



**TO ALL ELECTORS OF THE PARISH OF
SHERFIELD ON LODDON**



You are invited to take part in the

ANNUAL PARISH MEETING

The Venue is: -

**THE VILLAGE HALL
SHERFIELD ON LODDON**

**ON Tuesday 14th May 2024
AT 8.00pm**

The Parish meeting may by law discuss all Parish affairs.

A Morgan

CHAIRMAN TO THE COUNCIL

The Friends of the Village Green

Sherfield-on-Loddon
Annual Parish Meeting
14th May 2024

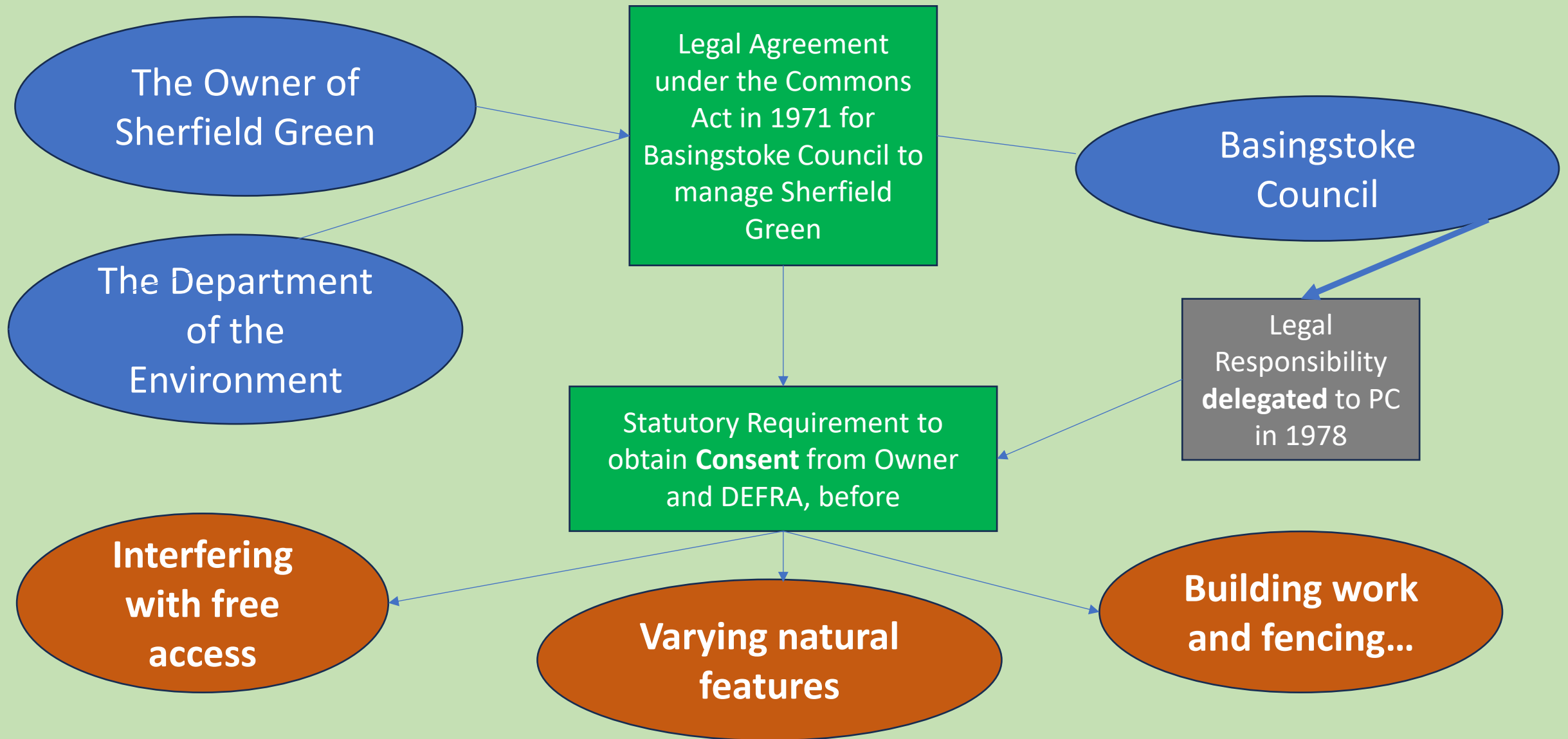
Green



Sherfield Green

*The Most Important Asset Managed
by the
Parish Council*

The Scheme of Regulation



DEFRA Criteria

Interests of the
neighbourhood

Conservation of the
landscape

Protection of features of
historic interest

Nature conservation

Protection of public
rights of access to any
area of land

Any other relevant
matter

Guidance on when Consent is needed, and how to apply, published by the Planning Inspectorate on behalf of DEFRA is very clear.

