

Norton St Philip Neighbourhood Plan; Representation Response Form

- All representations should be made on a form of this type.
- There are guidance notes on page 2 to help you complete the form.
- Representations must be received by 5pm on Friday 17th January 2025

You can photocopy this form, download copies from www.somerset.gov.uk/planning-buildings-and-land/neighbourhood-planning/neighbourhood-plans-in-production/ or collect additional hard copies from the Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT. For further information or advice, please contact the Planning Policy Team by email: planningpolicyeast@somerset.gov.uk or telephone: 0300 123 2224

PART ONE – YOUR DETAILS AND GUIDANCE NOTES

Contact Details	
Name: CG and KJ Parsons	<i>If you have appointed somebody to act as your agent, please give their contact details. All correspondence will be sent to the agent:</i>
Organisation: None - resident and landowner (if applicable)	Agent Name: _____
Address: [REDACTED]	Company Name: _____
Postcode: [REDACTED]	Address: _____
Email: [REDACTED]	Postcode: _____
Tel: [REDACTED]	Email: _____
Tel: [REDACTED]	Tel: _____
Signature: [REDACTED]	Date: 16 December 2024
CG and KJ Parsons	

Representations should be attributable to named individuals or organisations at a postal address. Any representation received will be published on the Council's Website, including your name.

Future Progress of the Neighbourhood Plan for Norton St Philip	
<input checked="" type="checkbox"/>	Please indicate if you wish to be notified about progress of the Neighbourhood Plan, including when the Council makes a decision about 'making' the plan (under Regulation 19), by ticking here. We will contact you by <u>e-mail only</u> unless you instruct otherwise.

GUIDANCE NOTES

If you need any further information or advice, please contact the Planning Policy Team via e-mail: planningpolicyeast@somerset.gov.uk or by telephone: (0300) 303 8588.

A Neighbourhood Plan For Norton St Philip

Norton St Philip Parish Council has submitted its proposed Neighbourhood Plan to Somerset Council under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The proposed Neighbourhood Plan and related documents can be viewed online at www.somerset.gov.uk/planning-buildings-and-land/neighbourhood-planning/neighbourhood-plans-in-production/ or are available to view at the following location:

- Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT (Opening hours 8.30 am – 5 pm Monday – Friday)

Under Regulation 16, the Council is required to publicise the proposed Neighbourhood Plan and invite representations before it is submitted for Examination. This period will run between **Friday 2024** and **Friday 2024** Representations received outside this period may not be accepted.

What can I make comments on?

The Examiner will only consider matters in the box below. As such, **comments should relate only to such matters and this should be clearly stated in your representation.**

When examining the Neighbourhood Plan, the Examiner is required to consider the following:

- A** Whether the draft neighbourhood development plan meets the basic conditions outlined in the Regulations as:
 1. Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan;
 2. The making of the neighbourhood development plan contributes to the achievement of sustainable development;
 3. The making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area;
 4. The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.
- B** Whether the draft neighbourhood development plan complies with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004
- C** Whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates
- D** Whether the draft neighbourhood development plan is compatible with the European Convention on Human Rights

Can I submit representations on behalf of a group?

The Council welcomes submissions from groups who share a common view on how they wish to see a policy changed. A single representation will be as effective as a large number of individuals submitting separate representations which repeat the same points.

PART TWO – YOUR COMMENTS

Please use a separate form for each section or policy you wish to comment on

1. To which proposed section or policy does your representation relate?
Flawed 2023 Consultation including at Reg 14 Green Infrastructure and the Environment/Important Green Spaces Policy 7 Appendix 2 Green Infrastructure - identified sites
2. To which basic condition or other matter outlined in the guidance notes does your representation relate?
A, B, D
3. Please outline your comments below (continue on an additional sheet if necessary)
Comments contained on 8 additional sheets submitted as part of this form

Completed forms should be returned:

- **By post to:** Planning Policy East, Somerset Council, Cannards Grave Road, Shepton Mallet, Somerset, BA4 5BT
- **By e-mail to:** planningpolicyeast@somerset.gov.uk
- **By hand to:** the Council Offices in Shepton Mallet (address above) or the Council Service Point in Wells Town Hall

Representations must be received by no later than Friday 17th January 2025

Representations received after this date will not be considered.

