

BIGGIN PARISH COUNCIL

Biggin, Sherburn in Elmet, North Yorkshire, LS25 6HJ

Minutes of the Ordinary Council Meeting of Biggin Parish Council held at The Cream Room, Eversley Park Centre, Low Street, Sherburn in Elmet, LS25 6BA held on Wednesday 13th November 2024.

The meeting opened at 6.01pm

Present: Cllr N Kaiper-Holmes (Chairman), Cllr R Anderson, Cllr V Earle, Cllr C Hartley Cllr J Lamb and Georgina Ashton, Clerk to the Council. 21 members of the public present and NYC Cllrs Andrew Lee and Cllr Tim Grogan.

Minutes of Meeting

25/45 To receive and consider apologies for absence - none.

25/46 To receive any Declarations of Interest from Members

Members are invited to declare disclosable pecuniary interests and other interests in items on the agenda as required by Biggin Parish Council for Members and by the Localism Act 2011.

Cllr Kaiper-Holmes provided a written statement with regard to acceptable behaviours and respect for members of the Council and their families.

The Clerk provided an update on the site (Bridge House, Biggin) in terms of the highways report, breaches to the Temporary Stop Notice and the way forward regarding the deadline for submission of the retrospective planning application (the site owner has been afforded a hard deadline of 2nd December 2024 by which to validate the application and if this is not met, NYC will consider enforcement action).

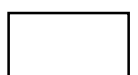
The Temporary Stop Notice states:

The clearing of the site and laying of hardstanding, along with the **siting of approximately 48 caravans** on the Land is classed as a change of use of the Land that constitutes 'development' within section 55 of the Town and Country Planning Act 1990 and is unauthorised as they do not benefit from planning permission.

The unauthorised change of use to the Land and operational development is considered to be inappropriate development in the open countryside and outside of the Development Limits of Biggin. The development is considered to have a significant and demonstrably harmful impact on the character of the undeveloped rural landscape, therefore causing a harmful impact on the surrounding open countryside and locality.

The Temporary Stop Notice states:

- a. Cease the importation of any further hardcore, hardstanding, brick, breezeblocks, stone, associated material on the land immediately.
- b. Cease any further works in relation to the creation of any further hardstanding surfaces – *additional creation of hardstanding immediately on or inside the red line boundary, mini digger working*
- c. Cease all engineering operations, including excavation, obstruction, alteration or installation on the land immediately



- d. Cease the importation of any further caravans onto the land – *increase to 58 caravans on site*
- e. Cease the importation of any residential paraphernalia, and the erection of ancillary/amenity buildings/sheds on the land – *delivery and installation of “residential paraphernalia” on 9/11.*

In terms of the Highways Report, the Clerk had written back to the Highways Engineer to raise several points surrounding the Conditions from the COU consent but has not received a reply as yet. The content of the reply to the report was as follows:

With the condition 04 in mind, this is the primary reason why the Parish Council have requested for the entrance and exit to be fully assessed. This is current and this one condition **has been breached in every sense:**

- (i) The application site is in FULL use (not just 16 caravans and 4 tents, but 50 traveller caravans and 2 static caravans), the visibility splays **do not meet the criteria below PRIOR to occupation/business use of the site**
- (ii) Main entrance - There is NOT a clear visibility 45 m along the southern vehicle track of Oxmoor Lane (60mph national speed limit)
- (iii) Main entrance - There is NOT a clear visibility 65 m along the northern centre line of Oxmoor Lane (60mph national speed limit)
- (iv) Main entrance - Given the height and location of the hedgerow and new stone wall pillars, it is not possible to see the required distance for an eye height of 1.05m
- (v) Main entrance - The object height of 0.6m for the splays is not met – in actual fact, Mr Stevenson has gone further and installed **2 very large square stone pillars that are far in excess of 1m HIGH** (notwithstanding this, neither the stone wall or the stone pillars have planning consent)
- (vi) The condition states “once created, (which they have not been) these visibility splays MUST BE MAINTAINED CLEAR of any obstruction and retained for their intended purpose at ALL TIMES.

Please can you **confirm why your Highways department now appear to believe that a “traffic mirror” is acceptable and not fitted in line with NYC policy guidelines** to meet the standards above. Did you or the previous Highways Officer making a site visit, see this condition 04 prior or after any site visit?

