <ul style="list-style-type: none"> <li>• Mrs Jeffrey reported that all the footpaths and bridleways are very overgrown as Surrey CC tend to cut them back towards the end of the growing season. A local ramblers group had carried out some excellent work on some footpaths and Mrs Jeffrey would contact James Brown at Surrey CC to suggest he might try and arrange for the group to carry out further work.</li> <li>• Surrey CC had written offering the parish council to bid for a lengthsman scheme. It had been agreed that this was too much responsibility for the parish council to take on.</li> <li>• Mr Thornton had been putting up the new footpath post roundels.</li> <li>• Mrs Jeffrey requested a map showing the footpath numbers. The Clerk will provide instructions for viewing on the Surrey Interactive Map.</li> </ul>	<p>Mrs S Jeffrey</p> <p>Clerk</p>
13/071	<p><b>Crime, Neighbourhood Watch and Speed Watch</b> PCSO Philip Snow reported that there had been no reported crime in Hascombe since April when there had been some oil theft. In the Bramley area there had been some garage break-ins, which were being linked to cold callers operating in the area. Residents are urged to dial 101 to let the police know when supposed ex-offenders are cold calling in the area.</p>	
13/072	<p><b>Communications</b> There was nothing to report.</p>	
13/073	<p><b>Standing Orders</b> The Standing Orders as circulated had been reviewed and were approved.</p>	
13/074	<p><b>Financial Regulations</b> Paragraph 6.1 of the Financial Regulations were be amended to incorporate the use of Internet Banking. The Clerk will circulate the amended copy.</p>	<p>Clerk</p>
13/075	<p><b>Risk Register</b> The Risk Register as circulated had been reviewed and was approved.</p>	

13/076

### Neighbourhood Plan

Mrs Sullivan and the Clerk had attended a Neighbourhood Planning Forum run by Surrey ALC. It was agreed that the parish council would give serious consideration to producing a Neighbourhood Plan. The Clerk would gather as much information as possible about the process and circulate prior to the next meeting.

Clerk

13/077

### Accounts for Payment

Peter Frost	Internal Audit	£87.70 (replacement)
A & S Pest Control	Moles	£84.00
M Elliott	Grasscutting	£720.00
B Weddell	July salary	£207.99
B Weddell	August salary	£166.40

13/078

### Planning

#### a) Report on planning issues

The Chairman reported that the Waverley Core Strategy inspection process had been suspended as the Inspector was not satisfied with the methods used to agree housing numbers. Officers were recommending a nine month suspension to carry out more work and consultation on this issue.

#### b) Issues relating to Dunsfold Park.

The High Court had ruled to uphold Waverley's decision and the Appeal decision to refuse Dunsfold Park's application for unlimited flying.

The Chairman will draft a response to Surrey County Council's congestion consultation.

#### c) To receive list of Planning Applications for information of recent decisions made by WBC

WA/2013/0738 Erection of an extension. Stumbles, Godalming Road, Loxhill. **REFUSED**

NMA/2013/0046 Amendment to Listed Building Consent for internal alterations. 2 Pound Cottages, Hascombe. **REFUSED**

WA/2013/0681 Erection of single store extension. Markwick Cottage, Markwick Lane, Loxhill. **FULL PERMISSION**

#### d) To consider all new Planning Applications

After full consideration of the following applications, the Parish Council commented as follows:

WA/2013/0913 Certificate of Lawfulness under Section 191 for use of barn for commercial purposes, for use as a contractor's yard and 'sawmill' within Class B2 for a period of 10 years. The Woodyard, Church Road, Hascombe. **LETTER OF OBJECTION APPENDED**

WA/2013/0631 Erection of a pool house extension and alterations. Hascombe Court, Godalming. Mrs Sullivan will draft a letter of response for approval.

Mrs S Sullivan

13/079

### General Matters

- It was noted that the Giant Hogweed along the B2130 had been sprayed by Waverley and that the council would not treat the Hogweed on private land.

**13/080**

**Next meeting**

The next Parish Council meeting would be held on Thursday 5th September at 7.30pm in Hascombe Village Hall.

**There being no further business, the Chairman closed the meeting at 21:10.**

# Hascombe Parish Council

8 July 2013

Mr William Clarke  
Planning Services  
Waverley Borough Council  
The Burys  
Godalming  
GU7 1HR

Dear Mr Clarke

**Re: WA/2013/0913 The Woodyard, Church Road, Hascombe. Application for Certificate of Lawfulness under Section 191 for use of barn for commercial purposes, for use as a contractor's yard and 'sawmill' (within Use Class B2) for a period in excess of 10 years.**

Hascombe Parish Council has carefully considered the papers filed re the above application and strongly advises that the application be refused because it is of the opinion that:

1. There has not been continuous or consistent use of the site and that there was no activity between 2000 and 2007.
2. The use of the site up to 2000 was largely related to the harvesting and sawing of timber and coppiced wood from the woods in the adjacent Hascombe Estate and is sui generis.
3. Any use since 2007 to store old equipment and vehicles may not be properly described as "commercial". No evidence has been supplied by Mr Elliott on how much those stored items were actually used commercially (if at all) during the time they were stored at the Woodyard.

