

## Response from Barford and Wramplingham Parish Council

### DISCLAIMER

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### Concerning Paragraph 1.21: Barford and Wramplingham Village Hall

#### OBJECT

#### **Do you consider the plan to be legally compliant? NO**

See comments under soundness particularly concerning the lack of accuracy in the Site Assessment Document.

#### **Do you consider the plan to be sound? NO**

**The site specific allocation is not “sound” as defined in NPPF paragraph 35: it is neither positively prepared, justified, effective, nor consistent with national policy .**

#### **Particulars:**

- (1) Non-deliverability (c.f. NPPF §16(b)):** the site is not a “*specific, deliverable site for five years following the intended date of adoption*” – see §69 NPPF and thereby non effective.

The Site Assessment document – SN6000 (VCBAR2) – the site promoter has stated that the site would be available within 5 years. However, BWPC understands that there is a 99 year lease on the Village Hall (VH) and playing field (PF) from 1961 which leaves a considerable period (circa 36 years) before it expires – well outside the 2038 cut-off date for the VCHAP. It is important for the Local Planning Authority (and the Planning Inspector) to be aware that the land for the playing field is subject to 99 year lease dated 4 October 1961 with the registered charity “Barford Playing Field and Village Hall.” The land was leased to the charity with specific charitable purposes. The Trustees hold the lease “*upon trust for the purposes of a Playing Field and Village Hall for the use of the inhabitants of the Parishes of Barford and Wramplingham both in the County of Norfolk and the neighbourhood (hereinafter called the “area of benefit” without*

*distinction of sex or political religious or other opinions and and in particular for use for meetings lectures and classes and for other forms of recreation and leisure time occupation with the object of improving the conditions of life for the inhabitants.”*

This land has since that time been used precisely for these purposes and is crucial to the amenity of the residents of both Barford and Wramplingham. Any loss of part or all of these premises would be a significant loss to the amenity of the residents of Barford and Wramplingham.

Moreover having considered the terms of the lease held by the charity, the Parish Council considers:

- (i) That the development as proposed is not deliverable without surrender or termination of the lease and disposal of the land to the developer.
- (ii) That any such disposal would require Charity Commission approval.
- (iii) That any such disposal is of ‘designated land’.
- (iv) That any such disposal of the land would require (under the terms of the lease) a public vote of those in the area of benefit (Barford and Wramplingham) at which a majority was in favour of surrender/disposal.

Based on representations which have been made to it at Parish Council meetings, the view of the Parish Council is that a vote in favour of surrender or disposal for currently considered plans is highly unlikely.

## **(2) Inaccuracies within the Site Assessment Document**

The whole Site Assessment document for VCBAR2 is unsound. Apart from the short conclusion, BWPC do not believe the rest of this Site Assessment document has been reviewed or revised to reflect the new proposed location of the development; it is still dated June 2023. It is therefore misleading and unsound. When originally written as part of the Regulation 18 Consultation, the document focussed on the area which is now proposed to remain the playing field and location for the village hall. Comment after comment is relevant only to the development being on the site of the existing village hall and playing field and not the green-field site of open agricultural land to the north. The so termed ‘northern part of the site’ on which the development is now proposed, was not part of the original proposal, other than being the proposed location of the replacement playing field, and hence not covered by this document.

BWPC questions the wisdom of trying to develop the village of Barford with an excess of houses, across two unsound sites.

## **Does it comply with the duty to co-operate? NO**

See earlier comments concerning lack of accuracy in the Site Assessment Document and the problems with consultation of stakeholders (Anglian Water) in later comments.

## **SUMMARY**

The site specific allocation is not “sound” as defined in NPPF paragraph 35: it is neither positively prepared, justified, effective, nor consistent with national policy. The site is

unlikely to be available within 5 years. There is a 99 year lease (36 years remaining) which requires (unlikely) agreement by the villagers and the Charity Commission before it is surrendered. The site assessment descriptions are inaccurate and out of date and therefore misleading.

**What changes do you think need to be made to the plan?**

Please comply with regulations specified above and ensure local knowledge is sought.

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary?**

Somebody from the Parish Council can bring local knowledge to bear.