



## Press Release from Cotham School, Bristol

### Cotham School Playing Fields, Stoke Lodge

Another busy week at School, much spent by making plans for some parts of the school to return soon. At Stoke Lodge there has been further damage to the perimeter fence. The school is making plans to repair the fence and secure access in time for students to return.

We are very pleased to report this week that the Local Government Ombudsman (LGO) has considered a complaint by a local resident, referred to as Mrs Y in the complaint (known to be a member of We Love Stoke Lodge) which claimed that the City Council had acted improperly in not seeking planning approval for the fence around Stoke Lodge Playing Fields, and other related matters.

The complaint was submitted to the Ombudsman in the summer of 2019, and following an in depth investigation the Ombudsman reported the findings in February 2020; reporting that the Ombudsman finds 'no evidence of fault by the council'. This decision was immediately challenged by the complainant, and appealed to the Ombudsman. We have heard this week that the decision stands, and the complaint is 'not upheld'.

The complaint to the ombudsman by Mrs Y was about decisions taken by the Council in relation to Cotham School's playing fields. The complaint was formed of 3 parts:

1. the Council has failed to act impartially and with transparency. Without good reason, the Council reversed a longstanding view that the fields in question are part of the curtilage of a Grade II listed building, consequently allowing the construction of a perimeter fence under permitted development rights;
2. when allowing construction of the fence, as landowner the Council incorrectly interpreted the school's lease which prohibits the erection of any buildings or other structures. It also failed to ensure the school maintained existing community access rights as per the requirements of the lease; and
3. the Council wrongly decided that tree protection legislation was discretionary and failed to require planning applications for works to trees protected under Tree Preservation Orders (TPO)

The LGO fully investigated each section of the complaint and found that in every case the council acted in a transparent and unbiased way. At all times the council sought legal advice on its decisions and consulted in an open way with the school as its leaseholder.

In response to part one of the complaint the LGO investigator says:

*"It is unfortunate that Mrs Y's expectations were raised following the Council's letter in July, which wrongly confirmed that the site did not benefit from permitted development rights. However, the Council was entitled to review its position once in receipt of further information from the school's planning consultant, the Council's internal solicitors and external Counsel. The change in view is not fault, and I have not seen any evidence of bias or lack of transparency as Mrs Y has suggested.*

*I find no fault in the way the Council made its decision about the status of the permitted development rights. This is a decision the Council was entitled to make, and its merits are not open to review by the Ombudsman."*

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In response to part two of the complaint the LGO investigator says:

*"While I appreciate Mrs Y and others disagree with the view taken by the Council, I cannot say it amounts to procedural fault. Based on the files seen, it is clear the Council's internal legal team researched and fully considered the matter before taking a view. As Landlord, it is for the Council to interpret and enforce the lease...."*

In response to part three of the complaint the LGO investigator says:

*"Mrs Y is correct to point out the Council was entitled to take formal action against the leaseholder for undertaking work to the roots of protected trees. However, as the guidance sets out, the Council also had discretion to do nothing, or negotiate with the school to remedy matters to the satisfaction of the Council.*

*Based on the evidence seen, it is clear the Council made site visits, arranged meetings and reviewed any damage to trees before deciding not to take action against the school. In line with the guidance, the Council was entitled to make this decision. Although the law allows it to enforce against the leaseholder, the Council made a reasoned decision not to. I have no basis to challenge the merits of that discretionary decision."*

In conclusion the investigator finds *"...no evidence of fault by the council"*

If you would like to find out more the full report can be found here:

[https://www.lgo.org.uk/decisions/planning/other/19-000-400?fbclid=IwAR3kJ45d1d8miY69sBoLv8f9X6\\_BzHi\\_t-4kJzLKjVRJs\\_a3QducVx6KZw](https://www.lgo.org.uk/decisions/planning/other/19-000-400?fbclid=IwAR3kJ45d1d8miY69sBoLv8f9X6_BzHi_t-4kJzLKjVRJs_a3QducVx6KZw)

We would like to take this opportunity to wish you a pleasant and enjoyable Bank Holiday weekend and half term holiday.