Further comments are shown below.

## **Introduction**

The Parish Council suggests that great care is taken by officers in considering this application for a certificate of lawfulness because it relates to commercial use of a site, which stands in the Green Belt and AONB, and which will have a detrimental effect on the present quiet, rural environment next to the village pond. Furthermore, the access via Church Road in part is a single carriageway road without passing places.

## **The Woodyard and coppicing on Hascombe Estate**

All woods are looked after and harvested by woodsmen. Originally the woodshed area was used to store and saw timber cut from coppices and or woods nearby on the adjacent Hascombe Estate using a mobile saw powered from a tractor or generator. Chestnut was (and still is) coppiced from the Estate and split and cut into lengths for post and rail fencing and chestnut paling. This could have been done anywhere on the Estate and it would not seem correct to imply a "commercial" use of the site from the activity or a justification for a B2 use for the site. A rough shelter was erected possibly in 1973, to provide shelter (see

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### *Chairman:*

Mr Charles Orange. Telephone 01483 208343. Email [charlesorange@hotmail.com](mailto:charlesorange@hotmail.com)  
Hascombe Place, Hascombe, Godalming, Surrey GU8 4JA

### *Clerk:*

Mrs Beverley Weddell. Telephone 01483 200314. Email [clerk@hascombeparishcouncil.co.uk](mailto:clerk@hascombeparishcouncil.co.uk)  
Lock House Lodge, Knights Lane, Dunsfold, Surrey GU8 4NU

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photograph at 2.4 of the application papers). The Letter to Mr J Court in 1973, and shown in Appendix 2 Document 1, states that the land was **only** to be used for the purpose of manufacturing fencing and fencing posts etc. and that rent would be £1 pa with the licence terminable by 3 months' notice on either side.

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Mr Jake Elliott and his son have for some years now cut the coppices on the Hascombe Estate. They saw and make posts and rails on open land near the barns at Place Farm, Hascombe and, similarly, the ground used there surely should not be classified as being used commercially as it is merely part of the timber management activity on the Estate.

Both the use of the wood yard up to 2000 and the site at Place Farm presently used by Mr Elliott could be described as "sui generis".

### **Application papers**

There are inconsistencies and inaccuracies within the documents provided.

3.4 The advert placed in Hascombe Parish magazine probably dated from before Mr Court ceased timber and other operations from the site in 2000 and when Mr Court also had other sites, including Majorland Rew (over a mile from the site) from where some other contracting activities were carried out by him. The business card dating from around 2005/6 (Appendix 2, Document 9) shows Mr Court as operating from Loxhill and *not* from the Woodyard site as stated by the applicant.

3.5 Reference is made to Mr Court continuing to occupy the building until his tenancy ended in 2007, at which time he surrendered his lease. This is incorrect. Mr Court has recently confirmed to the Parish Council that during the year 2000 he ceased operating his business from the Church Road site and did not use it again for sawing or preparing timber. There was therefore a period from 2000 until 2007 when the site was not used for any purpose. The photograph shown in 2.4 is evidence of this as it shows a derelict building and unused yard with uncleared vegetation.

The application papers do not contain any copy of a lease to Mr S Court and it may be that Mr S Court occupied the premises after informally taking over the licence granted to his father Mr J Court by the letter of 15<sup>th</sup> February 1973 (Appendix 2, Document 1) which limited the use of the site to manufacture of fencing and fence posts etc. Reference to regularising Mr Court's occupation of the yard is made in an email (shown in Appendix 2, Document 8) dated 24/02/2005 to Mr Kinnear from Mr Anstruther and an annual rent of £104 pa.

3.6 It is stated here and also in 5 (l) of Mr Turney's legal advice that the letter from Mrs Hobbs of Waverley Borough Council dated January 2006 (Appendix 2, Document 12) confirms that the council regards the commercial use as being "long established". The letter in question, however, does not provide such confirmation and does not mention "commercial use". What it states is: - "...It has always been our understanding that the site by the village pond was not in Mr Court's ownership and was long established". Understanding is not the same as confirmation. It is explained in 3.6 that this letter responded to discussions that formed part of a neighbouring site operated by Mr Court (Majorland Rew), which is in fact over a mile from the Hascombe woodyard and from which Mr Court had carried out a number of activities for some time.

3.8 It is stated that Mr Elliott's use of the site constituted use as a self-employed contractor. However, no evidence has been supplied on any use of the items stored on the site and they may well have been unused or used a negligible amount commercially.

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3.9 It is stated that the building “in the past few years been shored up by emergency repairs”.....until more significant works of repair were carried out in 2012. However this is contradicted by the Statement of Fact of Jake Elliott who states “In recent years there has been very little repair work done....”.

