

North Cadbury & Yarlington Parish Council

Clerk: Mrs Rebecca Carter, Portman House, North Barrow, Yeovil, Somerset, BA22 7LZ
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“Draft” Minutes of the Extraordinary Parish Council (PC) Meeting held in The Reading Room,
North Cadbury on Monday 14th January 2019 commencing at 6.00pm
To Discuss Whether to Employ Legal Representation to Appeal Against the following Appeal Decisions:
Appeal A Ref: APP/R3325/C/17/3190705
Land OS 8735, Sandbrook Lane, North Cadbury, Yeovil, Somerset – **APPEAL ALLOWED** and
Appeal B Ref: APP/R3325/W/17/3190704
The Paddocks, Sandbrook Lane, North Cadbury, Yeovil, BA22 7BQ – **APPEAL ALLOWED**

ACTION

Councillors Present: Cllr M Hunt (Chairman), Cllr D Handley (Vice-Chairman), Cllr B Board, Cllr A Keys-Toyer, Cllr M Martin, Cllr A Montgomery, Cllr A Rickers and Cllr P Wood.

In Attendance: The Clerk and five members of the public.

19/01. Apologies for absence: Cllr A Bartlett.

19/02. The Chairman previously circulated to all advice received from Barrister Estelle Dehon, Cornerstone Barristers, at the request of the PC, concerning potential grounds for legal challenge arising from the two linked appeal decisions of Inspector Tim Belcher, dated 13 December 2018 (“the Appeal Decisions”). In it he quashes an enforcement notice concerning material change of use of Land at Sandbrook Lane, North Cadbury (“the Site”) and grants planning permission for change of use of the Site to “a gypsy caravan site and the retention of one mobile home, one touring caravan. The Chairman suggested that the meeting proceeds as follows:

- Review the Appeal Hearing held on 6th December 2018, in the Council Offices, Wincanton.
- Consider the Appeal Advice – (Attachment 1).
- Approve the Fee for Legal Advice.
- Consider what further action is required.

19/03. Review of Appeal Hearing: The PC and residents expressed a strong dissatisfaction of the service, support and lack of advice provided by South Somerset District Council (SSDC) through the whole process. There was an apparent dis-interest from SSDC towards the appeal from the start of the process; the PC had to press for any assistance with no liaison or support for the PC or residents. The PC were deemed not to be an ‘Interested Party’ and were only ‘invited to the table’ at the informal hearing when the Inspector allowed members of the public to make representations; unfortunately not many were willing to speak, however, the Chairman spoke on behalf of the PC. David Norris, SSDC Lead Planning Officer and Planning Officer Adrian Noon previously attended a hearing of a case very similar to the Parish, following which it was decided that SSDC would not challenge Mr Junge’s assertion of his gypsy status. The PC considered this to be an unwise decision and, indeed, challenged this view in their submission to the Inspectorate. Nevertheless, Ms Dehon believed this would be very hard to prove. Mr Buxton advised that little weight would have been given to any challenge by the PC or residents on gypsy status as SSDC were not challenging it.

At the hearing the Interested Parties were SSDC (Respondents) and Mr Junge (Applicant). SSDC sent a newly appointed Planning Officer, Neale Hall, with no Lead Planner present. Mr Hall was unimpressive and failed to answer the Inspector’s question on available traveller sites in South Somerset. It was also evident that Neale Hall was not fully appraised of the PC’s submissions for the planning consultation process or Appeal, in which evidence to contradict many points raised and discussed by the Inspector and Mr Junge, should have been provided and taken into consideration. It was considered that, had the Appeal been an informal hearing, with statements taken on oath, the

outcome may have been different. It was also considered that the process was weighted in favour of minority groups and did not serve the interests of all those affected.

ACTION

19/04. Consider the Appeal Advice by Ms E Dehon: It was considered that, on the basis of Ms Dehon's review, the PC had no room to manoeuvre; the PC were 'up against it' from the start. The Planning Inspector had dealt properly with the issues of gypsy status, landscape impact and need for gypsy sites. The Appeal Decisions were well reasoned with little opportunity for legal challenge. Lessons learned, the PC may have done things slightly differently. The Clerk took advice from Somerset Association of Local Councils (SALC), who advised that the PC would certainly need to obtain specialist legal advice prior to seeking leave to bring a judicial review. In addition, it was often the case that the losing party in such a process would be expected to foot both parties' legal costs and this could amount to tens of thousands of pounds; in some cases a party with limited resources may be given some form of financial protection at the opening stage of proceedings, although this more often applied to individuals with limited means. SALC considered it to be a tough proposition for a small parish council with limited resources. **RESOLUTION: It was agreed unanimously that the PC did not have a strong enough case or the funds available to take the Appeal to a Judicial Review and risk tax payers' money; the PC had taken this matter as far as it reasonably could.**

19/05. Approval of Legal Fees: The Clerk confirmed that £700 was previously approved for legal fees. **The PC approved expenditure of £450 (plus VAT) for the advice given by Ms Dehon and an additional £200 (plus VAT) for a second opinion from Mr Giles Atkinson, as a more senior barrister and expert in such matters.** Mr Richard Buxton, Solicitor had given his time FOC.

Clerk

19/06. To consider any Further Action: There followed a brief discussion and resume of proceedings. **The Chairman agreed to thank Mr Richard Buxton, Ms Estelle Dehon and Mr Giles Atkinson, on behalf of the PC for the various parts they played, both in the preparation of the PCs submission to the Planning Inspectorate and in the aftermath of the Appeal. The Chairman and sub-group agreed to draft a letter registering the PC's disapproval to SSDC's Chief Executive, Dominic Heath-Coleman, SSDC Lead Planner and David Warburton, Local MP, to be approved at the PC meeting on 23rd January 2019. The sub-group would also consider and draft a paper for approval by the PC on the retrospective planning process.**

Chair/
MM / AB
/ BB

Thanks were expressed by a member of the public for the PC's hard work in this matter. There being no further business the meeting closed at 7.10pm.

SIGNED..... DATED.....