



Clerk to the Council/RFO: J Hodgkiss

Chairman: Cllr. R Ruscoe

“Protecting and improving the quality of life for all Bayston Hill residents”

Bayston Hill Parish Council does not recognise or understand the content of the press statement issued to the Shropshire Star on 16th November 2024.

The Diocese of Lichfield issued a Section 25 notice dated 31st March 2021 to terminate the lease with Bayston Hill Parish Council on 22 October 2021. We understood that this was in readiness for the Diocese to sell the Glebelands to Shropshire Council in order for the Planning permission 19/01873/OUT to be progressed through to implementation.

In February 2022 the Application 19/01873/OUT was withdrawn, we believe due to the breakdown in the relationship between Cornovii, the agent for Shropshire Council. A Councillor was informed by a representative of Cornovii that the reasons for this breakdown was that Cornovii could no longer justify the previously agreed price for the Glebelands following exploratory drilling of the Glebelands, which identified that the ground was not good, and consequently the development costs would increase. At this point the Parish Council thought that may be this would bring to the end the development of the Glebelands.

The reason given to the Parish Council by the Agent for the Diocese for the breakdown in their relationship with Shropshire Council was that Cornovii (Shropshire Council’s representative) had offered a price for the Glebelands well below what the Diocese believed the land was worth and had been previously offered by Shropshire Council. They went on to say that they had found a developer who was prepared to pay them the price that they expected for the Glebelands

On 21st April 2022 the Parish Council was contacted by email by FBC Manby Bowdler Solicitors with an attached agreement to extend the Section 25 Notice previously issued from 22nd April 2022 to 22nd September 2022. This period of grace gave the Parish Council no ability to plan long term for community events on the Glebelands.

After consideration at the first available Full Council meeting, the Parish Council responded to FBC Manby Bowdler with a letter sent on 14 June 2022 asking for an extension to the Lease until December 2024. This request was declined by the Diocese’s Agent in an email received on 27th June 2022 and in that same email the parish was informed that the Diocese still intended to proceed with the development of the Glebelands.

This response was considered By Full Council in July and a further letter was sent to FCB Manby Bowdler asking for an extension of the lease to July 2024 to provide two clear opportunities to host community summer events. This was also declined.

The Parish Council wrote to the Diocese 14th November 2023, asking if they would consider selling the land to the Parish Council and what the asking value would be. To date clear response to this request has not been received.

The Parish Council was involved with a meeting with the Diocese and their Agent in April 2024. At that meeting the question was asked, "why they have got to fence off the Glebelands?". In response the Agent for the Diocese provided following explanation; They had received legal advice that they should fence off the Glebelands, they agreed to share the detail of the legal advice with the Parish Council. The land agent for the diocese emailed the Parish Clerk on 30 May 2024 with this detail. Below is an extract from that email that clearly states why the Diocese needed to fence off the Glebelands and why they could not enter into a new lease with Bayston Hill Parish Council.

Renew Land Developments – I was asked why the Diocese could not enter into a new agreement with the Parish Council and why we had to fence off the Glebelands to prevent unfettered public access. As advised, we have taken legal advice from a planning barrister on our position. The question to the barrister was "should the land be considered public open space in planning terms once the lease which allowed access has been terminated". The answer referred us to a fairly recent court of appeal case known as Welsh Ministers v Renew Land Developments Limited (2020). I attach a copy of the case and have highlighted para 37 of the judgement. Essentially the issue is in connection with whether Shropshire Council are entitled to include the area of the Glebelands when they undertake their Open Space and Recreation Needs Assessment, this has a direct affect on whether the site falls within s99 of the National Planning Policy Framework. Essentially this means if there is any agreement in place with a public body, such as the Parish Council, Shropshire Council are entitled to count the land as open space which significantly limits the amount of development the Diocese can apply for. The second part of this covers public access to the land. Whilst the public enjoy unfettered access to the land, it can be included in the Councils assessment of open space. It is not sufficient that Diocese are able to close the land to public access at a future point in time, the land still remains to be considered open space. The landowner actually has to fence the land off. When the Diocese resubmit a further application, they will be renewing the Open Space and Recreation Needs Assessment at which point the land cannot be let to the Council and have unfettered public access. The land is then outside the Scope of Para 99 of the NPPF.

Any suggestion that Bayston Hill Parish Council is responsible for the Glebelands being fenced off by the diocese because they were not prepared to renew the lease on the Glebelands is incorrect as can be concluded from the information provided above.

ENDS

Contact J Hodgkiss, Clerk 01743 874 651