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Dear Ms Sherratt

B&NES PLACEMAKING – LOCAL GREEN SPACE, HINTON BLEWETT

I have prepared this note in response to the BNES/PME/005. I summarise the points I raised at the Examination in the order in which they were made and consider the extent to which they have been addressed in the Council's recent paper.

I have sought to provide a relatively full note of the points raised and the extent to which I think they have been addressed in order to avoid the necessity of a further Examination session if that is the Inspector's preference. I was not sure if the Council's paper fully recorded the points I made at the Examination. There are unanswered issues I would like to probe further, but would be content not to if the Council or others were not raising substantive new points and the Inspector thought she had sufficient information to help her address this issue of soundness.

I accepted this matter too could be viewed as a "small issue in a big plan" but highlighted the importance landowners placed on it when considering proposals for Local Green Space.

Para 77 of NPPF

I initially considered the policy tests which must be met before a Local Green Space designation can be found sound and in particular the definitions of:

- "demonstrably special" i.e. "in a way that is clearly apparent or capable of being logically proved" and "better, greater, or otherwise difference form what is usual" or "exceptionally good or pleasant"; and
- "particular local significance" i.e. sufficiently greater or important to be worthy of attention; noteworthy, remarkable or outstanding.

I was wanting to highlight that Local Green Space (LGS) description should not simply arise from a local preference: it needed to be evidence based, and, importantly, exceptional in some way when compared to other areas. As I will explain, I do not think BNES/PMP/005 has sufficiently addressed

this main theme to demonstrate why this area (proposed for LGS) is greater in some way than many of the other areas surrounding the Conservation Area. As was seen elsewhere during the Examination, it appears LGS has in a number of instances arisen from a reaction to a planning application in an attempt to protect land from development.

The site was only proposed for LGS by the Council for Heritage Matters: No other matters are relevant

I referred first to the Council's response in seeking to explore the strength of the case through the evidence base to ID/3 Matter 5, BNES/PMP/002/9. Table 4, page 5, titled Lower Bristol Road, Hinton Blewett has a box called "links to evidence base" and only refers to "P7S Rural Value of LGS Report CD/PMP/DM12/5". At the Examination the Council confirmed that the correct page reference should be page 74 and page 75 and that these two pages were the extent of the evidence base. Significantly, the Council's most recent response does not add to that.

I referred to the concluding recommendation on Page 75 to designate the site as LGS for its "historic value to the Local Community". I thought the Council had accepted that historic value and only historic value justified the Council's decision, but the recent note appears to suggest under Key Point 1 that it was just the "primary" reason. Unless, the Council wishes to re-open this issue and provide further evidence on other matters, I shall assume the position remains that agreed in the Examination session and the extent of the Council's case upon which the Executive Member formally proposed the LGS Designation is the six bullet points which appear under the heading of Historic Significance on page 74 of CD/PMP/DM12/5.

CD/PMP/DM12/5

I then referred to these six bullet points and expressed the view that a landowner's rights should not be taken away lightly by the imposition of LGS (effectively Green Belt policy) on what would otherwise be considered as all other land in the countryside, before looking at each bullet in turn:

- The first bullet point refers to the linear field pattern but does not suggest that this is historically significant. The recent note BNES/PMP/005 refers to "medieval field patterns that provide a key part of the setting of the Conservation Area" but this does not specifically refer to our site in isolation, nor address the central point that there is nothing demonstrably special about the area of proposed LGS or my clients land within it.
- The second bullet point refers to the AONB and the Council's recent note now accepts this is not a historical significance point. PMP/DM12/5 also refers to the site being adjacent to the Conservation Area. At the examination I noted that first, my clients land did not adjoin the Conservation Area (it was some way to the west of it); and, second, there was no evidence to suggest why that part of the proposed LGS which is closest to the Conservation Area was of any more heritage significance than many other parts of land which wraps around the Conservation Area but was not proposed for LGS designation. The recent note PMP/005 offers no further evidence, save the assertion that "it forms an important part of the character of the wider open landscape setting" (my emphasis), again with no explanation for why this site is historically significant but not the wider open area.
- The third bullet point suggests that the open space is 'front of stage' and the recent note PMP/005 does little more than refer to view points in the Conservation Area approval – which I addressed at the Examination and summarise the concerns separately with the later sections of this note (I will not repeat them here – but note that my substantive points remain unaddressed).
- The fourth bullet point, states that "this green space together with the surround farmland contributes to the open aspect surrounding the entire medieval planned village includes the Conservation Area" and again I added emphasis to highlight the lack of any demonstrable

