

Playing Fields for Sport Revisited

Introduction

The first Planning Bulletin, issued in May 1997, focused on playing fields and reflected the English Sports Council's new status as a statutory consultee in the planning process. Since then the English Sports Council has become Sport England, playing fields have continued to be threatened by, and lost to, other forms of development and changes have been made to planning procedures with the intention of allowing closer scrutiny of planning applications involving playing fields.

This bulletin provides an update on changes to the planning process since 1997 and the ways in which Sport England has approached the ongoing threat to playing pitches. It will also identify the practical issues that have emerged from Sport England's involvement in the planning process and the tools that can be used to help assess proposals involving the potential loss of playing fields. Finally, a variety of case studies will demonstrate different aspects of playing field cases and the approach taken by Planning Inspectors to appeals and 'called in' planning applications.

Planning procedures

Since August 1996, local planning authorities have been required to consult Sport England (formerly the English Sports Council) on any planning application for development that:

- Is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field.
- Is on land which has been:
 - used as a playing field at any time in the five years before the making of the relevant application and which remains undeveloped
 - allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.
- Involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface.

These requirements were introduced by Statutory Instrument 1996/1817 which added the English Sports Council to the list of statutory consultees mentioned in Article 10 of the *Town and Country Planning (General Development Procedure) Order 1995* (the GDPO). 'Playing field' is defined in the GDPO as the whole of a site that encompasses at least one playing pitch. 'Playing pitch' is taken to mean:

'a delineated area which, together with any run-off area, is of 0.4ha or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo.'

Although Sport England has been a statutory consultee for almost four years it is evident that, in a small number of cases, notification is not forthcoming from local planning authorities of relevant planning applications involving playing fields. Largely, this appears to be due to a lack of awareness of the requirements of the GDPO on the part of administrative staff or case officers. As failure to consult can lead to the quashing of a permission upon application to the High Court within the six-week challenge period, it is clearly vital for local planning authorities to be fully aware of their responsibilities. In the majority of cases, however, both the applicant and the local planning authority are aware of the requirement to consult Sport England.

In order to identify any likely objections to a forthcoming planning application, potential applicants are strongly advised to consult Sport England's policy on planning applications for development on playing fields, *A Sporting Future for the Playing Fields of England*. If any doubt

remains, regional Sport England staff should be consulted. In December 1998, the Government issued the *Town and Country Planning (Playing Fields) (England) Direction 1998* which applies to any proposal for the development of any playing field owned by a local authority or used by an educational institution. The following categories of land are subject to the direction:

- local authority land
- land currently used by an educational institution as a playing field (as defined in the GDPO)
- land which has at any time in the five years before the making of the application been used by an educational institution as a playing field.

The direction requires that, where a local planning authority proposes to grant planning permission involving the loss of a playing field despite an objection from Sport England, the authority must notify the Secretary of State who will decide whether the application should be called in for decision. The only acceptable grounds for objection by Sport England are when:

- There is a deficiency in the provision of playing fields in the local authority area.
- The proposed development would result in such a deficiency.
- An alternative or replacement playing field is proposed that does not match (whether in quantity, quality or accessibility) the existing playing field.

If an application falls into one of these categories the local planning authority must notify the Secretary of State through the Regional Government Office and must

not grant planning permission until at least 21 days after the date of notification. If the Secretary of State wishes to intervene a public inquiry will be arranged to consider the issues. An example of this process is given in Case Study 5. Circular 9/98 accompanies the direction and provides background to it, although paragraph 4 can confuse the reader when it states:

‘Land owned by a local authority which falls within this definition (ie as set out in SI 1996/1817) includes, for example, parkland, open space used for informal recreation, or land leased to sports clubs, as well as playing fields used by schools, colleges and other educational institutions.’

In fact, parkland and open space used for informal recreation are covered by the direction only if they happen to contain a formal playing pitch within their borders.

The *Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999* came into force on 30 August 1999, accompanied by Circular 7/99. The directions apply to departure applications that a local planning authority does not propose to refuse and that consist of certain specified types and scales of development, such as more than 5,000m² of retail, leisure, office or mixed commercial floor space, and ‘any other development which, by reason of its scale or nature or the location of the land, would significantly prejudice the implementation of the development plan’s policies and proposals.’

Annex 2 of the circular provides guidance and examples of the types of development proposals that may come into the latter category, including ‘applications involving development that would result in the loss of open space or playing fields both publicly and privately owned.’



Although it is for local planning authorities to decide whether a proposal comes within the scope of the directions it is clear that, if a development plan follows the guidance contained in PPG 17 and includes policies resisting the loss of playing fields, a proposal involving such a loss should at least be considered for referral to the Secretary of State. Unlike the *Town and Country Planning (Playing Fields) (England) Direction 1998* these directions apply to all playing fields, not only those owned by a local authority or used by an educational institution. An objection by Sport England may assist the local planning authority to decide whether to notify the Secretary of State, but such an objection is not a prerequisite for a notification.

Other non-planning procedures affecting playing fields

In addition to circulars and other procedures issued by the Department of Environment, Transport and the Regions (DETR), further important guidance is issued by the Department for Education and Employment (DfEE) in relation to school playing fields. The *Education (School Premises) Regulations 1999* set out the minimum standards for playing fields and other facilities that apply to all maintained schools in England and Wales.