The processes are straightforward.

Advisors at the Planning Inspectorate are very helpful.

Fences destroy heritage, landscape and access



← From
this

To this →



Protection of public
rights of access

Conservation
of the
landscape

Protection of
features of historic
interest

Decisions about Traveller Defences deserved both a proper briefing of advisers on the legal constraints and incorporating creative solutions from villagers.

Destroying heritage at a stroke



Protection of
features of
historic
interest

Conservation of
the landscape

Interests of the
neighbourhood

Protection of public rights of access



From species
rich pocket
woodland to
Unappealing
plot with no
landscape or
design sense



“Divided in two, and with much loved, centuries-old views, its defining features, have been destroyed at a stroke.”

Over-management destroys the landscape and nature



Nature conservation

Conservation of the landscape

Building work can destroy heritage, landscape and diminish lives



Protection of features of
historic interest

Conservation of
the landscape

Interests of the
neighbourhood

Enforcement

If the Scheme of Regulation is not observed and a building, fence or hedge is established illegally on the Green

*It is the legal duty of the PC to enforce the law;
if necessary bring action in the County Court
DEFRA has no enforcement role*

But when the builder is the PC and it ignores its statutory duty to enforce the Scheme?

*Then it falls to Interested Parties or Individuals
to take legal action!*



The Essential Clerk
An introduction to
the role and work of
local councils

SLCC
For Local Council Professionals

The Code of Conduct of Parish Councillors and the Clerk



The Seven Principles of Public Life (The Nolan Principles, 1995)

Before 2016

Integrity, Openness, Leadership & Community Commitment were Paramount

Cricket Pavilion

- *A very successful project, the handsome understated design blending perfectly with adjacent buildings & environment*
- *Considerable involvement of community*

Sherfield Sports Pavilion

- *A superb project, a charming building, functional yet sympathetic to its environment*
- *Much consultation and discussion before an application was made to DEFRA*

Interests of the
neighbourhood

Conservation of
the landscape

Consultation, involvement, openness, transparency, vision and energy characterised the activities of previous PC's; factors which are codified in the Nolan Principles



Since 2016

An Example – The Concrete Store



Early 2019



Within two weeks over 20 people had expressed their great disappointment, even extreme distress with the store – their concerns:

Alien Materials

Poor Design

Insensitive to need for Conservation and Sustainability

Impact on Heritage Area

Deliberate Malevolence

Loss of “Sense of Place”

*That a small store
should be placed there
was not an issue*



Complaints
brushed aside.
Reluctance to
criticize in
writing actions of
those they had
known for
decades.

*Relief when I
offered to sort
out the issue*

Two much-loved and very respected villagers

(note: in the presentation these were read out to accompany the previous slide)

One very sad an old timer, close to tears: “They don’t understand or care about what the Village Green means to many of us. For example, so many villagers were involved with the creation of the Cricket Green and supporting Loddon Sports. The Green is part of their lives. All the PC wants to do is denigrate those efforts and wreck them. They won’t talk to us. It’s very hurtful. They have been very unkind.”

Another old timer, renowned for being quiet and retiring, uncharacteristically raised their voice: “Every time I come out of my house I see that terrible store, it’s awful and the roof is appalling. I can’t get away from it. It’s very upsetting. Why did they do this?”

So much for the individual’s peaceful enjoyment of their home, mandated by human rights legislation!

Both of these residents went to their graves feeling very disappointed and let down by the Parish Council.

Certainly, I let them down, with a promise to sort out the issue which wasn’t fulfilled.

Some Discoveries

The advice of the most experienced Parish Councillor

“Speak with the neighbours”

“Don’t forget the Scheme of Regulation”

was ignored by the other councillors and by the Clerk.