difference between our site and the surrounding area. There is nothing "special" about my client's land or the wider LGS being proposed.

- The fifth bullet point, asserts that "the Conservation Area Parish Appraisal states that the built environment is enhanced by and dependent on the sites agricultural and landscape setting". At the Examination I suggested that that was quite a claim and it was simply not true. I recall explicitly asking the Council's officers to correct me if I was wrong to suggest there was nothing site specific in the document, but it is important to note that they did not do that then nor now in the recent BNES/PMP/005. It was wrong to suggest in the CD/PMP/DM12/5 Recommendations Report for Local Green Space Recommendations that the Conservation Area Appraisal made any site specific comments about this site, and certainly not in terms of enhancement or dependency.
- The sixth and final bullet point, related solely to the hedgerow to the north of the green space, which I suggested was a feature that might be of merit for protection if it was important under the terms of the 1997 Repts. I suggested it would set a very dangerous precedent to have single hedgerows resulting in the description of Local Green Space and the latest note does not address this point.

Background and Context – The two planning applications and the Conservation Area Appraisal

The first application was submitted in December 2013 for 19 dwellings and the second application in May 2014 for 8 dwellings on a smaller part of the site agreed with the then Case Officer. As such the draft Conservation Area Appraisal had been prepared in December 2012 before the application and the final version was adopted in July 2014 around the time that we were expressing concern that the Case Officer had changed and our application had been refused.

As I explained at the Examination, View Point 3 in the draft is referred to as "Right of Way looking north and north west (views of the Manor House and Church)". On the draft this location of the view point symbol on the centre pages map (pages 8 and 9) appears indeed to be from the footpath looking towards the core of the Conservation Area and the related picture on page 10 shows the Church etc. clearly.

On the final adopted version:

- the location of the view point symbol has moved to look straight over our planning application site towards building referred to as "The Council Houses" which are not a heritage asset in the terms of the NPPF and certainly do not fall within the Conservation Area;
- the photo on page 10 has also changed to include all/part of our site but the Church and Manor house cannot be made out.

I have requested from the Council any Officers Report and notes of the meeting that adopted the Conservation Area Appraisal but have not received these yet.

The adoption of the Conservation Area Appraisal was not tested by independent scrutiny and, in light of the points raised above I do not believe the arbitrary/possibly responsive location of a view point can be used to justify a LGS designation. This would seem very unfair indeed, hence my appearance on behalf of the landowner.

Our evidence

I referred to evidence submitted in support of the planning applications by CgMs heritage experts. Clearly this was looking at the impact of development on the planning application site rather than a comparison considering if our site is "demonstrably special" or of "particular local significance", but I suggested that if development was thought to be acceptable by experts after looking at its impact

on heritage matters, it is difficult to see how the site could meet the LGS tests. In respect of listed buildings it concluded "negligible significance", in respect of the conservation area "less than substantial harm".

Requested Modifications

I asked for "the deletion of the LGS designation on land south of Lower Road, Hinton Blewett".

If it was thought appropriate to only remove my clients land I attach a plan that could be referred to.

Our reps also requested an allocation but I was content not to push that given that sites of this size were not being allocated. I did not envisage a planning application, but did ask for the removal of the very restrictive and long term LGS designation.

I hope this note has been of assistance. I have been assured that the Programme Officer will circulate copies of this note to those with an interest.

Yours sincerely



SIMON PRESCOTT
Partner

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