DfEE circular 3/99, *Protection of School Playing Fields* explains the powers available to the Secretary of State for Education and Employment under Section 77 of the School Standards and Framework Act 1998 to protect school playing fields in England from disposal or change of use. Before the advent of that Act there was no statutory protection for that part of school playing fields exceeding the minimum for team games prescribed in the *Education (School Premises) Regulations 1999*.

Neither was there a requirement to provide playing fields for schools with pupils under eight years of age, and there was no protection for existing playing fields in those schools.

Section 77 of the Act affords protection to all school playing fields by requiring local authorities and school governing bodies to obtain the prior consent of the Secretary of State before disposal or change of use. Circular 3/99 sets out the criteria that the Secretary of State will apply to applications for disposal or change of use of playing fields.

The underlying aim of the *Education (School Premises) Regulations 1999* is to ensure that approval for disposal or change of use of school playing fields is given only where the funds raised are ploughed back into sport and education and where the remaining area of the school's playing fields meets the present and future needs of the school and the community.

However, there are still concerns that school and other playing fields are under threat, particularly where sites are deliberately left vacant for more than five years. In its recently published strategy *A Sporting Future for All* the Government has pledged to strengthen and extend the protection given to playing fields as detailed in the following section.



Policy guidance

A Sporting Future for All

In *A Sporting Future for All* the Government reaffirms its commitment to sport. More specifically, the following facility-related developments are proposed:

- allocation of £150 million to improve school sports facilities, particularly in primary schools
- creation of 110 specialised sports colleges by 2003
- audit of existing sports facilities to determine where further investment is most needed
- consideration to be given to tightening of the categories of possible exception to the general presumption against the loss of sports pitches in the forthcoming revision of PPG 17
- encouraging local planning authorities to provide information on planning decisions to Sport England and other organisations to better monitor the outcome of planning applications affecting playing pitches
- establishing a monitoring unit drawn from government departments and organisations such as Sport England, the National Playing Fields Association (NPFA) and the Central Council of Physical Recreation (CCPR) to publish monthly figures on playing field disposals
- setting up of a national advisory panel to monitor and advise on applications to dispose, or change the use, of school playing fields.

Planning Policy Guidance Note 17 (Sport and Recreation)

PPG 17 was published in September 1991 and is one of the few planning policy guidance notes yet to be revised or replaced. A revised version for consultation is expected during the summer of 2000. In paragraph 42 it advises that playing fields should normally be protected unless one of three exceptions applies:

- Sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site.
- Alternative provision of equivalent community benefit is made available.
- The local plan shows an excess of sports pitch provision and public open space in the area, taking account of the recreation and amenity value of such provision.



Experience and research suggests that the interpretation of these exceptions has not been consistent. A review of the effectiveness of PPG 17 by Oxford Brookes University in 1997 showed that the words 'small', 'equivalent' and 'excess' in the three exceptions were being interpreted in a wide variety of ways. For example, a six acre site (large enough to accommodate four football pitches) was considered 'small' by one authority, while other authorities interpreted 'alternative provision of equivalent benefit' to mean the replacement, two or three years after the loss of the original facility, of centrally located playing fields on a peripheral site. Sport England would not concur with such interpretations.

The third exception has led to much discussion between local planning authorities, developers and Sport England and has exercised the minds of many Planning Inspectors and the legal profession. The most fundamental problem with the issue of defining an excess of playing pitch provision is that relatively few local authorities have

undertaken rigorous assessments of provision. Therefore, reliance is often placed on global standards such as the NPFA's 'six acre standard'. This issue will be revisited later in the bulletin.

As previously mentioned, the Government has agreed to consider tightening these exceptions during the forthcoming revision to the guidance note. It has also restated its opposition to developing playing fields for housing in the newly revised PPG 3 (Housing), which states in paragraph 53 that 'developing more housing within urban areas should not mean building on urban green spaces.' Additionally, in Annex 3, the PPG specifically excludes recreation grounds from the definition of 'previously developed land'. Therefore, under the sequential test for identifying housing allocations stipulated in paragraph 30, playing fields should not be considered for any housing development at all unless there are exceptional circumstances to justify a departure from this most recent statement of government policy.



A Sporting Future for the Playing Fields of England

Sport England’s policy on planning applications for development on playing fields can be interpreted as a refinement of the guidance in PPG 17. The policy states:

‘Sport England will oppose the granting of planning

permission for any development that would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or land allocated for use as a playing field in an adopted or draft deposit local plan unless, in the judgement of Sport England, one of the specific circumstances applies. Those specific circumstances are:

E1	A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport.
E2	The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.
E3	The proposed development affects only land incapable of forming, or forming part of, a playing pitch and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facilities on the site.
E4	The playing field or playing fields that would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.
E5	The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.’

