
Appeal Decision

Site visit made on 3 September 2019

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2ND March 2020

Appeal Ref: APP/Q5300/W/19/3231329

Paulin Ground, Fords Grove, Southgate N21 3ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Neal Avent against the decision of the London Borough of Enfield.
 - The application Ref 18/04484/FUL, dated 15 November 2018, was refused by notice dated 13 June 2019.
 - The development proposed is the erection of a structure over the existing cricket nets to provide an indoor sports facility.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the interests of brevity and accuracy I have used the description of development given by the Council in its report and decision notice.

Main Issues

3. The main issues are:
 - a) Whether the proposed development would be inappropriate development within Metropolitan Open Land (MOL) having regard to the Framework and to any relevant development plan policies;
 - b) The effect of the proposal on the openness of the MOL;
 - c) The effect of the proposal on the character and appearance of the area;
 - d) The effect of the proposal on local nature and ecology;
 - e) The effect of the proposal on car and cycle parking and vehicular access and egress to and from the sports ground.
 - f) Whether the harm by reason of inappropriateness is outweighed by other considerations? If so, would this amount to the very special circumstances required to justify the proposal?

Reasons

Metropolitan Open Land

4. The appeal site is part of a large sports ground that is broadly circular in shape. In the middle sits a sports pavilion directly accessed from Firs Lane to the east by a narrow service road. The pavilion is an impressive and highly attractive 1.5 storey white building bearing the date of '1880' on the gable front. It measures around 50-60 metres in length, incorporating a small two storey extension at the eastern end, and is about 6 metres in height. It has a near full length veranda set about 1 metre above the playing surface of the cricket ground. To the front of the veranda are a collection of shrubs and bushes.
5. Set around the pavilion are 3 cricket grounds (some of which double up in autumn and winter for football usage). At the outer edge of one of these cricket grounds are about 10 grass and all-weather tennis courts. Just south of the service access road, beyond a small building, is a rectangular shaped rough surfaced car park measuring approximately 50 metres by around 25 metres.
6. To the west of the pavilion, filling much of a gap between it and the woods on the western edge of the sports ground, is an all-weather 5-a-side football pitch and a slightly smaller all-weather surfaced area used for cricket nets. It is this area of cricket nets which the appellant is proposing to cover with an enclosed cricket training area.
7. The area of cricket nets is rectangular in shape, being approximately 35-40 metres in length and 15 metres in width. It is surrounded by a steel linked fence, typical of those used to enclose tennis courts and five-a-side football pitches, measuring around 4-5 metres in height. On each corner of the all-weather area is a floodlight pole measuring approximately 10-15 metres in height. Within the enclosure are 4 separate practice cricket pitches, each separated from the next by a length of net and with netting above.
8. The northern, eastern and southern perimeter of the sports ground is encircled by mature trees, immediately beyond which are Firs Lane and Ford's Grove. These are both established residential roads and the occupants of most of these properties will have good views of the sports ground from their front windows for much of the year. There are also a small number of newer residential properties along Blenheim Court and Beaulieu Gardens lying north of the New River on the northern / north-western perimeter with views of varying quality over the sports ground.
9. The proposed development consists of a solid structure with a ridge roof. According to the plans it measures 40 metres in length, 15.3 metres in width and 7.6 metres in height (with side elevations measuring 5 metres in height). The side walls and gable ends would be constructed of steel aluminium and the roof would be made from PVC coated polyester. No details are provided for the colour of the steel aluminium, but the roof would be white.
10. The structure would accommodate the area currently devoted to cricket nets, extending it marginally by a length of around 3-4 metres in the direction of the pavilion. If the surface were suitable, the appellant has stated that the facility could also be used for hockey and football.

11. By virtue of the site's designation as MOL it is to be treated as if it were green belt. This requires me to consider whether the proposed development is inappropriate by reference to advice set out in the National Planning Policy Framework (The Framework) concerning development proposals affecting green belt land.
12. Paragraph 145 of the Framework states that new buildings are inappropriate within the green belt unless they fall within one of the exceptions. The second exception concerns proposals that involve the partial or complete redevelopment of previously developed land. Such a redevelopment, the Framework advises, can be approved subject to it not having any greater impact on the openness of the MOL than the existing development.
13. I do not accept that the proposal is a redevelopment. I consider that the proposal is to cover an existing use, thus constituting an extension to, rather than the redevelopment of, an existing development. Further, I do not share the Council's view that the proposal would maintain 'open space' (which I take to mean 'openness').
14. Therefore, I conclude that the proposal is inappropriate development on MOL and is thus in conflict with Policy DMD71 of the Council's Development Management Document 2014 (DMD) and Core Policy 34 of the Enfield Plan Core Strategy 2010-2025 2010 (CS) which both seek to protect MOL. It is also in conflict with paragraph 145 of the Framework which identifies those categories of development which are not to be regarded as being inappropriate.

