

The consequences of Steep Parish Council intentionally running down the Steep Allotments.

It is well known that the Covid crisis has increased the demand for allotments as people wish to have the security of growing their own food.

Paragraph 11 et seq of the document submitted to and read by the First Tribunal now entitled “Letter of complaint to the Charity Commission dated 7 October 2021”, this appears:

“Application for allotments

The allotment gate remains padlocked. It is not known when the gate was first padlocked but this appears to have occurred over some 30 years ago. It is presumed that the keys have been held throughout by the Parish Council. Typically, at other allotment sites, keys to the padlock of the gate at allotments are given to the allotment holders; in addition a notice is fixed to the gate giving information and contact details of the person in charge of the allotments. In the case of the Church Road allotments, applications to hold allotments were consistently refused and it appears that no one, other than a person or persons acting for the Parish Council, had a key.

As appears from the documents which were contemporary to the 1976 Parish Council Election, provision of allotments for Parishioners was a major issue with one candidate in that election writing in his flyer:

“The major issue causing interest and concern is the Church Road Allotments. With the increased living standard of the late fifties, interest in allotments declined to the point where there was only one allotment tenanted. The Council at the time agreed to let the remaining allotments to Bedales School for use as a nursery ground to raise saplings for subsequent planting around the Sandpit area. Progress round the sandpit was slow and as a result the saplings remained on the allotment to mature into large trees which is not conducive to maintaining fertile land for vegetable growing. With the Nation’s present economic situation [1976] there is increased interest in allotments and the Council now has a waiting list. Bedales has been asked to relinquish as much of the land as necessary to fulfil demand and restore the ground to its former condition. This they have agreed to do and the process is now underway and allotments should be ready by the Autumn. There are some who deplore the destruction of the trees and would prefer to see the area set aside as a nature reserve. The fact is that the land cannot be used for this purpose and the council is exercising its right in meeting the demand for allotments” [Emphasis added].

It has been shown that in times of national and international emergency, people want the security of being able to grow their own foods. Emergencies such as the rural distress following the defeat of Napoleon in 1815 which led to the Poor Relief Act of 1819 enabling the Vestry to “take in hand” land in Church Road for the Parishioners within walking distance¹; the First World War, the Second World War (notably the Dig For Victory campaign), the financial crises of the 1970s (as mentioned in the

¹ In 1819, with few in the rural community having access to horses, it is clear that in order for the rural poor to be able to use allotments, those allotments had to be within walking distance of their dwellings – as was the case of Bowyers Common allotments (the Steep Marsh allotment which served the hamlet of Steep Marsh); and of the Church Road allotments (which served the hamlet of Steep Common – the name used in the 1841 census and 1851 census); and the allotments which served the hamlet of Steep Stroud (now called Ridge Common Lane allotments).

flyer above) and now the Covid-19 crisis of 2020. Each of these crises (including the current crisis) has led to the people wanting the security of being able to grow their own food on allotments particularly if they have insufficient garden space; most of the Church Road houses do not have sufficient space for growing vegetables. This has been long recognised by all Governments: *"...it has been considered Government Policy, in the interests of land cultivation, to protect and encourage allotment tenants"*.²⁸ That protection is, by statute, provided to the people by the parish councils: the people are not expected themselves to protect allotments from the advances made by those who wish to build on allotments; that essential function is a major function of parish councils (as the candidates who issued the flyers above at the time of the 1976 election well knew and recognised). If the Parish Council fails to provide that protection, who else is to provide it? Parish Council was and remains the Allotment Authority for the allotments in Steep including the Church Road allotments.

At times of plenty or of cheap food, interest in allotments wanes. However, in times of plenty and in order to make sure that allotments are available to meet rising demand in times of crisis and national emergency, it is necessary to permit allotments to be used for grazing and the like: for by that means, the allotment land continues in existence for use in the future should the need arise.

This no doubt lies behind the statutory requirement under the Allotment Acts that in the event of a Council being given permission to sell allotment land for development, the Parish Council is required to provide alternative allotments within the same walking distance and of the same size as those allotments sold. It will be seen that written on the base of the survey above completed in 1996 are the words *"All of our allotments are used for grazing"*. That should not, without more, be taken to indicate that there were no applications for an allotment. The minutes of 13 May 1980 show that the Parish Council *"had "received two enquiries about the hiring of the allotments for paddock land. However [the allotment representative] made the request that he be allowed to deal with the allotment by grazing it to provide a firm base. The area could then be let more profitably. This action was approved by the Council"*. As has already been mentioned, the continuation of the existence of allotments in both times of national crisis (when interest in allotments is high) and of times of plenty or cheap food is important.