All planning applications referred to Sport England in its role as consultee are considered with regard to this policy, the content of which is regularly reviewed to ensure its relevance to the developing nature of sports

planning issues. Some of the factors taken into account when considering the applicability of the circumstances are summarised below:

Circumstance 1	The assessment of 'current and future needs' must be carried out using a methodology acceptable to Sport England as outlined in <i>The Playing Pitch Strategy</i> published in 1991 by the Sports Council, NPFA and CCPR. A more detailed explanation of the methodology and the issues involved are to be found in the Facilities Factfile 2 datasheet <i>Assessing Playing Pitch Requirements at the Local Level</i> published in 1995. The assessment must take account of such factors as forecast population changes, anticipated increases in sports participation due to sports development initiatives and so on, and the quality and availability of existing provision.
Circumstance 2	Development of ancillary facilities such as changing rooms and appropriate social facilities is normally considered to be acceptable provided they do not reduce the size or number of playing pitches on a site.
Circumstance 3	While development of 'odd corners' of a playing field that have no active or potential sporting use is often acceptable, care must be taken to consider the potential impact of the continuing sporting use on the remainder of the site. For example on new houses on the newly developed part of the site.
Circumstance 4	<p>It is not generally considered acceptable by Sport England for the 'replacement' of a playing field lost through redevelopment with an existing playing field, even if the 'replacement' playing field is brought into community use when previously available only to education or private sector users.</p> <p>If the replacement playing field already exists but is not usable for league matches due to a lack of changing facilities, as in Case Study 1, it may be acceptable for an applicant or appellant to provide such changing facilities, thus bringing the playing field back into community use under this circumstance. However, it should be noted that in the case study, the local area had a good overall level of open space provision and the replacement playing fields were near to the appeal site and owned by the local council.</p>

<p>Circumstance 5</p>	<p>In seeking to balance the potential loss of a playing pitch or pitches against the provision of a new indoor or outdoor sports facility, Sport England will consider the following factors:</p> <ul style="list-style-type: none"> ● The physical location of the new facility – is it easily accessible by the community and schools? ● The need for the facility – has this been identified in a local sport and recreation strategy, a governing body facility strategy or similar document? ● Technical suitability – does the proposed facility meet the specifications set out in Sport England’s Guidance Notes? ● Community availability – will the facility be available to the community and if so, will the terms of availability be clearly set out in a community use agreement? ● Sports development – will the facility be linked into the local sports development network? ● Local level of pitch provision – does the local area have a shortfall of playing pitches that would be exacerbated by the current proposal?
-----------------------	--

The Slough local plan policy, shown in the box on page 10, is the result of a ‘sequential test’ approach adopted by Sport England to proposals on surplus school sites. The sequential approach is as follows:

- Firstly, if the site is in an area of identified deficiency of playing field provision, the school playing fields should be retained and made available as public open space including pitches. This is in line with PPG 17, paragraph 41.
- Secondly, if the existing school playing fields are not in a suitable location to meet the recreational needs of the community, replacement playing fields of equivalent or better quality and quantity should be

provided in a suitable alternative location prior to the commencement of the development of the surplus school site. This conforms with exception E4 of Sport England’s playing fields policy.

- If, however, the provision of new or upgraded existing alternative sporting facilities in the vicinity would provide better sporting opportunities of sufficient benefit to the community and development of sport to outweigh the loss of the existing grass playing fields, then it would be appropriate to seek financial contributions towards such alternative provision in lieu of replacement playing field provision elsewhere.

Review of the Local Plan for Slough 1991-2006

Policy OSC3 – Protection of school playing fields declared surplus to educational requirements:

Development of school playing fields on surplus school sites will not be permitted unless:

- (a) The proposed development is for an outdoor recreational use which retains the open character of the area; or
- (b) The playing fields are re-provided in full in an alternative location within the local area; or
- (c) In the event of a suitable replacement site not being available in the area to meet the needs of the local community, through developing part of the overall school site, greater than half of the playing fields are retained in a usable form and made available as public open space and their recreational use enhanced by appropriate outdoor facilities to meet the needs of the local community; and
- (d) Appropriate financial contributions are made to the borough council for the provision of new leisure facilities or the enhancement of existing leisure facilities in the area to meet the needs of the local community.

Further information and advice on Sport England's policy on planning applications for development on playing fields can be found in the planning policy statement *A Sporting Future for the Playing Fields of England* and in *Planning Policies for Sport* published in 1999.

Practical issues

Local assessments

When considering proposals involving the loss of playing fields, local planning authorities need accurate and up-to-date information on the current supply of playing fields and the demand for use of those playing fields. In reality, only a handful of authorities have such information to hand, despite the advice in PPG 17 that local planning authorities should draw up their own standards of provision based on local assessments. However, during the past year, an increasing number of local authorities have undertaken such assessments. Most of these have used the methodology detailed in Sport England's datasheet *Assessing Playing Pitch Requirements at the Local Level*.

Local planning authorities that have not yet undertaken an assessment of playing pitches are urged to do so and to seek advice and assistance from Sport England's regional offices. Additionally, and perhaps more fundamentally, planning officers should seek to involve their leisure services colleagues in playing pitch assessment. At the heart of these assessments should be an audit of the current supply of playing pitches within the study area differentiated by sector – public/education/private/voluntary – and by sport. Grants may be available in some cases.

Ideally, demand for use of these pitches should be based on an accurate survey of local leagues, governing bodies and pitch booking records. An alternative means of assessing demand is to apply research-based team

generation rates to the local population. Although not as accurate as a local survey, team generation rates can provide a relatively quick indication of the likely number of teams that a particular age group profile will generate. Sport England has recently completed research on this subject and the results will be published shortly.

