

Landowner/leaseholder - Local Green Space Consultation – June 2015 Response Form OBJECTION

Your name / organisation:

Tim Roberts (Tim Roberts Planning) on behalf of the owners [REDACTED]

Address and contact details (please include phone number & email address):

Tim Roberts, Garden Cottage, Mumbleys Lane, Thornbury, South Gloucestershire,
BS35 3JZ

In order to be able to proceed with the protection of the green spaces that have been put forward for designation as Local Green Spaces we must have for each space:

- details of the ownership of the land (if at all possible)
- a map of the boundaries
- an explanation of how it meets the criteria for designation and
- specific justification for why it is demonstrably special to the local community

Therefore please first check the List of Nominated Local Green Spaces and maps which can be viewed at: www.southglos.gov.uk/lgsd15 which identifies where further information on any of the above is still needed and then provide us with the additional information, where necessary, using this form:

If you are the landowner and wish to support or object to any of the spaces being nominated, please use this form to tell us how the space does or does not meet the criteria, by completing the questions below.

PLEASE USE A SEPARATE FORM FOR EACH GREEN SPACE

Name and code of nominated space:

Please clearly reference the individual Local Green Space's code provided in both the List of nominated Local Green Spaces and the maps, available from www.southglos.gov.uk/lgsd15

LGSD063 Warner's Court (Charfield Ward)

A) Ownership of Local Green Space

Please indicate if you or your organisation are the landowner/leaseholder:

I am instructed by the owners of the site: [REDACTED] (Warner's Court, Wotton Road, Charfield, South Gloucestershire, GL12 8TG)

As the land owner / leaseholder, are you aware of the proposal to designate your land?

With reference to Step 3 of The Process of Designation: the owners of the site were not notified by the promoter of the proposed designation nor the Local Planning Authority. They have, however, subsequently become aware of the process. The owners of the site should have been known to the promoters as they are the residential occupiers. Paragraph 019 of the Planning Practice Guidance (Reference ID: 37-019-20140306) is clear that where proposed land is not in public ownership, landowners should be contacted at an early stage.

Are you in support of or objecting to the proposals to designate this land?

OBJECTING

If you are objecting to the proposals to designate your land, what are your reasons? (Please refer to criteria in sections C and D below in particular)

Paragraph 73 of the NPPF confirms that *“access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities”*. There is no right of access to or PROW across the proposed site. Half the site is in lawful residential use while the other half is actively farmed. It offers no opportunity for sports and recreation.

With reference to paragraph 74 of the NPPF the proposed site is not *“an existing open space, sports or recreational land”*.

With reference to paragraph 76 of the NPPF, the local community has failed to provide any cogent evidence as why the proposed LGS at Warner’s Court (Residential curtilage and agricultural land) *“is of particular importance to them.”*

Insofar as the three criteria set out paragraph 77 of the NPPF are concerned (and all three are required to be satisfied) it is clear that Warner’s Court is not *“demonstrably special to the local community”* and it does not *“hold a particular significance, for example because of its beauty, historic significance, recreational value (it is not a playing field), tranquillity or richness of its wildlife.”*

Further detailed guidance on Local Greenspace Designation is provided in the Planning Practice Guidance (PPG).

No evidence has been provided to support the notion that the house and gardens at Warner’s Court together with the barn and two parcels of agricultural land either side comprises *“a green area of particular importance to the local community”* (Ref: PPG 005 Reference ID: 37-005-20140306)

PPG Paragraph: 007 (Reference ID: 37-007-20140306) is clear that Local Green Space designation should not be used in a way that undermines the aim of plan making to identify sufficient land in suitable locations to meet identified development needs. The recent appeal decision in respect of land at Wotton Road, Charfield has confirmed that SGC has not demonstrated that it can deliver a 5 year supply of housing land (Ref:

APP/P0119/A/14/2220291 – 08.06.2015).

PPG Paragraph: 008 (Reference ID: 37-008-20140306) confirms that Local Green Space designation will rarely be appropriate where the land has planning permission for development. The same clearly goes for sites that are partly developed as Warner's Court is in respect of its extensive residential curtilage and barn.

There is nothing in the NPPF or the PPG that remotely suggests that the designation of a residential curtilage would be appropriate.

No evidence has emerged as to why Warner's Court is "*demonstrably special to the local community*" (Ref: PPG Paragraph 010 Reference ID: 37-010-20140306).

PPG Paragraph 013 (Reference ID: 37-013-20140306) suggest that Local Green Space Designations could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis. None of these descriptions remotely applies to Warner's Court.

In summary, the proposed designation of Warner's Court fails the necessary requirement set out in the second bullet point of Paragraph 77 of the NPPF, and as such it is fundamentally flawed.

B) Map of proposed Local Green Space

PLEASE PROVIDE A MAP WHICH SHOWS THE BOUNDARIES OF THE PROPOSED LOCAL GREEN SPACE

If not previously provided. Please see List of Nominated Local Green Spaces and Mapped, nominated Local Green Spaces to check if this is required. www.southglos.gov.uk/lgsd15

Previously provided by the Promoter (Ref Code LGSD063)

IF YOU ARE THE LANDOWNER PLEASE PROVIDE A MAP OF YOUR OWNERSHIP

This is particularly important if this differs from the area proposed for designation e.g. if you own only part of the proposed Local Green Space, see the mapped, nominated Local Green Spaces: www.southglos.gov.uk/lgsd15

██████████ are the owners of the entire site being promoted.