I would also refer you to **condition 03 which has and continues to be breached**, relating to the new egress which has clearly been locked since it was completed. *The egress had to be fully operational and in use prior to occupation with business use.*

- (i) The gates are not erected >6m from the carriageway
- (ii) The final surfacing is made of loose material and therefore not suitable for laying next to the public highway.
- (iii) The egress access is PERMANENTLY LOCKED and currently has an illegal caravan presiding directly behind these locked gates.

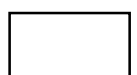
If these conditions (specifically COND 03 and COND 04) are now irrelevant and to be disregarded – can you please explain when this was agreed and by whom?

As I am receiving daily road safety concerns regarding the unauthorised residents entering and exiting onto the main highway (a national speed limit rural road), I look forward to your response on these matters pertaining to highways safety for the parishioners of Biggin and the wider local community. Kind regards.

25/47 Public Participation Period

Resident 1 – Concerns about the highways engineers report that has been produced that has been conducted in isolation and makes no references to the conditions attached to the planning consent on the site.

Resident 2 – what is the process of complaint for the lack of procedures that should have been followed by the Enforcement department. How can the Enforcement Officer be held to account. Cllr Lee can place an investigation internally to raise a complaint.



County Cllr Grogan – Bridge House, Biggin should have had a license issued to this site and it has not been issued in the past with the previous owners or to date (with the current owners). Cllr Grogan provided examples of traveller sites in his divisional area and the lack of action from the Enforcement and Legal departments in relation to the Lumby traveller site. The Clerk asked a question of Cllr Grogan to be raised at the next Corporate Responsibility and Scrutiny Committee regarding the specific concerns including planning related communications not being followed up on and a lack of confidence around enforcement in Selby following a significant reduction in officers. Residents can make a complaint through the Ombudsman to make an independent complaint about the Council and to make complaints about officers, the processes that the council have not followed. Local Government and Social Care Ombudsman - [Home - Local Government and Social Care Ombudsman](#)

Cllr Lee – question raised by the Clerk regarding the lack of due process been followed and to investigate the legal decision and procedural basis on which an incorrect decision was made to grant the Discharge of Condition on the landscaping plan dated 07 August 2024 (the vast number of trees on site had already been removed) ZG2024/0515/DOC – DOC landscaping plan.

Validated on 16 May – the day that a joint site visit took place - Sophie King, Senior Enforcement Officer and Forestry Investigation Team. **Why didn't Fiona Ellwood have a conversation with Sophie to establish if the landscaping plan was a true and accurate record of what was on the ground?** The landscaping plan should have been null and void and not granted – based on the fact that it was not a true representation of what appeared on the site: on this occasion NYC had the ability to cross-reference with Enforcement and therefore on a procedural basis, it could be argued that, this granting of consent was legally incorrect.

Resident 3 – Vote of thanks to 2 councillors and the Clerk for all their hard work and dedication with regard to the volume of work that has taken place since the last Parish Council meeting.

25/48 County Cllr report – update from Cllr Lee

Request made by the Chairman to facilitate a meeting with officers and the Parish Council through Cllr Lee.

Police in attendance and made some notes on the discussion and provided feedback from Sarah Ward, Welfare Officer for the local Police. Can report cars without MOTs and tax to a specific department, based in Tadcaster and York (led by Mike Reay). Request for more frequent police visits on Oxmoor Lane and someone from the ANPR camera team.

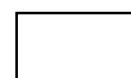
25/49 To approve the Minutes of the last meeting held on Tuesday 22nd October 2024.

Resolution: to accept and approve the minutes of the last meeting held on Tuesday 22nd October 2024.

25/50 To consider policy related matters for members – councillor conduct and decisions made by Council. All decisions recently have been unanimous and therefore one would anticipate that members uphold these decisions when talking to residents between meetings.

25/50 Planning

a. To consider any live planning applications in the Parish – none received



- b. To receive and consider an update on the illegal and unauthorised Traveller site at Bridge House, Biggin (2020/1205/COU)

Update from Cllr Crane, Exec Lead for Planning 12/11/2024

In relation to the site adjacent to Bridge House, Biggin – the planning application for the ‘Change of use of land to a mixed use, transit traveller site and ancillary tourism’ was received 7th October 2024. When the application was received it was invalid and the following was requested: sustainable drainage details, Biodiversity Net Gain report, Flood risk assessment, and clarification on the plans submitted. The invalid letters that have been issued to the applicant have given the date of the 2nd December 2024 to submit the outstanding information. If the information to validate the application is not received by the by the 2nd December we would consider taking formal enforcement action. I understand that the applicant’s agent has promised all information by 22 November 2024.