Providing new sports facilities on playing fields

Some of the most difficult proposals in terms of Sport England's policy on development on playing fields are those that involve developing a new sports facility on an existing grass playing pitch. At first glance it may appear that replacing one grass football pitch with a multi-purpose sports hall represents a reasonable trade-off and a gain for sport. This may well be the case but, as summarised in the policy guidance section of this bulletin, a number of issues can emerge:

Sports facilities/community facilities – the second exception in paragraph 42 of PPG 17 allows for 'alternative provision of equivalent community benefit'. Sport England would normally expect the alternative provision to be replacement playing fields in the first instance, particularly where a local shortfall of playing



pitches has been identified. In some circumstances other forms of sports facility, such as a sports hall, synthetic turf pitch or multi-use games area may be an acceptable replacement. What is not acceptable to Sport England is the proposition that a non-sporting community facility such as a classroom extension or a health centre should be regarded as being of 'equivalent community benefit' to a playing pitch.

Technical specification – all new sports facilities should meet the specifications set out in Sport England's Guidance Notes and only those schemes meeting at least the minimum standards set out therein will be considered for a Lottery Sports Fund award. These standards will also be applied to any new sports facilities it is proposed to build on existing playing pitches.

A particular issue at present is the standard for school sports halls set out in the DfEE's Building Bulletin 82: *Area Guidelines for Schools*. This requires sports halls to be 520m² (32m x 16.25m) whereas Sport England's Guidance Notes specify 594m² (33m x 18 m). The smaller hall will not adequately accommodate community use. Consequently, any planning applications for sports halls not in compliance with the requirements of the Guidance Note will be subject to objection by Sport England.

This issue is currently the subject of considerable debate at a local level between Sport England and local education authorities, often when a sports hall is funded by the private finance initiative (PFI). Accordingly, local education authorities are advised to discuss such proposals with regional Sport England offices as early as possible in the planning stages of the development. To

ensure all buildings are designed to allow community access the DfEE is seeking to revise its guidelines to align them with standards set by Sport England.

Commercial sports and leisure facilities – a growing sector in the sports facilities network during the 1990s, including health and fitness clubs, indoor tennis centres and five-a-side soccer centres. These facilities form a valuable component in the overall sports network, widening the variety and availability of sporting opportunities. However, if such facilities are proposed on a playing field site, care needs to be taken to ensure that:

- The playing fields are not required for their original purpose, that is as a playing field serving the current users or providing additional community facilities.
- The new sports facility provides the entire local community with sporting opportunities.

Powerleague five-a-side soccer centres are increasing in number and highlight the types of issues that must be considered. Typically, these centres feature a minimum of ten synthetic grass courts served by a pavilion housing changing, social and administrative facilities. They are often provided on local authority or school sites in partnership with the local authority, community groups and sports bodies. On school sites the school would normally have daytime use during curriculum hours, with commercial use taking place in the evenings. Between school and commercial use the lease arrangements usually provide an element of free community use aimed at children, unemployed adults and football development programmes.

Clearly, such facilities have much to offer a local community but these benefits must be weighed against the loss of grass pitches. If the local authority has not already done so, it is essential that a local playing pitch assessment be carried out to determine the need for retaining the existing grass pitches. If the new facility is to be located on a school site, the local education authority and the school governors must satisfy themselves that the terms of the lease provide sufficient guaranteed community benefits.

Local circumstances

Some sports clubs have experienced major financial problems in recent years with, perhaps, the plight of rugby union being most well known. In some cases clubs have attempted to address their problems by seeking to dispose of some or all of their playing pitches, sometimes moving the club to a new site or, in other cases, sharing facilities with another club. Financial problems have occasionally led to new structures and the election of new officers in an effort to draw a line under the past and start anew.

While such circumstances may be among the issues considered by local planning authorities and by Sport England, they must be viewed in the context of a playing pitch assessment for the area as a whole and the relevant policies of Sport England and the local development plan. It will not be acceptable for current officers to claim that their problems were inherited from the 'old guard' with a view to soliciting special treatment.

Similarly, local authorities might seek to dispose of playing fields and other areas of land to provide capital

receipt. Again, the loss of the playing field must be justified in the context of one of the exceptional circumstances set out in Sport England's planning policy, and must accord with the relevant policy in the local development plan.

Funding issues

Funding for the provision or improvement of sports pitches can be sought from the Lottery Sports Fund's Community Capital Programme. Additionally, the New Opportunities Fund's Green Spaces and Sustainable Communities Programme provides funding to purchase playing fields that are under threat or that have fallen into disuse. Details of these programmes can be obtained from the funding bodies (see addresses at the end of the bulletin).

Football Association small-sided game

The FA made the small-sided game mandatory for children under 10 at the beginning of the 1999-2000 season. This means that all under-10's football must now take place on small-sided pitches 60 yards by 40 yards rather than on full-size pitches. Small-sided pitches are, therefore, vital to the development of football in this country and will become even more important since the FA plans to extend the small-sided game to include older players, beginning shortly with under-11s. However, a single small-sided pitch has an area of only 0.2ha – below the 0.4ha threshold imposed by the GDPO that makes consultation with Sport England mandatory. It is hoped that this issue will shortly be addressed by the DETR, possibly in the revised PPG 17.