Updates on progress will be given via the Council's Plan-It newsletter. Sign up can be found at www.somerset.gov.uk/planning-buildings-and-land/plan-it-somerset-newsletter-sign-up/

Objection to the proposed designation of the rear of our property at BA2 7NE, including the back garden as an ‘important greenspace’ – Representations on the 2024 Regulation 16 Version of the Norton St Philip Neighbourhood Plan (NSP NP) dated Nov 24.

We are representing our formal objections to the proposal to designate the land at the rear of our property, The Barton, The Barton, Norton St Philip, BA2 7NE, as an ‘important greenspace’ within the 2024 Regulation 16 Version of the Norton St Philip Neighbourhood Plan (NSP NP) dated 24 August 2024. We request that Somerset East Planning Authority direct that our land be removed from the NSP NP before it goes forward to independent examination. No evidence has ever been given as to what makes our private residential garden so exceptionally significant that it warrants planning considerations/constraints over and above normal planning rules such as Conservation Area regulations. We believe that the inclusion of our land in the NSP NP breaches several of the basic conditions required by the Town and Country Planning Act 1990, which renders unlawful the 2024 Reg 16 version of the NSP NP. The following paragraphs and supporting photographs detail our analysis and conclusions.

Residential Private Property Rights (breach of Basic Conditions A, B - inadequate regard to NPPF)

First and foremost, and notwithstanding the legitimacy or otherwise of the ‘important greenspace’ designation, our residential back garden, including a large hardstanding, patio and veranda, is private property, intended for the personal use and enjoyment of our family and us. The private residential garden and rear ground of The Barton, The Barton has no community value. It has never been open to the public, never been used for educational purposes and never contributed at all, let alone significantly, to the local community. It has no community value and cannot in any way be recognised as a community asset. Designating it as an ‘important greenspace’ or indeed LGS in future could impose restrictions on how we use and manage it, infringing upon our rights as homeowners. This designation could limit our ability to make necessary changes or improvements to the property in the future, which is an unreasonable burden for a private homeowner.

No public access, or community significance (breach of Basic Conditions A, B - inadequate regard to NPPF and PPG)

The garden in question is neither special, significant nor accessible to the public, and no evidence has ever been presented that it provides a direct or even indirect benefit to the wider community. It has no historical or cultural importance and is therefore not historically or culturally significant. Whilst we appreciate the value of preserving green spaces, the designation of a private residential garden that is not publicly accessible and difficult if not impossible to view over or through the high hedges and trees that surround it, does not seem to align with the intended goals of public greenspace policies. There are numerous countryside walking routes, public parks and nature reserves in the area that serve the community’s needs without impinging on our private property.

Existing Environmental Management

We want to emphasize that we already take great care in maintaining our garden to support local wildlife and the environment. We have implemented several eco-friendly practices, such as composting, planting native species, tree maintenance at considerable expense and creating habitats for birds and insects. However, we believe that these efforts should remain voluntary and within our control rather than being mandated by a formal designation that could lead to further regulatory oversight or obligations.

Conservation Area (Breach of Basic Conditions A, B - inadequate regard to NPPF and PPG)

Our back garden is wholly in the Norton St Philip Conservation Area. Neither evidence nor justification beyond a paragraph of flowery prose is given as to why it needs protection above and beyond that afforded to all land and buildings in the Conservation Area, especially given its closeness to the historic Grade II* Tudor Dovecote and Grade II Manor Farmhouse.