C) Does the space meet the national criteria for designation as a Local Green Space?

Please provide a response to each of the following 5 criteria - where information has not already been provided or is incorrect in the List of nominated Local Green Spaces. (Table 1 of the Local Green Space Designation Updated Guidance Note (June 2015) www.southglos.gov.uk/lgsd15 provides further details of the criteria and guidance on what sort of information you may wish to submit):

1. Is the proposed space subject to a planning permission for development? (See Criteria 1 in the guidance note)

No (Please note however that approximately half the proposed designation is in lawful residential use, the remainder being agricultural. Warner's Court and its residential curtilage is occupied by the owners [REDACTED])

2. Is the proposed space the subject of an allocation, or proposal to allocate, for development in the Local Plan? (See Criteria 2 in the guidance note)

No

3. Is the proposed space an extensive tract of land and is it local in character? (See Criteria 3 in the guidance note)

The proposed space is not an extensive tract of land. With reference to SGC's Criterion 3, no evidence has been submitted to demonstrate that the space or combination of adjoining spaces "feel" local in character and scale, in respect of the local community.

As an occupied residential curtilage and two parcels of actively farmed agricultural land, the proposed designation does not "serve the local community".

Blanket designation of residential curtilages (house and gardens) and agricultural land to which the public has no right of access and little visual connection with, adjacent to settlements, is not appropriate.

4. Is the space within close proximity to the community it serves? (See Criteria 4 in the guidance note)

The space is within close proximity to the local community of Charfield. It does not, however, 'serve' that community in respect of the criteria justifying designation.

5. Is the specific space demonstrably special to the local community? e.g. not a blanket designation (see Criteria 5 in the guidance note)

No evidence has been submitted to demonstrate in what ways this specific space might be "special" to the local community. This is not surprising since, contrary to SGC's Background Information on the List of Nominated LGSs, there is no public right of access to or PROW across the site.

D) Why is the space of particular local significance?

Please use the following response box to provide specific evidence as to how at least one of the following criteria is relevant:

Please state which criterion, 6-11, are relevant to the nominated space. Table 2 of the Local Green Space Designation Updated Guidance Note (June 2015) www.southglos.gov.uk/lgsd15 provides further details on the criteria and guidance on what sort of information you may wish to submit to justify how the space is of particular local significance and demonstrably special to the community that use it:

6. The proposed space is of particular local significance because of its beauty
7. The proposed space is of particular local significance because of its historic significance
8. The proposed space is of particular local significance because of its recreational value
9. The proposed space is of particular local significance because of its tranquillity
10. The proposed space is of particular local significance because of its richness of wildlife
11. The proposed space is of particular local significance because of another reason not covered by criteria 6-10.

If you are objecting to the nominated space, please provide details of how the space might not meet these criteria.

First and foremost, it is for the promoter and in particular the 'local community', however it is comprised, to demonstrate how the three necessary criteria set out at Paragraph 77 of the NPPF (and elaborated in the PPG) are met.

That said, we are clear that:

The proposed space (house, gardens, barns and two parcels of agricultural land) has no particular significance to the local community because of its beauty.

The proposed space is of no particular significance to the local community because of its historic significance. The house and gardens are not listed as having special historic interest.

The proposed space has no recreational value to the community.

The proposed space has no particular significance to the local community because of its tranquillity.

The proposed space (house, gardens, barn and agricultural fields) are of no particular significance to the local community from a wildlife point of view. The owners are aware that in the course of seeking planning permission for development on the neighbouring site that the developers there indicated the potential for Great Crested Newts in respect of the garden pond at Warner's Court. This is a formal pond built by [REDACTED] who were not approached and did not sanction any survey of their pond. Nor has there been any evidence of Great Crested Newts during maintenance of the pond. In any event, the presence of such a protect species, if indeed this is the case, would not constitute grounds for designating a private garden as a Green Space.

The local community have not advanced any other reason as to why the site is of particular significance such as to justify its designation.

Please return completed forms by close of business on 21st August 2015

If you are a Parish or Town Council landowner/leaseholder, please reply by the 30th July 2015:

By e-mail: PlanningLDF@southglos.gov.uk

By post:

Strategic Planning Policy and Specialist Advice Team
South Gloucestershire Council
Environment and Community Services Department
PO Box 299
Civic Centre
High Street
Kingswood
Bristol
BS15 0DR

Viewing documents

The consultation documents can be viewed from: www.southglos.gov.uk/lgsd15

The consultation documents are also available to view online at:

- South Gloucestershire Libraries (please refer to www.southglos.gov.uk/libraries for locations and opening times); and
- The Council's One-Stop Shops, from 8.45am - 5pm Mondays to Wednesdays and 8.45am - 4.30pm Thursdays and Fridays, in the following locations:
 - Thornbury Library, St Mary Street, Thornbury, BS35 2AA
 - Yate, Kennedy Way, BS37 4DQ (access via West Walk)
 - Kingswood Civic Centre, High Street, Kingswood, BS15 9TR
 - Patchway Hub, Rodway Road, Patchway, BS34 5PE

Data protection

The information collected as part this consultation will also be used by the Council in accordance with the data protection principles in the Data Protection Act 1998. The purposes for collecting this data are: to assist in plan making; and to contact you, if necessary, regarding the planning consultation process. Some of the data may be made public as it will form part of the evidence base used to inform the creation of planning policy documents. The above purposes may require public disclosure of any data received on the response form, in accordance with the Freedom of Information Act 2000.