Case studies

Case study 1: Residential development on part of sports field at Kempston, Bedford – Bedford

Borough Council – January 2000

Reference: T/APP/W0205/A/99/1021160/P4

Decision: Appeal dismissed

This outline proposal involved the residential development of 1.74ha, just over one-third of the area of a private sports ground used by a thriving sports and social club in south-west Bedford. The remaining part of the sports ground was to be retained in sporting use with two junior football pitches, a cricket field and a rugby pitch on the re-planned ground.

The main issues identified by the Inspector included the provision of sport and recreation facilities in the area, flood plain issues and the impact on the character and appearance of the area. The Inspector considered whether any demonstrable harm would be outweighed by a need to realise the site's development potential to allow the club to continue to provide sports and social facilities for the Kempston community.

The appellants offered to contribute £100,000 to improve changing facilities at a nearby council playing field site in Kempston to compensate for the loss of playing facilities (two senior football pitches) at the appeal site. The improved changing rooms would allow two senior football pitches to come back into use for league matches following a period of disuse due to a lack of adequate changing facilities. This offer was formalised with a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990.

A council playing field study had demonstrated that the West Kempston area had a good overall level of open space provision.

The Inspector considered that the proposed arrangements would broadly accord with the policies in the adopted and emerging local plans for the area and she was satisfied that the proposals would adequately safeguard the needs of formal sports participants in the Kempston area. The emerging local plan review, which had proceeded to the public local inquiry stage into the deposit draft, showed a large housing allocation on land to the south and west of the appeal site, together with a preferred route for the Bedford western bypass adjacent to the site. However, despite these nearby allocations, the Inspector was concerned that the residential development of part of the site would 'insert a small island of housing between the retained sports ground and agricultural grazing land' to the south. The visual impact of high fencing around the retained sports ground would also, she felt, have a harmful visual impact on the area. These visual impacts were contrary to policies in the adopted and emerging local plans and the Inspector therefore considered the proposals to be unacceptable.

The Inspector then considered the potential impact on the club and its members if planning permission was refused for the housing development. The club had been founded in the 1930s as a works club, but had developed over the years into a club serving the wider community. The football facilities were extensively used by junior players and the revised pitches would be aimed at this age group. Evidence was produced showing that the appellants were prepared to sell the remaining sports

ground to the club subject to planning permission being granted for the housing development.

However, if planning permission was refused, the club had been told that it would have to leave the site. The council had also indicated that it would be willing in principle to acquire the land. The Inspector felt that the retention of the sports facilities was not necessarily tied to the continuation of the club that used the facilities, and that it would be in the appellants' interests to keep the site well maintained. On balance, she decided that the potential impact on the club did not outweigh the serious harm to the character and appearance of the area. The appeal was dismissed.

Sport England was satisfied that the arrangements secured by the Section 106 agreement would meet exception E4 of its playing field policy as more effective use would be made of the nearby council playing field site if improved changing facilities could be provided. There was no objection, therefore, to the proposals considered by the Inspector. This case highlights a number of interesting issues:

- Sport England and the Inspector were satisfied that improvements to changing facilities at a nearby site, thereby bringing back into use two previously unused pitches, would compensate for the downgrading of two pitches from senior to junior use on the remainder of the private sports ground.
- The sale of just over one-third of the existing sports ground would secure the future of the remaining site for sporting purposes.
- The Inspector recognised that the club was a valuable social and sporting resource to local

residents, but did not feel that this was sufficient to outweigh her concerns about the visual impact of the proposed residential development.

- The fact that the council had agreed in principle to acquire the sports ground may have provided a useful safety net for the Inspector. She may have been convinced that the long-term future of the ground was not in jeopardy, despite the owners' expressed intention to require the club to leave the ground. It is understood that the council is now pursuing its ambitions to acquire the site.



Case study 2: Residential development on cricket ground and relocation of cricket ground and pavilion at Unsworth, Bury – Bury Metropolitan Borough Council – January 2000

Reference: PNW/5081/219/25A

Decision: Planning permission granted

This case involved two planning applications called in for determination by the Secretary of State, concerning the residential development of the existing Unsworth Cricket Club ground and the provision of a new ground and pavilion on an adjacent site in the green belt.

The existing cricket ground has an area of 1.54ha and is surrounded by residential and retail properties. The club is a member of the Central Lancashire Cricket League and cricket is played to the highest standard outside the professional county structure. There are only 13 wickets on the square and great strain is put on these facilities due to the number of senior, junior and school teams that use them. The ground is below recommended minimum size and the clubhouse/pavilion is in poor condition.

The applications arose from the club's wish to improve facilities to better satisfy the needs of its various teams and external users. The proposed new site would be larger than the existing ground, 4.37ha compared with 1.54ha, and would allow a larger playing area and seven more wickets.

The key issue considered by the Secretary of State was the appropriateness of the cricket ground and clubhouse/pavilion facilities in the green belt. Other issues included highway matters, visual impact, and the

protection of a colony of great crested newts on the site of the new ground.