It should be mentioned that there are 11 allotments in the Church Road allotments. The largest allotment (which is numbered 11 in the Parish Council documents held at the HRO in Winchester) comprises the whole of the Tithe Plot numbered 290 on the Tithe Map of 1837 and 10 other plots, which are contained in plot number 291 on the Tithe Map. The allotment numbered 11, it appears, at one time had an orchard³ of fruit trees; that plot is the land subject to the Second Application.

It is not known whether the Parish Council advertised and promoted, effectively or at all, the use of the Church Road allotments. The fact of the padlocked gate to a plot with no cultivation is perhaps a strong visual signal indicating to observers that the allotments were not to be used. Other allotments elsewhere in Country as already mentioned have gates which are padlocked but the allotment holders are given a key to enable access at any time. Additionally, there is often a notice giving the contact details of the person in charge of them. It is not known whether this was done by the Parish Council; however, the padlock remains in place to this day. Besides, as the material now available shows (namely the Instructions to Counsel mentioned below) the Parish Council was adamant that this site would be developed and over 15 years of discord, distrust and divisiveness splitting the Village followed. There is sustained and supreme disappointment that the Parish Council, whose function is to protect the allotments for and on behalf of the people, to speak for the

² Paul Clayden, *"The Law of Allotments"*, 5th Ed (2008), 64. 12.

³ Orchards are within the permissible use of allotments as are keeping chickens and rabbits.

Parishioners and to comply with the will of the Parishioners, has failed to protect the Church Road allotments from development. The will of the residents was ascertained by the Referendum of May 2010. It appears that the decision of that Referendum was and is flatly ignored”.

In the Charity Commission letter from Mr Hughes-Jones dated the 6 April 2010 (ref: Steep Allotments CC:00700062) the Commission wrote:

“It is plain that there is local demand for the allotments and, separately, that there is considerable local opposition to the proposed sale and development of the land”.

As appears from the material submitted to and read by the First Tier Tribunal, including the document headed Steep Parish Council failures, Steep Parish Council intentionally ran down the Church Road allotments with a view to disposing of them for housing whilst at the same time refusing every single request for an allotment at Church Road.

Ukraine

For the reasons set out in the attached article by the respected Telegraph writer, Ambrose Evans-Pritchard on the 4 March 2022 under the heading “**Putin’s energy shock is broadening into a world food crisis, so brace for rationing**”, there is a real concern that rationing may well have to be introduced. The present War in the Ukraine adds to people’s concern as to its consequences.

Now is the season for vegetable gardens and allotment alike to be worked so that planting in Spring may take place: otherwise, the 2022 season will be lost; only to be added to all the lost seasons since 2002. As appears from paragraph 17 of the Statement of Case:

“By a letter dated 3 April 2010 from a Parishioner to the Charity Commission, the Commission was given more information about the matter:

“The purpose of this letter is to make you aware of the strong demand for allotments on this site [the Church Road allotments]. This is due to a combination of factors, mainly: the nationwide resurgence of allotments; the changing population, bringing young families into the village who want to grow their own food; the tendency towards small gardens with less space for growing vegetables; a desire to enhance community spirit in the village. In response to this demand, in November 2007, the PC instructed one of the councillors to call a meeting of those interested with the aim of getting a scheme underway. Much hard work was put by members of the community, which included setting up of an Allotment Association, drafting of Tenancy Agreements, diagrams of possible layout of the land, together with an outline programme for the Way Ahead. The scheme was, and still is fully supported by Bedales School, a major landowner, who undertook to provide expert advice and assistance including machinery and manpower, thus further cementing the bond between school and village. Unfortunately, at their next meeting in January 2008, the Parish Council refused the Allotment Scheme on the grounds that it would jeopardise their plan for affordable housing on this site. Subsequent requests for use of this land have also been refused. This is clearly in breach of the trust, and as a result, this valuable amenity is not being used, and lies idle and neglected... to date, there are 18 applicants for allotments, and in the hope that the purpose of the trust will be upheld we are revitalising the allotment association and updating 2007/8 plans for setting up the allotments. We have also engaged the services of a landscape architect to assist”.

The refusals over the years of the many residents who applied to Steep Parish Council for an allotment in Church Road was in breach of trust and in breach of section 23 of the Small Holdings and Allotments Act 1908 as amended as the Council well knew (not least because in its application to the Charity Commission of 2013, the Council wrote that it was bound by its “legal duty to provide allotments if requested”⁴).

Yours faithfully,

Ian Geering QC (Rtd)

⁴ As set out in paragraph 8 of Steep Parish Council’s application for a scheme under the Commons Act 1899 and submitted to the Charity Commission in 2013.