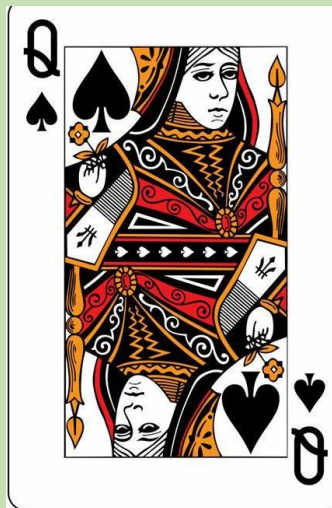
Issue 1. Information was deliberately withheld from residents until it was too late for them to raise issues about the store

Issue 2. The Scheme of Regulation was disregarded by the PC. Although responsible for providing legal guidance, the Clerk gave no advice.



The Gang of Four plays Bluff or Rough

First Sortie – Spring/Summer 2019



Initial Chair



Councillor



Clerk



Subsequent Chair



*“There is no requirement for external scrutiny.
We can do our own checks and balances.”*



A New Beginning ? (early 2020)

Many Suggestions, for example:

Estimate of the material cost of cladding the store in timber and sorting out the roof £700

A redesign of the store

Several Guides to the Scheme of Regulation

Even a Video and a Webpage of information for Councillors

How to *Save Face*

Always, within a few days, a reply –

Can't do anything as the Clerk is waiting for a response from*The good guy, bad guy routine*



The Clerk is Waiting for a Response (2020-2024)

Freedom of Information
and similar requests

Who had been contacted and their responses –
interestingly, no contact with the Planning Inspectorate

As the Store had been misrepresented, the PC was then
advised on basis of invalid responses

PC banned further
requests

PC threatens status of
Vexatious Complainant

Inappropriate comments about
my persistence

PC's implicit response - seek anything which supports the claim that
Consent is not required. Even when ambiguous/incorrect most councillors
accept it. Delay, prevaricate, escalate, on no account discuss.

***“The PC need do nothing but sit tight until court papers are
served, which will never happen”***

Getting Past the Clerk and the Chairman (2020-2023)

Request that the PC should consult residents when making decisions which would materially affect them, **refused**

"If we consulted with the neighbours we would have to consult every parishioner",
consultation refused

Guides produced for the PC, **not passed on**

Requests to meet with a Councillor to seek a resolution, *"decisions are made by the whole PC"*, **refused**

Requests to meet the whole PC for presentation & discussion, **refused**

Councillors **dissuaded** from referring to the guides and web pages

Request for a PC agenda item about the store, **refused**

Requests for an agenda item about the store proposed by two Councillors, **refused**

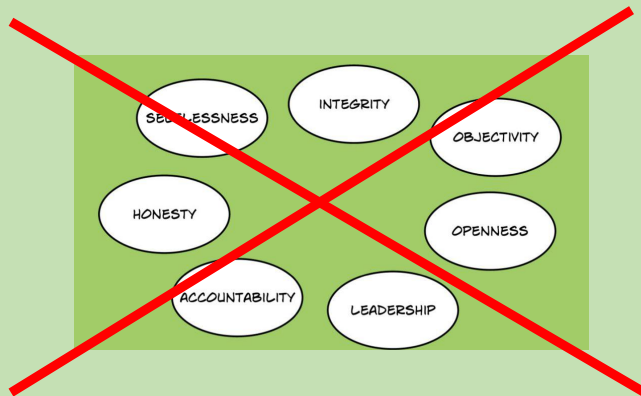
Three Councillors who met with me were **upbraided** in front of other councillors for "going behind the Clerk's back".



"Ultimately, Mr Lansley if you are not happy with the decisions that your locally elected representatives are making, there is always an option to put your name forward for consideration should a vacancy arise." The Clerk.

The Game Playing continued

- The PC habitually denied the relevance of the Scheme of Regulation
- Yet, in early 2021, as a result of lobbying by the “Friends”, it cited the Scheme and its byelaws as a reason for not proceeding with an all-weather parking facility in the middle of the Green!
- The PC understood the legal issues, but would not own up to its shortcomings.
- Prevaricate, bluff, and good riddance to the code of conduct!



Bluff

Noun : An attempt to deceive someone into believing that one can or is going to do something.

Synonyms: deception, subterfuge, sham, fake, show, deceit, false show, idle boast, feint, delusion, hoax, fraud, masquerade, charade, trick.

From the Planning Inspectorate

Dear Mr Lansley

Thanks for your email.

You are correct that if a village green is subject to a scheme of management under the Commons Act 1899 it is also subject to s38 of the Commons Act 2006 and Secretary of State consent is therefore needed to carry out restricted works (including 'buildings and other structures').

