

**LGSNSP004 - RINGWELL MEADOW – Comments by [REDACTED]s dated
21 June 2023**

Paragraph by paragraph comments are in grey Roman 12 Typeface

16.12 An OALS and Stage 3 Greenspace, the site contributes to the village's rural character and street scene. The open space can be seen through breaks in the vegetation which surround it and the openness creates important views from Ringwell Lane, which open up suddenly on approach. Vegetation in the gardens to the south provides a visually pleasing backdrop to the views from Ringwell Lane.

PPG requires that exceptional circumstances are required to be demonstrated if private gardens are to be designated as Local Green Spaces. Such exceptional circumstances are not demonstrated by the flowery and unevidenced language in 16.12. Neither is there evidence of the exceptional circumstances anywhere else in the NP for the private gardens that are included in NSP004. Nor in the evidence held on the NSP NP website, nor anywhere else for that matter. In any case, the whole of NSP004 is protected by Conservation Area and is in the historic grounds, aka curtilage, of a listed building.¹ So development proposals will be tested in two separate ways and anything unwarranted would not be approved. of a listed building so any further layers of protection ought to be explicitly justified. 16.12 does not provide such a justification.

There is no explanation in NSP NP 2023 Reg 14 of the term, 'Stage 3 Greenspace'. It may be that this refers to the NORT_3002 area identified in the Greenspace Consultation undertaken by the former Mendip District Council in 2022. Neither does it feature in the Application for Local Greenspace authored by Roe and

¹ The first time the PC suggested The Barton, The Barton, and The Barn, The Barton were not in the curtilage of a listed building was 21 June 2023 at the meeting we requested. Within the curtilage is a concept that is justified as required on a case-by-case basis by the Courts. Notwithstanding, The Barton, The Barton, completed in 1980, is in grounds that are contained within the historic boundary of two listed buildings, Manor Farm and the Tudor Dovecote. It is understood that both were listed before The Barton was completed. A check of the historic boundary walls around NSP004 and the properties now known as The Barton, Lyde Green, Pond Barton and The Barn affirms that all are within the boundaries of land associated with the Tudor Dovecote and Manor Farm i.e. land historically owned by Manor Farm (The Barton in fact means farmland of the Manor). Because of this, English Heritage will assess the impact on both buildings of any development proposal in their historic grounds. Such checks would be in addition to the checks associated with those arising from, 'located in a Conservation Area'. Evidence of this is the fact that English Heritage commented on 4 planning applications submitted in 2017 and 2019 for The Barn and The Barton. Their comments related to both Curtilage and Conservation Area.

Martin. In any case, Stage 3 Greenspace designation cannot be used to justify a LGS in a Neighbourhood Plan.

OALS (and the precursor designation, in some instances, OAVS) have neither identifiable rigour nor an evidence base to justify why they were designated. They cannot be used to justify, or enhance the justification of, a LGS simply because they exist. The OALS designations were held temporarily in place in the adopted MDC Local Plan pending the completion of a single plan for the Mendip district, to 'protect' land from development. Many, including NSP004, of the Mendip OAsLS were designated in the 1990s and there is nothing on record that shows what criteria were used, what data was collected and what analysis was conducted. Most do not stand scrutiny against the 2012 NPPF let alone the 2021 NPPF against which the new NSP NP is being submitted.

LPP2 failed to deliver the promised review and testing of OALS because the policy, method and process used to designate LGS by Mendip for LPP2 was deemed non-compliant with the 2012 NPPF. MDC's whole approach to LGSs was thrown out by the LPP2 Planning Inspector, Mike Fox, during his examination of MDC's LPP2 who said that MDC should develop a robust and compliant approach to the identification and designation of LGSs. Once this was done either the LGSs could be tested during the LPP2 examination or the LGSs could be removed from the Local Plan and developed within Neighbourhood Plans.

MDC, on adopting the Local Plan, chose to follow the Neighbourhood Plan route with the clear expectation that all LGSs would be tested in a PPG compliant way. It is therefore unsound and disingenuous to suggest that it is appropriate or compliant to use LGSs developed using MDC's discredited and rejected methodology in a NP seeking to be Made in or after 2023. The latest version of the NSP NP uses identical LGSs to those removed from the MDC LPP2. The NSP Neighbourhood Plan must therefore contain LGSs that are not compliant with the NPPF and in consequence it cannot meet the Basic Conditions required for examination and should not go forward to Reg 16.

As for openness and visually pleasing views, the Ringwell Lane Boundary of NSP004, i.e. the boundary across which the area would be viewed, is made up of high walls and hedgerows that include recently planted hedging trees. The three landowners of the gardens have both looked very carefully at the 'open and important' views from Ringwell Lane in all seasons and have sought comment from friends about the same, including from an experienced Town and Country Planner. All agree that the view is not open and obtaining a useable sight line requires deliberate and careful manoeuvring – it is not exceptional. What views that exist are certainly not of the type that casual passers-by would see let alone appreciate, even if riding a horse. Indeed, the nature of the recent plantings means that the limited views will likely close off in the next few years rendering as invalid the "important views" element of the reasons for designation.