- c. To receive and note the conditions of the Temporary Stop Notice against Bridge House, Biggin

The Temporary Stop Notice was served at the site to the landowner, at Bridge House, Biggin on Tuesday 5th November 2024. In the first 8 days of this TSN, it was breached on at least 3 occasions. All these were reported to NYC on Friday 8th, Saturday 9th and Monday 11th November. The Temporary Stop Notice is in place until 31st December 2024 and includes the following:

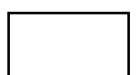
- a) Cease the importation of any further hardcore, hardstanding, brick, breezeblocks, stone, associated materials on the Land immediately
- b) Cease any further works in relation to the creation of any further hardstanding or hard surfaces.
- c) Cease all engineering operations, including excavation, construction, alteration or installation activities on the Land immediately
- d) Cease the importation of any further caravans onto the Land.
- e) Cease the importation of any residential paraphernalia, and the erection of ancillary/amenity buildings/sheds on the Land.

- d. To receive and consider feedback from the Planning Sub-committee, considering any next steps and future actions.

Cllr Lamb initially asked whether the sub-committee had now served its purpose: he stated that he had no knowledge of the Planning Sub-committee and was not invited to join. It was stated by the Clerk that this was discussed at the September 2024 Parish Council meeting and that anyone could email the Clerk at any point to request participation in the committee. Cllr Lamb also demanded that the dates of all future committee meetings be noted with all members (and not just those on the committee). Cllr Kaiper-Holmes confirmed and suggested that dates be published going forwards. The Clerk reiterated that the group was a “working group” with no Terms of Reference and no delegated powers. Cllr Anderson suggested that the committee be asked if they wished for all their correspondence and dates of meetings be forwarded to all council members.

Cllr Earle commented that poor communication on email was not helpful to progress matters of the Council. She wished to remind all members that respectful communication is required at all times.

No resolution made on either issue raised above.



- e. To consider the suggestion from a resident regarding S106 expenditure on trees for the parish

Suggestion from a resident that the Council uses some of the S106 funds to replace the trees on Oxmoor Lane:

I understand that the Parish Council will be using some or all of this money to acquire some village gateway signs. If there is any money left over, would it be possible to replace the two trees along Oxmoor Lane, which are either sick or have died?

The background – some years ago the Parish Council got permission to plant three trees on the grass verge along Oxmoor Lane (the area of grass that your dad cuts). One of these trees died and has been removed, and a second tree is very sick and likely to die completely next year. All three tree species were Rowan (Mountain Ash) which are not actually suited to the local soil type. Would it therefore be possible to replace the tree that has been removed, and the tree which is sick, with flowering cherries? These grow to the same size as a Rowan, are hardier, prettier, and are more suited to the local soil. An indicative cost for the trees, stakes and ties is £159.50:

- X2 *Prunus persicoides* (pink flowering cherry growing to 7m x 4m) £136.00 (includes delivery charge)
- X2 150cm tree stakes £18.00
- X2 Tree ties £5.50

I would be happy to acquire the trees and stakes etc. and then get reimbursed by the Parish Council. I would also remove the sick tree, plant the two new ones in the original sites, and tend them in the early years until they become established.

Resolution: agree in principle to the proposal that the trees are researched into with the CIL Co-ordinator to ensure that S106 funds can be drawn down for expenditure towards planting on Oxmoor Lane as proposed above.

25/51 RFO Finance Report

- a) Financial update from the Clerk, balance at bank – to 15th October 2024
The balance of the account as at 14 October 2024 £4,868.20.
- b) To approve and consider the Bank Reconciliation and any payments – none received

25/52 Community Safety and village projects

- a) Defibrillator report – electrode pads expire in December. Cllr Anderson to liaise with the Clerk to purchase additional pads.
- b) Grass cutting – no update.

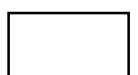
25/53 Correspondence received and to note information exchange and representative reports – nothing additional other than what has been discussed on the agenda.

25/54 To note the date of the next meeting – Wednesday 4th December 2024

Deadline of 2nd December for live planning application for Bridge House, Biggin. BNG report.

Chairman's Signature: _____

Date: _____



The meeting closed at 7.20pm

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