

**From:** Gordon McIntyre [REDACTED]  
**Sent:** 04 January 2018 07:18  
**To:** PlanningPolicy  
**Subject:** Local Green Space OWNERS RESPONSE

Owners Gordon & Stephanie McIntyre

[REDACTED]  
Strongly object to further unnecessary additional designation

Dear Sirs,

**OALS. NSP001 Open Green Space**

We write with reference to the above application upon which we have taken legal advice. We have been advised that our property clearly does not fit the criteria for further designation.

**Objections**

The following lists the objections we have to the further unnecessary designation of the garden that is within the curtilage of our property [REDACTED]

1. Old Hopyard:

- Is within a Conservation Area;
- Is Grade 2 Listed;
- Contains numerous trees protected by TPOs.
- Is also on the edge of the settlement, on a very little used lane.

Further protection is both unnecessary and inappropriate. Further designation should only be necessary where (to quote from the Guidelines) “their contribution to the settlement is not already protected by policies or other designations”.

The Technical Paper on the Review of Open Areas of Local Significance/Local Green Spaces sets out the criteria which Mendip will use to designate land. As Old Hopyard is already strongly protected in the manner listed above, its “*importance and contribution to a settlement must already be considered if any application falls within or in the vicinity of these sites*”.

2. The garden to Old Hopyard is not open space as defined by the Local Plan. The text to Local Plan policy DP16: Open Space and Green Infrastructure says the following:

*“6.141 The term ‘open space’ can incorporate many different types of areas, ranging from formal recreation spaces like sports pitches and play areas; civic spaces like parks and ornamental gardens; functional areas like allotments, cemeteries and churchyards; linear routes such as footpaths, cycle paths, and river corridors; as well as incidental spaces like railway embankments, verges and landscaped areas within developments. Open space is normally considered to be public space.”*

This is a private garden all within the domestic curtilage of the listed building, and not open space, as defined by the Council.

3. It is not clear to us and our advisor why the drawing published in 2016 did include the buildings in the new proposal for the additional designation. The buildings were not included in the original OALSNP001 and on a more recent plan which we have received, it appears that the buildings are again, rightly, not included in the proposed unnecessary additional designation.
4. It is also not clear to us and our advisor why our Listed property is being singled out for further designation given the protection it already has. The proposals do not appear to be consistently applied. For example, there is a very clear example of a property which sits immediately adjacent to the Church in the village and which has a garden comparable in size to that of Old Hopyard. The guidelines provide that land in the area of a Church or Manor House should be protected (albeit we assume not if they are private gardens as outlined above). However that property, and others, are not included in the proposals for further designation. We would like an explanation, please, as to why our garden is being singled out for designation while others, more prominent in the centre of the village (including adjacent to the Church) are not.

5. To expand upon item No. 1 above, The Old Hopyard sits on a quiet and very little used Lane on the edge of the village. In fact we are the last house that sits within the heavily restricted development area. The next property to the West of our property runs along the west boundary and is on the opposite side of Norton Brook. This property has already developed a tree house and a log cabin to let as holiday lets as authorised by the planning process. The addition of these two buildings has altered the approach into Norton St Philip and the associated lighting that is clearly visible further highlights these buildings for all to see. It has been said, in support of the designation that the integrity of the approach into the village must be protected. However no such consideration appears to have been given these two buildings were approved.
6. Both Mendip District Council and Norton St Philip Parish Council are seriously restricting our Human Rights as owners of Old Hopyard. The Equality and Human Rights Article 8 allows one respect for private and family life and to enjoy their property and home. Also Protocol 1, Article 1 allows property owners to enjoy their property peacefully and restrictions cannot be placed

on the land or property without good reason. It is very clear that because of the considerable protection already in place that you do not have good reason to continue your pursuit for this unnecessary additional designation. I do not intend to repeat the whole of these Articles and Protocol however I am sure that you will be aware or have access to the relevant documents.

7. The process employed by Mendip District Council remains unclear and it appears that property owners are treated differently. This is of considerable concern to us. Our rights should be respected the same as others. We believe this to be a serious matter and the undemocratic process leaves a lot of questions to be answered. There are a number of issues that will be discussed further with the Inspector when appointed

#### Further objections, observations / explanation

In October 2016 I attended a public meeting in Norton St Philip and set out the case that this proposed further designation was unnecessary due to the reasons set out above and I repeat the property is exceptionally well protected by way of the listed status and NPPF. This was subsequently accepted by the Parish Council and they decided that they did not wish to have this additional designation applied to Old Hopyard this was made clear in the documents submitted by the Parish Council.

I am informed that your department intervened with the Parish Council and they then again decided to support Mendip District Council in requiring the additional unnecessary designation.

In spite of this change of heart by Norton St Philip Parish Council I was informed by the then Chairman of the Parish Council David Smallacombe at a meeting on Wednesday 13 April

2017 that the Parish Council still supported my claim that no further designation was required and that they were not seeking to have this additional designation applied to this property. Within half an hour of being informed of this a member of the public at the Parish Council meeting pointed out that the Parish Council were indeed supporting Mendip position and that they were seeking to have this unnecessary additional designation applied to our garden.

I simply do not understand how this issue has arisen as none of the members of the Parish Council who were present corrected David Smallacombe when he was very clear that the Parish Council supported our view that this is an unnecessary additional designation. There were three other persons who were property owners who also disagree with designation being placed on their garden present at this meeting which took place prior to the Parish Council Meeting.

I look forward to receiving confirmation that our already adequately protected property will not be affected by this further designation.

Yours sincerely

Gordon & Stephanie McIntyre

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