Applications may be made retrospectively (for works 'which have been commenced or completed'). The application process is the same as for proposed works. The application guidance is at the link

[.https://www.gov.uk/government/publications/application-form-for-consent-to-construct-works-on-common-land](https://www.gov.uk/government/publications/application-form-for-consent-to-construct-works-on-common-land)

However applicants should note that *Town and village greens (T&VG) are protected by section 12 of the [Inclosure Act 1857](#) and section 29 of the [Commons Act 1876](#). Section 12 makes it a criminal offence to do anything which injures a green or interrupts its use as a place for exercise and recreation. Section 29 also makes it an offence to permanently encroach upon or inclose a green, or to build upon or disturb the soil of a green otherwise than with a view to its better enjoyment.*

Applicants should also note that *consent under section 38 does not authorise works which constitute an offence under sections 12 or 29.*

The text in italics above is taken from published Guidance Sheet 2b – Works on Town and Village Greens, which is available in full at the link below <https://www.gov.uk/government/collections/common-land-guidance>

You may also wish to consult Guidance Sheet 12 – Enforcement against unlawful works (also available at the link above).

Yours sincerely

Operations Officer - DEFRA Team

The Planning Inspectorate

Brushed Aside - 2021

Legal Action (2022)

Letter sent to PC setting out how best to secure Consent

- Redesign of Store

And consequences of not seeking Consent

- Enforcement action in the County Court

No response to content of letter,
Just a complaint about my acerbic comments on the
abilities of the Clerk in the covering note.

BRUSHED ASIDE

Don't discuss

"The PC need do nothing but sit tight until court papers are served, which will never happen!"



Philip Petchey, Barrister (2023)

The leading UK Lawyer on the law of Village Greens
His 'Opinion' designed to be helpful to both sides
Detailed analysis. Conclusion that Consent is needed.
If not sought the PC would lose any court action.



BRUSHED ASIDE

Ignoring confidentiality rules, Public Goat Mouthing by PC member(s), confident that any court action would be successfully repelled at great cost to plaintiff and

PC then engaged its own Counsel

- *“.....of course you need Consent”*
- *but again delay, delay, delay in acting on this advice*

The Gypsy's Warning – the Bluff Is Called (2024)



The Counsel's Opinion in itself would not have changed the PC's strategy

However, a rumour indicated that powerful Local Government Officials were taking a close interest. PC quickly changed tack

So, now PC is using its legal advisers to apply for Consent

- Keeping the process well away from influence or enquiries by parishioners
 - A great fear of misrepresented facts about the store being used to get Consent
- **Ignoring parishioners concerns about the appearance of the store**

Completely Unsatisfactory

The PC has spent five years conniving over the store and shown itself as wholly self-absorbed, very ill-disposed towards parishioners, and thoroughly untrustworthy.

The PC cannot resolve this on its own.
It will make even more mistakes.

It will not take account of residents' concerns, dislike, distress....

The mess will continue.



Resolutions

*to be discussed by the Parish Council in the public section of the
June Meeting*

Discussion

Resolution 1 - Governance

The PC will:

1. Fully adopt and demonstrate the Nolan Principles of Public Life.
2. Ensure that it has competent legal advice available at all times and that it acts within the law at all times.
3. Establish a communication and consultation strategy (comprehensible updates of its intentions, decisions and activities available at the very least on its webpages).
4. Clearly publicise those intentions, decisions and activities which may materially affect individual parishioners and groups of parishioners and consult them before decisions are taken.

Resolution 2 – The Concrete Store

The PC shall approve the formation of a working group to oversee all future discussions and decisions about the concrete store, including the application for Consent.

- i. The group will consist of two councillors, two neighbour representatives, and one representative of the cricket club,
- ii. The group will report directly to the Chair of the PC and copy all minutes to the Clerk.
- iii. The application for Consent which is in progress, shall be put in abeyance until such time as the Group recommends a way forward.

A photograph of an elderly person with grey hair, wearing a brown sweater over a white collared shirt. They are covering their face with both hands, suggesting distress or grief. The image is set against a light green background.