Lack of consultation and justification (Breach of Basic Conditions A, B, D - inadequate regard to NPPF, PPG and Somerset Council Planning Policy)

We are concerned about the lack of direct consultation with us as the property owners before this latest designation was proposed. Such consultation as took place only occurred at Reg 14 when all residents of the village were invited to comment on a fully formed NP. We believe that PPG and Somerset Council guidance requires that consultation with land-owning residents should be early in the drafting process and over and above that with other residents. Notwithstanding, the NSP PC have failed to properly address the concerns raised in our Reg 14 response, analysis and summary in the Reg 15 submission even though our concerns have been tabled on numerous occasions in the past including via FOI questions.

Moreover, we again request a clear, up-to-date and detailed explanation of the specific reasons for considering our garden for this designation, including any assessments, evidence or studies that were conducted to support this proposal. We request this evidence from SC prior to the engagement of a Neighbourhood Plan Examiner.

Inconsistent application of process (breach of Basic Conditions A, B, D - NPPF and PPG plus equality and human rights acts)

At the NSP Parish Council of 13 November 2024 a statement on feedback received from the Reg 14 consultation on the Norton St Philip Neighbourhood Plan was made by Councillor Hitchins. Following this statement, the PC approved the Neighbourhood Plan for submission to Somerset Council under Regulation 15. The quote below was transcribed from a recording made by Mr C G Parsons who advised the Chair of the PC and Clerk at the start of the meeting that recording would take place. A copy of the recording is available:

“Some amendment to the boundaries of the important ah greenspaces to exclude buildings and hardstanding particularly ah the shed in the churchyard, the church mead pavilion and hardstanding ahm the preschool and hardstanding, ahm and the hardstanding around the garden ahm Malthouse Garden”

NSP004 includes a large hardstanding (9mx22m), a large veranda deck area (9mx5m), a patio and drive (10mx4m), and a large electricity substation, all of which are in the rear garden of The Barton, The Barton, BA2 7NE. Failure to remove these areas from the Neighbourhood Plan is inconsistent, unfair and breaches regulations. Continued inclusion of the hardstanding, deck area, patio, electricity substation and driveway when similar features have been removed from other proposed ‘important greenspaces’ could well suggest that the NSP PC’s motive to include the gardens of The Barton, The Barton is not simply based on an (erroneous) assessment that the garden is exceptionally significant.

Impact on our mental health (Breach of Basic Conditions D - equality and human rights)

The contiguous and often parallel processes over the last 10 plus years of developing the various versions of the NSP NP and district level Local Plans has restricted our enjoyment of our property and impacted negatively on our mental health. We have spent countless stressful hours in unsuccessful attempts to extract evidence from the Parish and District Councils upon the rationale for designating our garden as a LGS and now as an ‘important greenspace’. We have also commented on multiple versions of both plans without ever receiving any reasoned and evidence-based justification for designating our residential back garden as LGS in earlier versions of the plan and now as an ‘important greenspace’. Nor has anyone in authority been able to explain why the Parish Council are treating the rear of our property differently to all bar two residential gardens in the village. This latest attempt to label our garden as something other than what it is - the ordinary back garden of a private residence in being since 1982 - is unreasonable, unfair and continues to impact negatively on our mental health and wellbeing.

Impact on Property Value and Usability (breach of Basic Conditions D - equality and human rights)

The designation of our garden as an ‘important greenspace’ could negatively impact the value, saleability and usability of our property. Potential future buyers might be deterred by the prospect of purchasing a property with such a designation, which could be seen as a restriction on the flexibility to manage and enjoy the garden as they see fit.