Furthermore, the garden's special mention for its vegetation (mostly amenity grass and willow trees), whatever that is, appears irrelevant to any designation. There is no guidance within the NPPF, MDC or SCC's planning policy documentation that suggests LGS designation is appropriate as a mechanism to protect vegetation.

It is our considered opinion, and likely that of any qualified Planning Officer or Inspector, that the protection afforded by being in the NSP Conservation Area and in the historic grounds of listed buildings is more than adequate to provide an appropriate basis upon which to judge the importance or otherwise of the garden and its vegetation and to protect it from unwarranted development. Adding further protection suggests that the PC are attempting to use LGS designation in this instance as a tool to stop development, something that is expressly disallowed in the NPPF.

16.13 The former Mendip DC's policy was that only in exceptional circumstances should private gardens be designated as LGS. The two garden areas to the south of the proposed LGS are part of the site which was designated Q2 in 2002 and OALS in 2006.

The only relevance that OALS has in 2023 is that it provides an indication of areas that might warrant LGS designation. Not a justification that LGS was necessary or desirable. Notwithstanding, it has never been quantified nor evidenced upon what constitutes exceptional circumstances and nowhere is there evidence and justification that any exceptional circumstances pertain to the gardens in the area known as NSP004.

16.14 The whole of the site previously classed as OALS merits LGS designation, as it meets the relevant NPPF. This was considered by the Planning Inspector in the Appeal ref Q3305/W/16/3167455 dated 23 May 2017 which related to planning applications on the two gardens on the site. The Inspector noted:

'I have also had regard to where the Framework refers to Local Green Space and the criteria for designating such areas. However, I find no significant conflict between this and the OALS designation relevant to these appeals as this area is, as set out above, of particular local significance for its beauty and tranquillity, which is one of the criteria for Local Green Space designation'.

The Planning Inspector in this and other appeals recognised that it was not appropriate to test the validity of the OALS designation during an appeal for planning permission for a single dwelling. Rightly their conclusion was that the Local Plan Part 2 process was the appropriate vehicle for testing the veracity of the OALS for designation as LGS. LPP2 was in process and scheduled to complete in 2020. LPP2 is now complete and one of the key recommendations accepted by all was that the OALS and LGS needed proper review. ;'No significant conflict' is not a judgment of soundness. Beauty is in the eye of the beholder, but it is difficult to understand how the site could be viewed as exceptionally beautiful in its current

unkempt state. Hence the Planning Inspector's judgment not to pre-empt the Local Plan was correct.

Furthermore, the site is already protected by its location in the NSP Conservation Area and in its proximity to a listed building. Therefore, in accordance with the NPPF, NSP004 needs no further protective designation.

The inspector's statement does not address the key issue of LGS designation, especially the need to demonstrate the exceptional circumstances required to justify LGS designation of a private garden.

16.15 Further Planning Application were lodged in 2019 for development of the 2 garden parts of the site. These applications (2019/2552 and 2019/2549) were refused on grounds of the harmful effect of the proposed developments on the character and appearance of an Open Area of Local Significance (OALS) .

Para 16.15 As for paragraph 16.14. The NP is aiming at LGS designation. Implicit in the adoption of the Local Plan was the requirement to develop LGSs that are sound. The Inspector was correct to refuse the planning applications because the NP was the subject of ongoing Judicial Review at the time of the 2019 applications and appeals. It is hardly surprising that the Planning Inspector for these appeals chose not to pronounce on a matter already in a higher level planning and judicial process.

16.16 These decisions were appealed; the Appeals were dismissed in 2020. These Decisions can be found on the NP website at <https://nortonstphilipneighbourhoodplan.com/ringwell-lane-lgsnsp004/>

Ringwell Meadow (cont'd)

16.17 Para 13 of the 2019/2549 Appeal Decision state that :

"It is acknowledged that the site and the wider OALS does not have a recreation use nor is it publicly accessible, yet this does not detract from its local value given its distinctive natural appearance and the tranquillity it contributes to this part of the village. These qualities can be experienced from locations surrounding the site including Ringwell Lane and the rear of properties along The Barton."

The private garden is only tranquil when it is not being used by the owners of the property as a private garden – lawn cutting and other maintenance, family sports, barbecues, grandchildren running around, family gatherings, golf practise and other

such activities. Notwithstanding, such language is not evidence that exceptional circumstances have been met.

16.18 In his Decision on 2019/2552 the Appeal Inspector referenced the 2019/2549 Decision, agreeing that

“Paragraph 170a of the Framework states that planning policies should contribute to and enhance the natural and local environment by, among other things, protecting and enhancing valued landscapes in a manner commensurate with their identified quality in the development plan.