The Inspector agreed with the local planning authority that the proposed cricket ground would be an appropriate use of the green belt. The main point at issue was the acceptability of the proposed pavilion and, more specifically, whether it would provide 'essential' facilities in accordance with the guidance in PPG 2. The proposed pavilion would include changing rooms and showers and toilets for players and umpires which the Inspector considered to be necessary for the playing of cricket. Storage rooms within the pavilion were also directly related to the playing of cricket.

Lounge and clubroom facilities in the new pavilion were only 30m² larger than the existing facilities and were similar to those provided by other clubs in the same league. However, the Inspector did not consider it 'appropriate to seek to define essential facilities as those required for a club to operate at a particular level or in a particular league.... I do not doubt that the provision of a bar and separate sponsor's room is essential for the viable operation of Unsworth Cricket Club. Nevertheless, in my opinion those facilities are more than is required to provide essential shelter and refreshments for players and spectators during the course of a match, even though they would undoubtedly enhance their enjoyment of the proceedings. For those reasons I consider that, in terms of green belt policy, the proposal provides more than essential facilities genuinely required for the playing of cricket.'

The Inspector concluded that the development was therefore inappropriate within the green belt. However,

he felt there were very special circumstances that should be weighed against the harm caused by reason of that inappropriateness. The proposals would provide enhanced sporting facilities for the benefit of the community. There were no brownfield sites in the Unsworth area that could accommodate a cricket ground, therefore the only possible sites for a new ground were within the green belt. The site for the new ground was separated from the remaining areas of green belt by the M66 motorway, thus its contribution to the overall openness of the green belt was limited. The development would not harm any of the purposes of including land in the green belt. For these reasons, the Inspector concluded that the benefits of the development would outweigh the limited harm caused to the openness of the green belt. He recommended that planning permission for both applications should be granted. The Secretary of State agreed with his Inspector. The case demonstrates the following points:

- Playing pitches/grounds are generally regarded as appropriate development in green belts.
- Ancillary facilities such as pavilions and clubhouses are subject to close scrutiny, particularly in respect of social facilities.
- A claim that social facilities are necessary to make a club viable is not, in itself, sufficient to demonstrate that those facilities are essential in terms of green belt policy.
- Very special circumstances can be advanced that can outweigh the normal presumption against inappropriate development in the green belt. However, these must be clearly demonstrated in each case, as there is no special dispensation for sports buildings in the green belt unless they meet the definition of essential facilities outlined in PPG 2.

Case study 3: Residential development and children's play area – Medway Council – November 1999

Reference: T/APP/A2280/A/98/1013000

Decision: Appeal allowed

Historically, the appeal site had been used by a hockey and cricket club and accommodated two grass hockey pitches and a cricket table. The pitches were poorly drained and often unfit for use and, as a result, the hockey club had relocated to a nearby site developing a synthetic turf pitch for its own use, together with rugby and cricket pitches for future use. A second synthetic turf pitch was planned. More recently, two football clubs had used the site although, due to site constraints, the remaining cricket table overlapped with the football pitch.

The club wished to use the funds raised by residential development of the site to further improve the new site, to provide improved sports facilities elsewhere and to provide a multi-purpose facility for worship and care in Chatham town centre. A previous appeal for the residential development of a smaller part of the site had been dismissed in March 1998. The Inspector identified the following main issues:

- loss of recreational open space
- effect on character and appearance of the area and the living conditions of surrounding residents
- need for additional housing.

The latter two issues did not detain the Inspector long and the main emphasis was on the acceptability of the proposals in terms of recreational open space.

Having noted the very poor state of the existing ground and the high quality of the new facilities being developed some 1.3km away, the Inspector went on to look at the national and local policy background.

PPG 17 advises that playing fields should normally be protected unless at least one of three exceptions applies. The council had accepted that the second exception, requiring alternative provision of equivalent community benefit to be made available applied in this case, and the Inspector agreed with this interpretation. There did not appear to be an excess of playing field provision, either in the area surrounding the appeal site or within the district as a whole.

The development plan was at an awkward stage: the adopted local plan policies were prepared before PPG 17 was issued and were not fully consistent with the advice contained within it. However, the emerging district-wide local plan had been placed on deposit although objections had not been considered at a local plan inquiry. Therefore only limited weight could be given to its policies.

The council had suggested that the new club site, which was being developed for sporting use, was previously open space; hence there would be a net loss of open space. The Inspector disagreed, however, as the site had been used for dumping rubbish and required much levelling to make it suitable for recreational use. Therefore, the increase in usable open space at the new site was well in excess of the open space to be lost at the old site. The retained open space on the old site would be used by the local population rather than club members and thus accorded with the objectives of the emerging local plan.

Sport England's South East regional office did not object to the application as the proposal was in accordance with Part E4 of its policy on development affecting playing fields. The Inspector concluded that the proposals accorded with the advice in PPG 17 and there was no conflict with the emerging local plan. While there was some conflict with one of the policies of the adopted local plan, the weight accorded to this was reduced due to conflict with the emerging plan and PPG 17. As the proposal would not lead to an unacceptable loss of recreational open space and was otherwise acceptable the appeal was allowed, subject to a number of conditions and a Section 106 agreement concerning the use of the children's play area. Of particular interest in this case are the following points:

- the considerable improvement of sports facilities that could be achieved by the club moving to a nearby site
- the Inspector's distinction between open space with no recreational value (due to dumping of rubbish) and the improved facility
- the lack of objection from Sport England due to the overall improvement in facilities.