Reference to flawed Local Greenspace designations (breach of Basic Conditions A, B - NPPF and PPG)

The only justification for designation as an ‘important greenspace’ we have found is almost identical to that used to propose our garden as a Local Greenspace in a rejected in 2020 version of the Mendip Local Plan Part 2. Indeed the 2024 NP explicitly draws this link and notes that the Local Green Spaces in earlier versions of the NP were deemed lawful. Whilst this is in part true, it is also true that the LGSs in the village have never been properly tested against specific guidance on Local Green Spaces in the National Planning Policy Framework or PPG. Rather the LGSs were assessed by an independent NP examiner in early 2019 as meeting the Basic Conditions required for endorsement of a Neighbourhood Plan. And the assessment was based on the fact that the LGSs were developed using the Mendip Planning Authority approved process, which at the time had not been deemed as flawed. But the process used, as developed by the then Mendip District Council, and the evidence gathered, such as it was, was deemed at the Planning Inspectorate inspection of the MDC Local Plan later on in 2019 to be deeply flawed and not compliant with the NPPF and PPG. In consequence the former MDC annulled their LGS designation process and removed all LGSs from the Mendip Local Plan. Such actions must draw into question the compliance with the NPPF and therefore lawfulness of any of the former LGS sites in the NSP NP because they were developed with a deeply flawed and subsequently withdrawn process. Such a fact renders irrelevant any mention of LGSs in this version of the NP and such mentions should be removed before the plan is presented for examination.

Inadequate justification lacking evidence and rigour, seemingly solely based on flowery prose (breach of Basic Conditions A, B - NPPF and PPG)

Since 2015, which saw the beginning of attempts by the NSP PC to designate our garden as a LGS in earlier versions of the NP and in the Local Plan and now as 'important greenspace', the only justification we have found is the following paragraph. The veracity, especially auditible evidence in support of the prose used to justify the proposed designations as 'important greenspace', warrants further assessment:

"NSP004 Ringwell Meadow

An OALS (004) and identified as Stage 3 Greenspace, the site contributes to the village's rural character and street scene. The natural features of the land form an attractive and tranquil part of the village, while providing relief from the residential development to the east, along The Barton and to the West, at Springfield. 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. The importance of this meadow to the historic character and appearance of the village has been endorsed in 4 recent Appeal decisions dismissing development proposals on the site."

Ringwell Meadow - a name recently invented to create an impression of historic provenance

The name Ringwell Meadow dates from 2017 when it was used in an earlier version of the NSP NP and the 2018 - 2020 draft MDC Local Plan Part 2. The name Ringwell Meadow was chosen after an attempt in 2016 was made to call it a water meadow, which it most definitely is not. Prior to this NSP004 was known locally as a (derelict and overgrown) paddock and 2 gardens, all separated by well-defined, lawful boundaries and fences that were in existence in the 1970s or earlier. The name Ringwell Meadow would seem to be a new and contrived label that does not feature in any Ordnance Survey Maps or other official plans/ maps including those produced in the 18th Century. The land in question has never been known as a meadow, or even part of a meadow. Rather it was agricultural fields and outbuildings which were part of Manor Farm. It is considered likely that the name was applied to the land by some in the village, supported by the PC, to give it an undeserved degree of local provenance.

Open Area of Local Significance (breach of Basic Conditions A, B - NPPF and PPG)

OALS is a turn of the century and now obsolescent land designation that is not recognised by the NPPF, PPG or anywhere else. It is a designation that is unique to the former Mendip District Council. There is nothing on record for any of the Open Areas of Local Significance (OAsLS) that identifies what criteria were used for designation, what evidence was collected and what analysis was conducted or indeed, when the OAsLS were designated or reviewed thereafter. Previous assessments suggest most of the OAsLS have never been properly reviewed and are almost certainly neither compliant nor coherent with the NPPF. It seems entirely unreasonable that a 20+ year old OALS designation is being used as the basis of the 2024 'important greenspace' designations proposed for the NSP NP, including residential back gardens. Rather a proper, evidence-based review of the OALS in NSP should have been undertaken as part of the development of the 2024 version of the NSP NP, which would have closed out any issues associated with the importance or otherwise of 17 greenspaces that the NP identifies in the village.