I consider that the OALS policy is broadly consistent with the Framework. In this regard, my findings are consistent with those of the Inspector who considered the appeal at Land adjacent to The Barn.”

He concluded that

As for 16.

“...the proposal would cause harm to the character and appearance of the OALS.” Ringwell Meadow (cont’d)

The issue is LGS designation. Not validation of an OALS, a designation that is hopelessly outdated, has neither definition, policy, standards, evidence, method of determination etc. Broadly consistent is not language that stands up to scrutiny in the context of the proposed LGS designation of a private garden, especially when the gardens are already in the historic grounds/curtilage of a G2* listed building and in the NSP Conservation Area. The adoption of the Local Plan in Mendip included the requirement for future LGS designation to be undertaken using sound method, process and evidence. This has not happened.

Breach of Human Rights Act Article 8 and European Convention of Human Rights Protocol 1, Article 1.

The ongoing attempts to designate the back garden of The Barton, The Barton and The Barn, BA2 7NE as a LGS breaches the human rights of the owners of the properties. The Human Rights Act at Article 8 requires respect for private and family life. Protocol 1, Article 1 of the Convention requires that property owners be able to enjoy their property peacefully and without restriction.

The NSP004 LGS debacle has been in process almost 10 years during which our enjoyment of our properties has been restricted and our health and relationships challenged because of the excessive and ever-expanding time taken to defend them from unfair and unreasonable designations. There is no evidence to suggest that it is in the public interest to further breach our rights by continuing to pursue Local Greenspace designation for our back garden especially given that, as we have already demonstrated in this note, such interest has not been tested by the community that would be served by a view over it. Notwithstanding, we would have to build a particularly tall building to compromise the views and such a building would almost certainly be turned down – Conservation Area test and proximity/Curtilage of a historic building test.

As for the maps of NSP004 in the Neighbourhood Plan and in the Application for LGS, they are different, do not reflect the true layout and neither matches the photograph in the Application. For example, one places the kitchen and bedroom 1 to The Barton, The Barton along with an electric substation that serves much of the village in a Local Green Space. And the electricity substation is part of the LGS in both maps. The electricity supply company would almost certainly have a view on the designation of one of their substations as residing in a LGS but there is no evidence that they have been consulted.

18.04

Site Ref	Description	Justification for designation
LGSNSP004 Ringwell Lane	Greenfield area alongside Ringwell Lane, made up of water meadow surrounding Norton Brook and steeply rising land to the east.	Site contributes to the village's rural character and the street scene. It is important to the rural character of this part of the village, characterised by a network of narrow lanes interspersed by open spaces, and divided by walls, trees and historic buildings. The open space can be seen through breaks in the vegetation that surrounds it and the openness creates important views from Ringwell Lane, which open up suddenly on approach. Both the water meadow and the embankment to the east are important to the site's contribution to the street scene. Vegetation in the gardens to the south is particularly important as a backdrop to the views from Ringwell lane.

See also comments against 16.12 through 16.18.

The site is not a water meadow. It is made up of two gardens, an electricity substation and a field that is frequently grazed by sheep including as recent as Spring 2023. Sheep could not graze on a water meadow and the whole area is not 'watery'. The brook running through the site has overflowed once in the last 12 years and that was in 2013, which was before the drainage ponds adjacent to Fortescue Fields were completed.

The site is adjacent to modern housing on 3 sides and is close to open fields.

'Important to' is not evidenced nor justified.

The large private garden to The Barton is mostly made up of maintained amenity lawn and has been for over 30 years. Such a garden does not add to rural character.

The network of narrow lanes would not be impacted if the private gardens were removed from the site.

The large private garden to The Barton is barely visible from Ringwell Lane. It is screened by hedges and trees and the 'vegetation' is amenity lawn and low maintenance borders. The view will diminish over coming years as the screening increases in height and density.

The map shows the LGS cutting through the kitchen and bedroom 1 of The Barton, The Barton. The map differs from other maps that purport to show NSP004 and this map also shows the LGS covering the whole of the electricity substation. It is likely that development work required to keep this substation up-to-date would be compromised by its situation in a Local Green Space and one wonders whether the electricity supply company has been consulted. Ongoing modification and change to substations are an inevitable requirement of transforming the power grid to make it compliant with green electrical generation intentions. Such issues reinforce the lack of care and attention paid in the development of this LGSm.

The photograph of a non-descript scruffy slope with an indeterminate house in the background serves only to demonstrate that the site is neither beautiful nor exceptional.



© Crown copyright and database rights 2018 Ordnance Survey 100019309. Additional Information © Mendip District Council



Norton St Philip Public Sector

Mapping Agreement License Number 100053175