Case study 4: Residential development on football stadium, Haywards Heath, Sussex – Mid Sussex District Council – May 1999

Reference: T/APP/D3830/A/99/1016168/P5

Decision: Appeal dismissed

The appeal was against the failure of the local planning authority to determine an outline planning application for residential development at Hanbury Park Sports Stadium, the home of Haywards Heath Football Club. The Inspector's decision letter was concise, comprising less than three pages. He considered the main issue to be the loss of the existing football pitch.

The structure plan and the local plan both contained policies that resisted the loss of public and private recreational facilities. However, the local plan allocates the appeal site for residential development, subject to provision being made for the relocation of the club elsewhere in the town. A site identified in the local plan as being suitable for the relocation of the club had since been subject to other development proposals and was therefore no longer available to the club.

The appellants argued that, in the light of the 'loss' of the proposed relocation site, it would be unreasonable to defer granting planning permission for the residential development of the appeal site. The appellants' agents accepted that the implementation of the residential scheme would have to await the identification of a suitable relocation site but they argued that this could be achieved by a 'Grampian' condition. Such conditions require that development does not commence until

some obstacle has been surmounted, often works on the highway.

The Inspector understood the appellants' frustration but did not accept the suitability of a Grampian condition as it would not meet the tests imposed by Circular 11/95. He was not satisfied that there were 'reasonable prospects of the action in question being performed within the time limit imposed by the permission'. No alternative site was under active consideration and there was no prospect that such a site would come forward within the lifetime of the outline planning permission – three years.

As there were no material considerations that would override his fundamental conclusion that the proposal was contrary to local and national policies, the Inspector dismissed the appeal. Issues of interest include:

- The proposal was contrary to two local plan policies, one site-specific that required the relocation of the club before residential development could commence and one more general policy that resisted the loss of recreational facilities. It appears likely that the Inspector would have dismissed the appeal even if the site-specific policy had not existed.
- The Inspector's rejection of a Grampian condition to secure the provision of an alternative site to relocate the club clearly makes the following point. That is, if the guidance provided in PPG 17 is followed, there must be a degree of certainty that a replacement playing pitch can be provided in the appropriate place and at the appropriate time.

Case study 5: Residential development on land at Middleton Technology College, Middleton, Rochdale – Rochdale Metropolitan Borough Council – March 2000

Reference: APP/P4225/V/99/000050/P4

Decision: Planning permission granted

This case involved an outline application for residential development made by the local authority on a 1.47ha site that contained one of the college's three playing fields. The site was in use as a football pitch at the time of the application.

Following an objection by Sport England, the application had been called in by the Secretary of State and was considered at an Inquiry in December 1999. This was one of the first cases to be called in under the *Town and Country Planning (Playing Fields) (England) Direction 1998*.

The development plan for the area was the Rochdale UDP adopted in March 1999. The site was allocated as a protected school playing field to which Policy R/2 applied. This stated that development for other uses would not normally be permitted unless one of those exceptions could be met, the second of which allowed for development that funded 'significant improvements to existing leisure facilities within the site or another site, commensurate with the open space being lost.'

The reasoned justification acknowledged that the development of school playing fields for other uses might be acceptable where a proper standard of local recreational provision could be established through the creation or improvement of facilities elsewhere in the

locality. Other parts of the UDP identified an under-provision of outdoor sports facilities throughout the borough, particularly in the Rochdale and Middleton areas.

The local authority wished to approve the application as the development would provide matched funding for a Lottery Sports Fund bid to provide a sports hall on the college site. Although the development would result in a small deficiency of public open space, the benefits of the new sports hall to the school and the community outweighed the need to protect the site. The local authority considered that the proposal accorded with PPG 17 as the sports hall would provide greater community benefit than the playing field. It also considered local pitch supply to be adequate, particularly for football. The state of the pitch on the site was considered to be poor and the costs of upgrading it were prohibitive.

Sport England had objected to the proposed residential development on the basis that the proposed sports hall would not be an adequate or acceptable replacement for the loss of the grass playing pitch. The proposed sports hall was also dependent on Lottery funding, which could not be guaranteed.

The UDP showed a serious under-provision of all outdoor sports facilities in the borough and the loss of an additional pitch would exacerbate the situation. The proposal did not fall into any of the exceptions set out in paragraph 42 of PPG 17 and did not meet any of the circumstances set out in Sport England's policy on playing fields, *A Sporting Future for the Playing Fields of England*. In particular, the proposal did not meet Circumstance 5 as the proposed sports hall was not on the application site.



The Inspector (who also dealt with the appeal referred to in case study two) considered that the proposal did accord with the provisions of the development plan. The site was surplus to the school's needs, the pitch was only used infrequently and there was sufficient space within the school grounds to form an additional playing pitch. Crucially, the Inspector felt that the proposed sports hall would amount to a 'significant improvement in leisure facilities within the area, which would be more than commensurate with the open space that would be lost'. The use of the word 'commensurate' by the Inspector and in the UDP policy is worthy of note, as is its dictionary definition: 'equal in measure or extent; in due proportion' derived from 'commensurable' which is defined as 'capable of being measured exactly by the same unit'. Bearing the latter definition in mind, it is difficult to see how a sports hall can be commensurate with a playing field.

