



## **EXTRAORDINARY MEETING OF THE PARISH COUNCIL**

Tuesday 10<sup>th</sup> January 2023

Present: Councillor Edwards (Chairman) & Willey (Vice Chairman)  
Councillors Ellis, Fletcher, Oakes, Robinson, Solomon & White.

Also in attendance: Christopher Cook - Parish Clerk & Responsible Financial Officer

Members of the public: 8

Members of the public were permitted to speak on each Agenda item for a period of 3 minutes. This meeting was advertised as a Public meeting and as such could be filmed or recorded by broadcasters, the media and members of the public. The public were advised that whilst every effort is taken to ensure that members of the public would not be filmed, it could not be guaranteed.

### **Minutes 10<sup>th</sup> January 2023**

#### **14/2023EOM Chair's Welcome & Announcements**

Cllr Edwards (Chairman) welcomed residents to the Extraordinary Meeting of the Parish Council and delivered Health and Safety housekeeping rules.

No members of the public intended recording the Extraordinary Meeting.

#### **15 Public participation**

The public statement made by Mr John Invest (resident) can be read under Item 20 below.

Councillors **Resolved** to note.

#### **16 To receive Apologies for Absence and approve the reasons given**

No apologies.

Councillors **Resolved** to note.

#### **17 Declarations of Interest**

Councillors **Resolved** that no Councillors declared pecuniary or non-pecuniary interests.

Councillors **Resolved** that no Councillors were liable for written Dispensations or Gifts.

Councillors **Resolved** to note.

#### **18 Minutes of any previous Extraordinary Meeting of the Parish Council**

There were no previous Minutes relevant.



Councillors **Resolved** to note.

## **19 Matters arising from the draft Minutes for report purposes only.**

There were no previous Minutes relevant.

Councillors **Resolved** to note.

## **20 Planning**

### **New Planning Applications – One received**

Application link <http://planning.cornwall.gov.uk/online-applications>

**Reference:** PA22 / 10400

**Proposal:** Change of use (retrospective) of agricultural land/yard to use Class B8

**Location:** Land Pt OS 0001 Hatt Cornwall

**Applicant:** Mr G Deacon Kivells Ltd

**Grid Ref:** 239941 / 61993

Cllr Fletcher objectively reviewed the pros and cons of the Application-

Pros – 6 jobs proving employment

Land available for storage (agricultural/horticultural not viable)

Development outside the Area of Natural Beauty (AONB) boundary

Good access to the A388

Cons – B8 planning category for outside storage. Interpretation too wide and vague.

Heavy vehicular transport

Site entrance 20 metres from blind corner (30mph applying)

Site on the walking route for school children using same Highways footprint. No path.

Noise and general disturbance on the site would affect residents. Area unsightly.

Current application refers to the 'previous' use of the site.

Parish Councillors were generally in agreement with the views made by Cllr Fletcher, and on balance felt that the anomalies in the Application could not be supported.

Cllr Edwards (Chairman) mentioned research he had carried out regarding the local firm DMY (Plymouth) which was newly registered in March 2022, and concluded that overall the planned development was not suitable for the area.

Cllr Oakes also carried out research on the B8 status concluding that the Class provides for a range of works (unknown) and hence a dilemma for the Parish Council to agree a development when exact works were not known.

Cllr Willey stated that although the area was a prime site for development, retrospective applications were not suitable and agreed with the comments from Cllr Oakes.

The following statement was made by Mr John Invest (resident).

The Building supplies company occupying the site is operating in total breach of any existing planning permission and is not only storing huge quantities of building materials on site but is



trading from the site and even erecting advertising signs all in contravention of planning. There is also a Water Company using the site as a storage depot.

There has been large scale clearance by diggers and laying of hardcore on site. In addition there has been the siting of portakabin offices.

The applicant has allowed the latest two new businesses to trade from his site knowing full well he has no planning permission to do so. We are only here today because planning enforcement had reached Stage 6 of enforcement and this is a ploy to delay enforcement by applying for retrospective planning permission.

The planning application via Kivells like the original one for Keltex Motors was provides no justification for this change of use.

They have further tried to frustrate the planning process by removing the statutory Planning notice attached to the gate of his premises. The Planning Officer in charge is fully aware of this and to make a special journey to replace it.

The site is unsuitable for the following reasons.

1. It adjacent to the Tamar Valley Area of outstanding Natural Beauty.
2. It is a blot on the entrance to our village and is totally inappropriate.
3. The entrance is in close proximity to a blind bend and is very dangerous and is likely to result in an accident. Huge Lorries come and go on a frequent basis.
4. The Building company is using the site for storage and retail which requires further permission.
5. The Building Company has illegally erected an advertising hoarding facing the Hatt roundabout and signage on the entrance gates. This is also dangerous to motorists who try to read it.
6. The site is fitted with flood lights and CCTV, is this appropriate for our village?
7. There is a risk of environmental pollution from chemicals seeping into the ground and water table.
8. There are far more suitable sites on industrial sites locally than placing these in a rural village.

We should take note of the following documents:

### **Botus Fleming Neighbourhood Development Plan 2017 - 2030**

The entire parish either lies within the TVAONB or forms its setting. The TVAONB designation provides a high level of protection to our precious natural environment.

#### **6.6. Botus Fleming Parish 2030 - Vision statement**

The Parish of Botus Fleming will be defined by its quiet, rural nature by protecting the distinct character of both our villages by maintaining our rustic boundary, by preserving our countryside, and protecting our fauna and flora for recreation and community wellbeing.

#### **7.2.2. Policy LS1: Landscape Character Policy wording**

Where development is proposed that will detract from, or have an adverse impact on, important characteristics identified in the

**Botus Fleming Landscape Character Assessment (BFLCA)**, and appropriate landscaping fails to provide appropriate mitigation, such development shall be refused.



The revised [National Planning Policy Framework](#) (NPPF) sets out the government’s planning policies for England and how these are to be applied. The revised NPPF through paragraph 176 reaffirms that “*Great weight should be given to conserving and enhancing landscape and scenic beauty*” in AONBs and that designation has “the highest status of protection in relation to these issues”.

It is important to remember that the non-designated landscape that surrounds the AONB can still be vitally important and contribute to the quality and perception of the designated landscape. (ref. <https://www.tamarvalley.org.uk/care/planning/> )

A number of other residents at the Public Meeting supported these comments, and the Chairman, Cllr Edwards, urged residents to lodge their views on to the Cornwall Council Planning portal system.

Proposed Cllr Edwards (Chairman), seconded Cllr Fletcher not to support the Planning Application. All agreed.

Councillors voted to **REJECT** the Planning Application PA22 / 10400  
Support 0 votes  
Reject 8 votes  
Abstain 0 votes

**The Parish Council Resolved to Reject Planning Application PA22 / 10400**

(The full Council response to PA22/10400 following discussion with residents at the Public Meeting can be viewed under ‘Reports’ at [www.botusfleming.org.uk](http://www.botusfleming.org.uk) and also under the Cornwall Council Planning portal website indicated above).

**21 Correspondence**

There was no correspondence received.

Councillors **Resolved** to note.

**22 Date of next meeting**

The next Meeting of the Council will be the Public Meeting on Wednesday 25<sup>th</sup> January 2023 at 7:30pm. This Meeting will take place at St. Mary’s Church Hall, Botus Fleming.

The Parish Council would continue to follow any instruction from CALC concerning the Covid-19 situation in connection with forthcoming Public Meetings.

**23 End of meeting 20:10**

Signed..... Date.....  
(Chairman)

