

BISHOPTON PARISH COUNCIL

Minutes of the Extra-Ordinary meeting held on Thursday 7th. April 2011 at 6.30 pm in Bishopton Village Hall

MEMBERS PRESENT

In the Chair: L. MacMahon

Cllrs R. Fieldhouse, I. Ridley, P. Wood, Councillor B. Jones of DBC

IN ATTENDANCE: R.M. Smith Parish Clerk

APOLOGIES FOR ABSENCE

Cllrs M Moses , G Baines.

Visitors:- D McMann, K McMann, A Dixon, C Frankland, R Frankland, D Guest, L Guest, M Walker, E Wells, J Ellerker, M Smith, J Mills, G Tingle.

Land at Town Farm Close (The principal reason for the meeting)

Cllr MacMahon provided a summary of the history surrounding the land in Town Farm Close.

Brief History of Town Farm Close

Land sold by Mr & Mrs Twizell for development and the piece of land in middle was intended to be given to the Parish Council as a swap for some Village Green to extend the access road in November 1972. Unfortunately, there are no legal documents to show that this took place. Two companies involved in the construction of Town Farm Close went into liquidation, the first in 1974 and the second in 1979. The road was adopted by Darlington Borough Council and residents planted trees on the land in the middle. This land was not included in the Village Green when it was registered in 1980 (see map VG57). The grass has been until recently cut by Streetscene, but as they now know it not to be Village Green they have stopped. Over the years residents have planted plants, bulbs etc and helped to maintain this land for the benefit of all.

This was agreed by all present. Cllr MacMahon stated that BPC had been asked by the Land Registry to comment on the application made by a number of residents in TFC for a profit a prendre in gross. Llr MacMahon then went on to say that she had just that afternoon received further information from the Land Registry and the Borough Solicitor that was pertinent to the application and asked if visitors would like to be made aware of this prior to being invited to speak to the Parish Council.

Cllr MacMahon was told that the application received was incorrect (mistake made by the Land Registry) and should have been an Adverse possession application. A new application would have to be done and the consultation process repeated.

Residents who attended were invited to make any comments.

It was pointed out by one resident that they did not believe that BPC could apply to have the land in question registered as Village Green as it did not meet the criteria. Cllr MacMahon confirmed that Stephen Allison, Borough Solicitor, had also said that it was unlikely to meet the criteria.

Another resident explained the history behind the application and stated that there was

no intention to deprive any resident of Bishopton from using the land but only to stop ball games that had resulted in damage, annoyance etc. Cllr Baines who is also a resident of TFC had written to Councillors with a summary of the application and reason behind it.

“The registration application has been made for the benefit of all the Freeholders of the Close. Due to the complexity of the registration process and the very specific requirements only 12 properties met the length of occupancy clause, all 24 of these residents are specifically named on the application. The space on the standard notification form only permits a few names to be shown, but all 24 are named on the formal application. Nobody objects to children playing on the grass, clearly however due to the small area, open plan gardens, parked cars, ball games cannot be played without causing offence. For 35 years, to meet the legal requirement of the covenants signed within our deeds, we have had an unwritten consensus of agreement not to allow our children to play ball games on the central area, this continued until early 2010.”

Since then a short term tenant has caused damage by playing football to residents’ gardens, cars, trees etc.

Subsequently BPC were asked for help to resolve the situation. After making several enquiries with Darlington Borough Council BPC were and are unable to assist as the land in question is not a registered part of the village green. That is when a number of residents decided to make the application to the Land Registry.

During the consultation process, BPC has received letters in support of the application, and also two letters and an email from residents opposed to the action, plus a petition signed by residents of 4 TFC households, a dozen other residents of Bishopton and a number of non-residents. Cllr McMahon reiterated that BPC have no involvement in the situation other than to represent the views of Bishopton residents in general. Additionally a letter has been received from DBC stating that DBC has no ownership or interest in the land, which was confirmed by Cllr B Jones.

Cllr Baines in his summary also stated that ‘We will form an official body with each freeholder named as a trustee, supporting documents will be issued, to be appended to the deeds, such that when a property changes hands the trustees’ responsibility is handed on, annual costs of maintenance will be shared by all trustees.’

Residents at the meeting were asked if the objectors had been included in any discussions or were aware of the intention to form a Trust including all residents. The Parish Council was informed that this was not the case.

Finally, Cllr L McMahon advised that BPC neither support nor oppose the projected takeover of the land by a “Home Owners association” or similar, but that all residents of TFC should be kept informed and suggested a meeting involving all TFC residents. Cllr B Jones stated that DBC adopted the same stance.

The clerk was instructed to reply to the LR immediately informing them that BPC has no legal recourse over the land and therefore no objection to the application but acknowledged the receipt of three objections from TFC residents and petition signatures by four households against the proposal out of a total of twenty households in TFC.

At 7.15pm the TFC Land part of the meeting was declared completed and the visitors left, also Cllr B Jones.

Wind Farms

Planning applications for two wind farms (Moorhouse and Newbiggin) have been received, and plans were obtained by the clerk from DBC. These plans being retained in the meeting room for examination by Councillors as required and any member of the public on request. They will be available for the Annual Parish Meeting on 13th April, 2011.

A Hobbs of DBC has stated that objections can be lodged up until the end of May 2011.

The meeting closed at 7.30 pm

Signed: Chair _____ Date _____