### **Legal advice from Richard Turney**

Mr Turney’s advice is based on analysis which may be incorrect as explained below:

His **Item number 2** Mr Kinnear is quoted as saying that after Mr Court continued to pay rent after business from the woodyard building was decreasing. In fact, Mr Court ceased the timber operations from the woodyard in 2000 as he had transferred them to his other sites. No details have been given of the amount of rent paid by Mr Court from 2000 to 2006 or of the lease or licence arrangements under which it was paid.

**5c.** The advertisement placed in Hascombe Parish magazine by Mr Court was in an issue over 10 years ago as it was before the format of such adverts changed. It includes a list of Mr Court’s activities and services offered which may not have been just from the woodyard but also from other sites.

**5d.** The list of activities shown on the letterhead in November 1993 may also have included activities from sites other than at the Hascombe woodyard.

**7.** “for a period between 1973 and 2007 the building was used for the operation of a timber business by the Courts.” There was no timber business operated after 2000. It should be noted that although Mr Elliott states that he recalls that the Sawyard was occupied since Sir Ian Anstruther acquired the Estate by Mr J Court and more latterly by his son Mr Stephen Court, he has not stated that the use was continuous to 2007.

**8.** Although Mr Elliott is not an employee of the Estate, the majority of his work is probably done *for* the Estate (see Mr Kinnear’s statutory declaration point 5) and he may have been asked by the Estate to move machinery and cars on to the site possibly to try to establish a commercial use. Mr Kinnear states in an email to Mr Anstruther dated 03 April 2007 (Appendix 2, Document 15) that “Jake is going to keep an eye on the site and will stick one or two bits of kit in there”. No evidence has been given of any movement of the machinery and cars in and out of the site for a business activity during the period when stored at the site.

**9.** The argument is made that the site cannot be agricultural or forestry use when the timber is obtained from a separate planning unit. However, when the timber business was being carried out (i.e. before 2000), the timber was largely or wholly sourced from the Hascombe Estate of which the site is a part.

**11.** It is disputed that the use of the site from 2007 to 2012 to store some old equipment and vehicles, which may not have been used commercially, can lead to it being described as a contractor’s yard.

### **Documents**

**Document 3:** This advertisement in the Parish Magazine is not dated, but is certainly prior to 2001. This can be proved as the format of advertisements in the Parish Magazine changed from 2 per page to 12 per page. A copy of a 2001 page can be provided.

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**Document 5:** This is dated 06 June 1999, and indicates that by this date Steven Court had transferred his activities to Majorland Rew.

**Document 7:** This is dated 20<sup>th</sup> September 2004 from A Kinnear. This refers to the “Old Woodyard” inferring it was not in use at that time. This is why the Parish Council raised the issue as the site was unused and unprotected and was potentially hazardous. In particular there was a large open tank that had been used for creosoting timber.

**Document 9:** The applicant states that this is Steven Court’s Business card for 2005. This card has the address and post code of Majorland Rew indicating that in 2005 his business was run from Majorland Rew and not Church Road. This proves the opposite to that which the applicant is claiming.

**Document 10:** This confirms our knowledge that from 2000 to 2007 the site was not in use by Steven Court. It would not have been practical to store the church building materials and a portacabin for the builders if it was being used as a commercial saw mill. Trish Fleetwood, Churchwarden, confirms that at this time the site was not in any other use.

**Document 12:** The applicant claims this letter from Waverley Borough Council acknowledges long established commercial use. The letter does not say this. It just says “The application (for planning permission for works at Majorland Rew , Loxhill) mentions Hascombe woodyard, however, it has always been our understanding that the site by the village pond was not in Mr Court’s ownership and was long established.” It can be seen that the letter refers to the ownership of the site being long established and does not mention commercial use.

**Document 15:** Dated April 2007, states Mr Elliot has been requested to store some “bits of kit” on the site. It is our opinion that this does not constitute commercial use of the site.

**An un-numbered document headed “Statement of Fact” by Jake Elliott:**

This statement cannot be interpreted to mean that from 2007 to 2012 he used the site on a continual commercial basis. It is true that at one point several untaxed cars were stored on the site and this was for less than a year. Also some redundant farm equipment was left on the site during this period.

**Additional information indicating that the site was not used between 2000 and 2007.**

The following statement was in planning application WA/2013/0287 and made by the present applicant:

Section 2.8: “The building was leased from The Hascombe Estate by Mr Court and used as a timber Woodyard until he surrendered his lease in mid 2000.” This quotation contradicts the claim in the current application regarding dates.

**Conclusion**

The Parish Council believes that the history of the site during the previous 12 years is that from 2000 to 2007 it was unused. From 2007 to 2012 it was used for a variety purposes including the temporary storage of “bits of kit” and not for commercial use.

Yours sincerely



Beverley Weddell  
Clerk to the Council