Discussion

Response to the Presentation

- Most of those attending the Annual Parish Meeting (APM) quickly grasped the essence of Scheme of Regulation and understood the status of the concrete store to be illegal; and they were surprised at the Parish Council's failure to 'follow the rules' and the lengths to which it went to avoid conversations about the issue.
- The short discussion touched on a range of issues including other instances of where the PC had destroyed attractive features of the Green for poorly thought-through substitutes, such as the spinney near the football hut.
- Although some Parish Councillors attending the meeting, at which they had no special status, were uncomfortable with the presentation, of the approximately 40 other people attending, there was clear support for the two Resolutions and for these to be discussed at the June Parish Council Meeting.
- The Chairman of the meeting (the Chairman of the Parish Council) agreed that the Resolutions would be discussed at that meeting.

After the Annual Parish Meeting

- Although in March 2024 the Parish Council agreed to make an application to DEFRA for Consent, the Chairman did not mention this at the APM, nor that this was about to happen, nor suggest that it would prevent the Resolutions being discussed in June.
- However, by 24th May 2024, ten days after the Annual Parish Meeting, the Parish Council had submitted an application to DEFRA for Consent for the concrete store.
- Probably very little or no work on the application had been carried out before the APM. Rather, it appears that the application was hurriedly put together to provide an excuse for not discussing the Resolutions.
- Though the first Resolution was concerned with Governance, not the concrete store, discussion of that was also rejected.

Reactions

- Residents commented that the Chairman had, either
 - i) Agreed to the discussion of the resolutions at the June Parish Council meeting, knowing that the application was about to be made, and that subsequently there would be an excuse for not discussing the Resolutions; or,
 - ii) Conspired with other councillors and the clerk after the meeting, to submit the application, thus providing an excuse for not discussing the Resolutions.He had not acted in good faith towards the will of parishioners.
- In general, there has been disappointment that the Parish Council would not address the issues about: its operation as raised at the Annual Parish Meeting (a significant event in the life of the Parish); was acting in a high-handed manner; and, preferred to wriggle out of what some considered a moral responsibility.
- It was noted that the agreement to discuss the Resolutions at the June meeting, was the very first commitment given by the Chairman in the life of a newly elected Parish Council (it having had its first meeting earlier that very evening). That commitment was immediately broken. This mendacity has given rise to anxiety about the way the Parish Council is inducting three new councillors, and dissatisfaction with how the new Parish Council is likely to operate over the next four years.
- Some who had thought that the problems of Getting Past the Clerk and Chairman had been exaggerated (see, slide 21), remarked that they had now witnessed such an episode: *“in front of their very eyes and those of forty others”; “Par for the course”*.

Response to the Application for Consent

- In response to the PC's application for Consent, a *Representation* to DEFRA was produced on behalf of *Friends of the Village Green* and other concerned residents.
- This provides an extended commentary on the concrete store, with four major areas of objection:
 - a. The documentation provided to DEFRA;
 - b. The public interest, in:
 - i. the conservation of the landscape,
 - ii. the protection of features of historic interest;
 - c. The interests of the neighbourhood;
 - d. The consequences of failing to consult interested parties and residents.
- The Representation requested that the application be rejected and Consent withheld; and the applicant be permitted a small period of grace in which to reapply with a well-presented proposal for a thoughtfully designed store in keeping with its setting.

Process and Deadlines

- The Representation was *Endorsed* by a significant number of people - 47.
- The Representation and Endorsements were duly sent to the Planning Inspectorate, which acts for DEFRA in respect of applications for Consent, on 18th June 2024, in good time to meet the deadline for comments of 30th June 2024.
- Following the deadline for comments on the application, the Planning Inspectorate:
 - Will provide copies of those comments to the applicant (the Parish Council) so that it can respond to these. However, the identities of those endorsing the Representation will not be revealed.
 - Subsequently, it will provide copies of the applicant's response to those who made comments, so that they can offer further observations in the light of the applicant's response.
 - Although It is not clear how long these processes will take, it is likely that a decision by the Planning Inspectorate will be available before mid-September 2024.

Outcome

- In May 2025 the Inspector agreed to the application, stating that he was prepared to accept a degree of urbanisation of the Village Green
- He accepted completely, and without reservation, the account provided by the PC, and brushed aside the five years of machinations between the Friends and the PC.
- His report did not dwell on matters of heritage or landscape.
- Clearly this is a very disappointing outcome, not least as it provides the PC with carte blanche to continue its thoughtless approach to managing the Village Green.
- In short, whilst successful in making the PC accept the Scheme of Regulation which it had knowingly ignored for nine years, the Friends have been left baffled and bewildered about what they must do to ensure that the heritage embodied in Village Green is acknowledged and cared for.