



Appeal Decision

Site visit made on 8 June 2010

by **D L Burrows** DipTP MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
23 June 2010

Appeal Ref: APP/C3430/A/10/2120321

Long Lane Park, Long Lane, Essington, Wolverhampton WV11 2AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nadir Imamoglu against the decision of South Staffordshire Council.
 - The application Ref 09/00505/COU, dated 8 July 2009, was refused by notice dated 4 September 2009.
 - The development proposed is the change of use of clubhouse to four bungalows.
-

Decision

1. I dismiss the appeal.

Main issues

2. The main issues are:-
 - i) whether the change of use would be inappropriate development in the green belt for the purposes of PPG2: Green Belts and development plan policy,
 - ii) the effect of development on the openness and visual amenity of the green belt,
 - iii) the acceptability of the loss of the clubhouse on the recreational provision in the area in particular with regard to PPG17: Planning for Open Space, Sport and Recreation, and
 - iv) the sustainability of the location of the site for residential use.

Reasons

Green belt, openness and visual amenity

3. Policy GB1 of the South Staffordshire Local Plan (LP) is permissive of the reuse of buildings in the green belt if they meet the criteria in para 3.8 of national policy guidance to be found in PPG2:Green Belts. Para 3.8 says that the building must be of permanent and substantial construction and its form and general design in keeping with its surroundings. Also the reuse should not have a materially greater impact than the present use on openness or the purposes of including land in the green belt and strict control should be exercised over associated land surrounding the building (which might conflict with openness).
-

4. The building described as the clubhouse serves a variety of functions. Apart from a bar, function room and kitchen it also contains a fitness room and changing facilities for the associated football pitches. There is no doubt that the clubhouse is of permanent and substantial construction. Moreover the external changes proposed to the building (insertion of new windows) would not fundamentally alter its general design or appearance.
5. The proposed demolition of what appears to be a domestic garage near the site entrance and the 100 seater stand adjacent to the clubhouse, together with the removal of floodlights and fencing would result in an increase in openness which would offset the enclosure of the proposed gardens – 2 of which are already enclosed by tall mesh fencing. Suitable planning conditions could ensure that the structures were demolished and strict control maintained over future building at the proposed houses. The removal/demolition of these structures would also result in the improvement of the somewhat cluttered appearance of the array of floodlights. As a consequence I do not consider there would be any adverse impact on openness or visual amenity of the green belt. Overall I find the proposal would be not be inappropriate development in terms of national policy guidance or LP policy GB1.

The loss of recreational provision

6. Approval of the proposal would leave the football pitches without any supporting facilities. It would result in a diminution of the quality of recreational provision and it would make it virtually impossible for their use to continue.
7. The Council's Playing Pitch Strategy identifies a surplus of adult and junior football pitches but a shortage of mini soccer pitches. Therefore even though the information from the appellant indicates that use of the pitches has reduced over the years, there is no evidence in this case to indicate categorically that the football pitches are no longer required. Sport England's (a statutory consultee) response to consultation on the application sets out the 5 exceptions where they would not object to the loss of the playing fields/facilities. The present application does not meet those exceptions.
8. However it is the appellant's intention, should the application be approved, to replace the football pitches with a cricket pitch and Sport England have indicated that they would not object to the appeal proposal if a cricket pitch, practice nets and pavilion (located and designed in accordance with their and ECB's design guidance notes) were to be provided and fit for use prior to occupation of any of the proposed houses. I note that whilst the Council's Playing Pitch Strategy identifies a surplus of cricket pitches in the district there is support for the cricket proposals from the local cricket club who currently have no home ground. There is therefore a local need for the facility although, on a district wide basis, there is no quantitative need for more cricket pitches.
9. Whilst there are some details of the cricket pitch and pavilion in the written representations, it is clear that there are no permissions for any building to serve such a purpose. It is therefore not certain if a pavilion would be built or what impact it would have on the openness and visual amenity of the green belt if it was.

10. Moreover the facilities which would be required in the cricket pavilion would seem to be a duplication of some of those which are already available in the clubhouse. I appreciate that PPG2 makes it clear that it is not normally necessary to consider whether a building is needed for its present purpose. However in this case it seems to me that the value in planning terms of the existing/potential use of, at least part of, the clubhouse is a material consideration that needs to be taken into account. If additional building could be avoided it has obvious implications for the openness of the green belt. There is no information which satisfactorily addresses this matter.
11. In addition if cricket were to replace football at the site, as well as the pavilion, it would be likely to require the provision of nets, scoreboard, screens, ground maintenance equipment storage, mess facilities for spectators etc. These would have a negative impact on the green belt and lessen the positive effect on openness resulting from the cessation of football and dismantling of the associated equipment/structures. It seems to me that without this type of information it cannot be assumed that the totality of facilities which would be associated with cricket at the site would necessarily be either appropriate or not compromise the openness of the green belt. Because of these factors I do not consider it would be fitting to permit the present proposal subject to a condition requiring the provision of cricket related facilities before the proposed houses were occupied.
12. As a result of the above I conclude that from the information before me, it has not been adequately demonstrated that the proposal would not lead to an unacceptable loss of recreational facilities. The proposal is therefore contrary to the objectives of PPG17.

Sustainable location

13. There is no doubt that the location of the appeal site is more sustainable than more remote rural locations. However it is clearly located in the countryside outside of any settlement where housing development is encouraged. In the immediate locality there are no shops, schools, employment or other services. It is not therefore a priority area for development. As an alternative to trips by private car, walking along either country lanes with no footpaths or canal towpaths to reach facilities and vice versa is not a realistic option for all members of the public. The arguments put forward about proximity to motorways and facilities in nearby towns are not in my view sufficient to, on their own, justify housing in this countryside location.
14. It is asserted that the cessation of the present use would result in a net reduction in traffic and I agree that this is likely. However I have seen no figures which demonstrate that the current uses would generate significantly more traffic than the proposed house conversions and the potential cricket traffic together. It has not to my mind be satisfactorily demonstrated that the proposal would meet the objectives of policies D1, D4 and T1A of the Staffordshire and Stoke-on-Trent Structure Plan which seek to reduce trips by private car and promote growth in sustainable locations.

Other material considerations

15. I appreciate the Council has granted planning permission for the conversion of stables to the north, but that proposal did not appear to have the same issues

as the present proposal. So far as I know there were no sport or recreational considerations. The balance of the decision for conversion in the green belt was different. Another matter to be taken account of in this case is the S106 agreement which ties occupation of the current dwelling at the playing fields to the recreational use. To permit the present change of use would have implications for that dwelling. Remaining in the same ownership as proposed in the draft legal undertaking produced by the appellant would not necessarily ensure it would continue to serve a useful purpose at the site. As a rule cricket pitches/pavilions do not require a permanent residential presence on site.

16. I have considered all the other matters raised including ground conditions and difficulty in disposing of the site, but find none which are sufficient to alter the balance of my decision that despite being appropriate development in the green belt, without any committed alternative proposals for recreational use the proposal would lead to an unacceptable loss of recreational facilities. Overall I conclude that the appeal should be dismissed for the reasons given above.

D L Burrows

INSPECTOR