

Menheniot Parish Council

Request for permission to carry out works at Bowling Green

Location: 14 Bowling Green, Menheniot PL14 3RX

Proposal: Request to make alterations to a bank of earth that is adjacent to the boundary of the playing fields.

Applicant: Anne & Andy Allen

1.0 Background notes

1.1 Anne & Andy Allen have written to ask if they need permission to make alterations to an area that appears inside their garden boundary.

Strip of land behind house. It measures 28 x6 feet. We have maintained and used it for the last 20 years and part of our garden even fenced it to stop dogs messing. We would like to remove the bank to [our] ground level and add a retainer wall and fencing so that we could build a decent shed landscape the garden and add lighting to the public steps leading from the park to Bowling Green.

1.2 Ownership of the land cannot be established. Maps obtained from the Land Registry are not clear in showing if the land the applicants occupy is part of their property or contained within the boundary of the playing fields. Land Registry website explains:

If you live in England or Wales, there's usually no record of:

- *The exact boundary between two properties*
- *Who owns the hedge, wall, tree or fence between 2 properties*

www.gov.uk/your-property-boundaries

2.0 History of the playing fields

2.1 Land originally owned by Mrs Ada Congdon and was gifted to National Playing Fields Association 1968 after she died on 12 June 1947. Land previously known as Dodges Meadow. 5 April 1968, NPFA conveyed land to MPC. Clause 3 of the conveyance states that the Council covenants with the National Association that it will at all times use and maintain the land conveyed as a Public Recreation Ground and Playing Field for the Parish of Menheniot and will not use or permit the said land or part thereof to be used for any other purpose whatsoever. The Association also conveyed to the PC the benefit of a Covenant made by the county council to fence along the western boundary.

2.2 On March 3 1979, the playing field was registered as a charity (300571) with the object of maintaining the field as a Playing Field or Recreation Ground for the benefit of those of the Parish of Menheniot.

Link to Charity Commission website

<https://apps.charitycommission.gov.uk/Showcharity/RegisterOfCharities/CharityWithoutPartB.aspx?RegisteredCharityNumber=300571&SubsidiaryNumber=0>

3.0 What Mr Allen is offering

3.1 To assist the parish council in making its decision, Mr Allen is providing the following information:

Permission needed to access the property across the recreation field. (this would need access for a digger & lorry or tractor & trailer, and a concrete lorry) .

All soil either taken to local farm or away in a lorry.

Wall to be professionally designed by a suitably qualified person

Materials used will be concrete blocks laid flat with weep holes.

Site safety: area taped off; temporary replacement fence to secure drop; warning signage.

Any damage to be repaired and paid by ourselves.
Awaiting quotes from 4 local builders .

3.2 Recommendation

Assess Mr Allen's request using the Material Considerations listed in Section 4. Options arising in Section 6.

4.0 Planning Index Material Considerations

1.0 Residential Amenity	Commentary	Impact
Overlooking	Contained within the boundary of the house.	None
Noise	Construction work only	None
Disturbance	Construction work only	None
Overbearing	Does not project above the hedge line.	None
(Sunlight/Overshadowing)	Does not project above the hedge line.	None
Amenity Space	Enlarges the area available (will be used for erecting a shed)	None

2.0 Traffic & Parking	Commentary	Impact
Traffic	Contained within the boundary.	None
Parking	n/a	None
Turning space	n/a	None

3.0 Noise, Vibration, Soundproofing, Contamination, Land Stability, Flood Risk.	Commentary	Impact
Noise	n/a.	None
Vibration	n/a	None
Contamination	Needs investigating	
Land Stability	Needs investigating	
Flood Risk	Needs investigating	
Surface water	Needs investigating	
Household waste	n/a	

4.0 Design, Materials, Windows etc	Commentary	Impact
Design	Can we have a full description?	Tba
Materials	What is being used? (how strong will the wall be?)	tba
Windows	n/a	
Design against crime	n/a	
What is the impact of this on the land inside the playing field? Does it affect stability? What happens if it collapses? What is the risk of this?		

5.0 Harm to Natural & Historic Environment	Commentary	Impact
SSSI	n/a	None
AONB	n/a	None
Listed Building	n/a	None
Conservation Area	n/a	None
Cornwall wildlife zone	n/a	None
Tree Preservation	See below	

Are there any trees or hedges on your own property or on adjoining properties which are within falling distance of your proposed development?

Will any trees or hedges need to be removed or pruned in order to carry out your proposal?

5.0 Legal Position

5.1 Clerk has written to the council's solicitors to take advice on this matter. At the time of publication, no response has been received.

6.0 Options

6.1 Postpone any decision until we have received advice on the legal position

6.2 Proceed with questions to Mr Allen (indicated in 4.3 and 4.4 above). Be aware that other questions may arise out of any legal advice we are given.

6.3 Agree to grant permission for Mr Allen to proceed with conditions

Author: John Hesketh, Parish Clerk

Date: 10 July 2020