

For the Attention of All Concerned

As you are aware, Normanston Allotment Supporters have been trying for some time to establish vehicular access to their allotments, together with a small off-street parking area. Although the proposals will benefit all users, they are particularly important for allotment holders with disabilities.

The application for planning permission was twice refused, but was finally granted on appeal (16 April 2018) . The Independent Planning Inspector concluded that the scheme “would not result in a harmful level of noise and disturbance and therefore the living conditions of nearby residents would be preserved”. Furthermore he had “not been presented with substantive evidence to suggest the allotments are a source of unusually high levels of antisocial behaviour or that the provision of a small car park, which would have controlled access, would compound this”. The full judgment is attached.

Unfortunately, although Normanston Allotment Supporters had had permission from Waveney District Council to submit the planning application, ownership of the allotments automatically passed to Lowestoft Town Council on its creation on 1 April 2017. The situation was further confused by Normanston Allotments being missed off the reorganisation order. As a result Normanston Allotment Supporters were subsequently told that they did not technically have permission to submit from the new landowner. Curiously, this was not raised by Lowestoft Town Council’s Planning Department or by the Inspector himself at the time of the appeal.

Notwithstanding the exact position, it is felt that the proposal should not be rejected out of hand by Lowestoft Town Council, and indeed it is hard for them to gainsay the positive view of the Independent Planning Inspector that there would be little or no adverse impact. The group are of course happy to negotiate on any technical issues such as landscaping, gates, etc.

In the last year Normanston has had two members with disabilities take on allotments, with potentially more to follow (especially through three local charities working on-site with vulnerable people). The need for good access and parking has therefore become even more acute. Other steps are already being taken to improve pathways and raise certain beds.

The Equality Act 2010 imposes a duty on local authorities (and others) to “make reasonable adjustments... where a physical feature puts a disabled person at a substantial disadvantage... in comparison with persons who are not disabled”. We feel that improved access to Normanston Allotments falls very much within this category. Guidance from the Equality and Human Rights Commission likewise emphasises an obligation of “making changes to overcome barriers created by the physical features ... where [they] put disabled people using a service at substantial disadvantage.... Physical features include: steps, stairways, kerbs, exterior surfaces and paving, parking areas, building entrances and exits...”. Furthermore “The duty is ‘anticipatory’. This means an organisation cannot wait until a disabled person wants to use its services, but must think in advance (and on an ongoing basis) about what disabled people with a range of impairments might reasonably need.”

In the case of Normanston Allotments, the benefits for disabled persons of the proposed scheme are self-evident, and the reasonable nature of the works required have been highlighted by the Independent Planning Inspector. That this work would be carried out at no expense to Lowestoft Town Council gives even more reason why it should be looked upon favourably.

Finally we would point out that the facilities being sought at Normanston are in no way exceptional, as other allotments within Lowestoft have the sort of access desired. For instance, the Inspector in his report refers to the Stradbroke Road Allotments which are of a similar size to Normanston with a vehicular access and small car park, and are not a cause of disruption to the neighbourhood.

In summary, there is every reason why Lowestoft Council should look favourably upon the proposed scheme, and we hope that a way will be found of making it happen.

Annette Dewing
Chairperson
Lowestoft & District Allotments Association