Greenspace Designation - misinterpretation and significant errors of fact (breach of Basic Conditions A, B - NPPF and PPG)

The Mendip District Council Greenspace Supplementary Planning Document was adopted in Feb 2023 along with 5 other supplementary planning documents, some 2 months before the vesting day of the new Somerset Council. These supplementary planning documents are unique to the Somerset East Planning District and nothing similar to the Greenspace SPD has been found in the other 3 Somerset Planning Districts. The Greenspace SPD calls for the application of significantly different land designations to be applied to planning in Somerset Planning East, which will inevitably lead to confusion, likely additional costs and failure to comply consistently with the NPPF.

The stated intent of the Greenspace document was to provide a, 'starting point for further work'. Specifically, work to evidence and justify or otherwise designation as Local Green Space, a status recognised in the NPPF and PPG. No evidence has been presented or can be found that any further work has been conducted to develop these spaces for Norton St Philip, which seems a significant oversight given that the NP is the logical place for this work to happen. Rather, the 2024 Reg 16 version of the NSP NP appears to rely solely on the

historic and proven unsatisfactory justification used to inform the many previous versions of the NP and Local Plan. Perhaps this is because the authors of the NP are unwilling to countenance any interrogation of their judgment, much along the lines of 'it is because we say it is' rather than a reasonable designation set against understandable criteria supported by hard evidence. It has proved impossible to obtain this hard evidence despite the many attempts made over the last 10 years, which suggests that it does not exist. Or perhaps the authors did not wish to address LGS status for the former OAsLS in the NP because they were aware that many/most would not survive proper scrutiny.

Notwithstanding, the SEA and HRA reports associated with the 2024 Reg 16 NP refer to Green Spaces and do not mention 'important greenspaces'. There is no indication anywhere that 'Green Spaces' are the same as 'important greenspaces' or even 'greenspaces' – are they synonymous? Or is 'important greenspace' a designation that has been invented by the NSP Parish Council - 'important greenspace' cannot be found anywhere in the NPPF, PPG, the Greenspace SPD or anywhere else. Furthermore, the table at paragraph 18.24 of the 2024 Reg 16 NP confuses Type with Typology. At first sight an issue of semantics but the difference in meaning is marked and suggests a lack of understanding of the intent of the Greenspace SPD. Specifically, a type refers to a specific category, class, or kind of something whereas typology is the study or systematic classification of types.

NSP004 - what it really is (breach of Basic Conditions A, B - NPPF and PPG)

NSP004 is owned by 3 different entities and is bounded by tall hedges and walls on the South and West side, and houses to the North and East. The land in question was previously part of a parcel of well-defined and contiguous agricultural fields (including the land upon which the properties known as Lyde Green and Pond Barton are built), farmyard and farm buildings that were sold for development in the 1970s. The Barton, The Barton, self built in 1976 by our current neighbour, and its garden, created as a garden between 1976 and 1982. It is sited on demolished farm buildings and one of the historic fields. Thus, the table at paragraph 18.24 of the 2024 Reg 16 NP contains a further error in that it describes NSP004 as wholly Greenspace when in fact it is a Private Garden and Greenspace. The remainder of NSP004 is made up of part of another garden (i.e. another error) plus 2 or 3 small agricultural fields. The other garden is being restored as a wild area and the large field, better maintained now than it was in 2020, is used agriculturally to graze sheep throughout the year, most recently in early October 2024. The whole of NSP004 is within the Conservation Area and is inside the development limits of the village with its northern end bordering on open fields. The archaeological survey of Norton St Philip, published by Somerset County Council in 2003, identified that part of the NSP004 was used as a quarry in the 18th Century.