To overcome the possibility of losing the playing field without the compensatory provision of the sports hall, the Inspector included the following condition: 'The works

comprised in this planning application hereby permitted shall not be commenced until such time as a contract has been let for the construction of the sports hall.'

The more common approach identified by the Inspector would be to enter into a Section 106 objection to undertake to provide the replacement facilities. However, as it would fall to the council to enforce such an objection, he did not feel that approach was appropriate and therefore opted for the condition quoted above.

The Secretary of State agreed with his Inspector's conclusions and his recommendation that planning permission be granted. He also agreed with the Inspector's recommendation concerning the condition referred to above and granted planning permission subject to the condition. This case raised several points of interest, including the following:

- The Secretary of State took the view that the provision of a sports hall to replace a playing pitch can be considered to be 'alternative provision of equivalent community benefit', despite Sport England's opinion to the contrary.
- The condition concerning the provision of the sports hall requires only the letting of the contract for the construction of the sports hall, rather than the availability of the sports hall for community use.
- There is no certainty that the college will be successful with its bid for Lottery Sports Fund assistance. If the bid fails, the sale of the application site would not proceed, following an earlier commitment by the college governors and the council.

Further Reading

BENNETT, J

Assessing playing pitch requirements at the local level,
In SPORTS COUNCIL, *Planning and provision for sport*
London: Sports Council; 1995, Facilities factfile 2

DEPARTMENT FOR CULTURE, MEDIA AND SPORT

A sporting future for all
London: Department for Culture, Media and Sport; 2000

DEPARTMENT FOR EDUCATION AND EMPLOYMENT

Area guidelines for schools
London: HMSO; 1996, Building Bulletin 82, ISBN 0 11
270921 4

DEPARTMENT OF THE ENVIRONMENT, TRANSPORT AND
THE REGIONS

*The effectiveness of planning policy guidance on sport
and recreation*
London: DETR; 1998, ISBN 1 85112 092 0

ENGLISH SPORTS COUNCIL

*A sporting future for the playing fields of England:
policy on planning applications for development on
playing fields*
London: English Sports Council; 1997

SPORTS COUNCIL, CENTRAL COUNCIL OF PHYSICAL
RECREATION, NATIONAL PLAYING FIELDS ASSOCIATION

The playing pitch strategy
London: Sports Council; 1991

SPORT ENGLAND

*Planning policies for sport: a land use planning policy
statement on behalf of sport*
London: Sport England; 1999

Author

Richard Percy, Steven Abbott Associates

Addresses

Planning Inspectorate
Department of the Environment Transport
and the Regions
Room 194
Tollgate House
Houlton Street
Bristol BS2 9DJ
Tel: 0117 987 8000
Fax: 0117 987 8769

Steven Abbott Associates
Chartered Town Planners
North Quarry Office
North Quarry Business Park
Appley Bridge
Wigan WN6 9DB
Tel: 01257 251177
Fax: 01257 251555
E-mail: administrator@abbott-associates.co.uk
www.abbott-associates.co.uk

More Places Team
Sport England
16 Upper Woburn Place
London WC1H 0QP
Tel: 020 7273 1578
Fax: 020 7273 1710
www.english.sports.gov.uk

Funding Bodies

Lottery Sports Fund helpline: 0845 7649649

New Opportunities Fund: 0845 0000121

Companion titles in the Planning Bulletin series:

Issue 1: Playing Fields

Issue 2: Strategic Planning for Sport

Issue 3: Intensive-use Sports Facilities

Issue 4: Planning Obligations for Sport

Issue 5: Sport in the Urban Fringe

Issue 6: Land-based Motor Sports

Issue 7: Stadia, Football Academies and Centres of Excellence

Publications despatch: 0870 5210255

Note

Thanks to Bill Craven of Daventry DC for pointing out that the list of football stadia built in the 1990s (page 2, Issue 7) should have included Northampton Town's Sixfield Stadium, described by Simon Inglis as 'the best small football ground in the country'.

Every effort has been made to ensure the accuracy of the information contained in this publication. Sport England, its servants or agents shall not at any time, in any circumstances, be held responsible or liable to any party in respect of any loss, damage or costs of any nature arising directly or indirectly from reliance placed on the material in this publication or any other guidelines or policies issued by Sport England. This information has been prepared as a basic guide only and should not be viewed as a substitute for obtaining comprehensive expert or professional advice.

The appeal decision letters referred to cannot be made available by Sport England or Steven Abbott Associates. Readers wishing to obtain copies are advised to contact the Planning Inspectorate.

Sport England mission statement

Sport England aims to lead the development of sport in England by influencing and serving the public, private and voluntary sectors. Our aim is:

- **more people involved in sport**
- **more places to play sport**
- **more medals through higher standards of performance in sport**

Sport England is the brand name of the English Sports Council which is the distributor of Lottery funds to sport.

© Sport England, June 2000

SE/1046/6M/6/00

Designed by GDA Creative Solutions, London

Printed in England by Keldia Printing Company

Photography by A Edwards, J Walmsley, R Sowersby

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without the permission of Sport England.



Ref no: 1046