The residential rear garden of The Barton, The Barton, already built on and not tranquil (breach of Basic Conditions A, B - NPPF and PPG)

Approximately one third of NSP004, fenced and easily identifiable in Land Registry records, is the fenced in, private residential back garden and amenity spaces of The Barton, The Barton, BA27NE. The garden of The Barton, The Barton has been in being as part of a private garden for over 40 years. It is laid mostly to lawn with several mature, well-maintained trees, a large hardstanding (9mx22m), a large veranda deck area (9mx5m), a patio and drive (10mx4m), and a large children's climbing frame and swings - all of these elements of the garden are located in NSP004. The garden has been used for two family weddings and multiple other family events and as a well-used private garden, it is not known for its tranquillity. An ecological survey in 2016, refreshed in 2020, did not find any wildlife of significance in the garden, which also hosts, under a wayleave agreement, a medium size SSE electrical substation and associated pole and cabling that supplies converted electricity to approximately 50% of the village. The existence of the substation demonstrates that the garden has already been built on and further contradicts any thought that the garden is either tranquil, especially significant or indeed an 'important greenspace', whatever that is.

Lack of evidence and consultation that supports the significance of the garden (breach of Basic Conditions A, B - NPPF and PPG)

The August 2024 NP and associated documentation do not provide any evidence, let alone any up-to-date evidence, as to why the private residential garden of The Barton, The Barton is of any significance at all to the local community let alone of exceptional significance. No up-to-date evidence has been found anywhere else and the Parish Council has not consulted adequately and in accordance with Somerset Council policy on consultation with the owners of The Barton, The Barton in the preparation of this version of the NSP NP. Such a lack of consultation with the owners of the private garden who are retired residents of the village appears most undemocratic and will impact of the lawfulness of the plan.

Views constrained by hedging, trees and walls (breach of Basic Conditions A,B - NPPF and PPG)

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. We have looked very carefully at the ‘open and important’ views from Ringwell Lane in all seasons and have sought comment from other residents and 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. Even then, only the lower part of the garden between Norton Brook and Ringwell Lane can be seen because the other part of the garden is screened by mature trees and a hawthorn hedge. What views that exist are certainly not of the type that casual passers-by would see, let alone appreciate. And they will become increasingly compromised over time as hedging grows and matures.

Disingenuous use of planning application refusals (breach of Basic Conditions A, B - NPPF and PPG)

Mention of the refusal of 4 planning applications on page 81 of the NP along with a photograph of a small non-descript piece of land is being used to justify the inclusion of the gardens in NSP004. The 4 planning applications referred to in the NSP NP were all refused for the same reason, which was most definitely not because of the “importance of this meadow to the historic character and appearance of the village”. The actual reason for refusal was that planning applications for individual dwellings were deemed as an inappropriate vehicle for questioning the veracity or otherwise of Mendip’s designation, Open Area of Local Significance, whilst a district level Local Plan review was underway. In consequence, any mention of the 4 planning applications in this version of the NP is irrelevant and such mentions should be removed.

Conclusion

In conclusion, whilst we support the broader goals of preserving green spaces within our community, we strongly believe that our private garden is not especially significant and should not be designated as an ‘important greenspace’ whatever that is, or indeed any other special designation such as LGS. Our garden and amenity spaces are already well protected because they are in the NSP Conservation Area. We respectfully request that the Planning Authority direct that the NSP PC remove the rear of our property from the NSP Neighbourhood Plan prior to it going forward for independent examination. We wish to advise the Planning Authority that we have resources in place to exercise our right to challenge continued inclusion of any part of our property in land designated as ‘important greenspace’ or any other non-national or national designation, including through the courts if necessary.

Photos of the rear garden and amenity space of The Barton, The Barton, BA2 7NE



Panorama of the garden i.e. not a meadow



Bottom of garden adjacent to field



Hardstanding area - included in Neighbourhood Plan as part of Ringwell Meadow



Small Patio and Drive - included in Neighbourhood Plan as part of Ringwell Meadow



Veranda decking, small patio and flower bed - all included in Neighbourhood Plan as part of Ringwell Meadow (nb rear extension was in the NP and LP until 2020)



Bottom of garden showing adjacent agricultural field and neighbour's 'wilded' area - all included in Neighbourhood Plan NSP004 - not a meadow, rather 2 gardens and an agricultural field

Page 8 of 8 - CG and KJ Parsons representations on the 2024 Reg 16 Version of the NSP