Openness

15. The see-through wire-mesh fence surrounding the all-weather surfaces used for both five-a-side football and the all-weather cricket nets allows for almost completely unimpeded views across the sports ground. Similarly, the slim floodlight pylons at the corners of the cricket-nets area do not affect the view across the sports ground. Consequently, I consider that the appeal site contributes significantly to the general open aspect which the sports ground provides.
16. The proposed development would form an impenetrable visual barrier for those looking across the sports ground, in particular from Firs Lane. Those viewing the wider sports ground from this road are currently presented with a near panoramic vista of sports pitches set around the relatively low-level pavilion.
17. The introduction of the proposed development would fill most of the gap occupied by the all-weather 5-a-side football pitch with what would appear to be a solid steel wall standing higher than the near-adjacent pavilion. This would cut the sports ground in two, blocking what is currently an open view.
18. I appreciate that the use of the building as an indoor cricket training and practice area would be consistent with the use to which the wider sports ground is put to and this is something that I have had regard to in considering the impact of the proposal on openness.
19. Nevertheless, I conclude that the development proposal will fundamentally detract from the openness of the Winchmore Hill sports ground and would thus fail to accord with Core Policy 34 of the CS which seeks to protect open areas. It would also fail to accord with DMD Policy 71 of the DMD which seeks to

protect MOL. Finally, it would be contrary to the advice laid down in paragraph 145 of the Framework which seeks to protect the Green Belt.

Character and Appearance

20. At present the Winchmore Hill sports ground has a very traditional appearance. Except for the modest extension already mentioned, it seems likely that the pavilion today appears very much as it did when it was built in the late 19th century. It is surrounded by a large expanse of well-maintained open land set against a backdrop of mature trees and woodland. The highly attractive pavilion and grounds provide a pleasing symmetrical relationship with one another, with the space provided to the sports of tennis, cricket and football also complimenting each another. Most of the properties within the wider residential area also seemed to be well established with little evidence of any substantial alteration.
21. The appeal site constitutes a modest part of the sports ground, representing only a very small part of the entire area laid to grass. Whilst it is surrounded by wire mesh fencing this is very much part and parcel of what one finds in sports club venues. The appeal site therefore contributes in a positive way to the overall character and appearance of the sports ground and the wider area.
22. The development proposal would be almost two-thirds the length of the existing pavilion and noticeably taller. The structure would be visually dominant to those using the sports ground, those living in proximity and those travelling along Firs Lane and Ford's Grove. Seen from the northern and southern most perimeters of the sports ground along Firs Lane and Ford's Grove respectively the steel framed proposal would damage the existing symmetry, blocking views across the sports ground and fundamentally transforming the appearance of the wider area.
23. Consequently, I conclude that it would cause substantial harm to the character and appearance of the area contrary to Core Policy 30 of the CS which seeks to maintain the quality of the built and the open environment. It would also fail to accord with DMD Policy 37 and DMD Policy 74 of the DMD which seek to protect the design and character of the area. Finally, it would be contrary to the advice laid down in paragraph 127 of the Framework which seeks to promote high quality design.

Local Nature and Ecology

24. The site is designated as a Wildlife Corridor and a Site of Importance for Nature Conservation. The officer's report stated that the scheme would not interfere with the ecology of the site. No evidence has been presented to this appeal by the Council contradicting that assessment. Thus, in the absence of any evidence I conclude that the proposal would not conflict with Core Policy 36 of the CS which seeks to protect biodiversity. It would also be consistent with policies DMD76 and DMD78 of the DMD which seek, respectively, to protect wildlife corridors and protect important ecological assets. It would also comply with Policy 7.14 of the London Plan 2016 (LP) which seeks to protect air quality.

Car and Cycle Parking

25. The appellant has not provided any details explaining how any additional vehicular traffic resultant from the proposed development would be accommodated. I would estimate that the car park has a capacity to accommodate around 80-100 cars, enough for between around 80 and, say, 200 sports participants. Other than a comment from one member of the public I have no information in front of me regarding current levels of car park usage.
26. Further, I have not been provided with any information setting out how many vehicle movements the proposed development is likely to generate. Nevertheless, it is reasonable to assume that the proposed development is most likely to be utilised in the autumn and winter evenings when the main outdoor grass pitches (which are not floodlit) and tennis courts will either be dormant or in less intensive use. Thus, I do not consider that the new development is likely to lead to any significant net increase in the number of traffic movements above those currently experienced when the various pitches and tennis courts are at their busiest.
27. The LP requires 1 electrical charging point for every 5 new parking spaces provided in association with new development. The level of new parking provision for sports halls is to be determined by reference to a Sports England publication which I was not provided with. The proposed development will cause a gross increase in traffic associated with its use, so triggering the electrical charge point policy. I conclude, therefore, that the proposal fails to accord Policy 6.13 D(a) of the LP and DMD45 of the DMD which establish minimum standards for electric vehicle charging points.
28. The appellant has also failed to furnish any details concerning the provision of cycle parking facilities. Minimum standards for new sports halls laid down in the LP stipulate 1 space per 100 square metres which would equate to a need for around 6 secure cycle spaces. Consequently, I conclude that the appeal proposal fails to accord with Policy 6.9 B(a) of the LP and DMD47 of the DMD which both seek to promote increased cycle use.

Other Considerations and Very Special Circumstances

29. Although the appellant has stated the purpose of the proposed development he has not provided any information stating what level of existing need the new facility would satisfy or indeed whether, and to what extent, it might help to encourage those whom are inactive to become engaged and participate in sport. Nor has he sought to argue that there are no other available alternative sites within the vicinity that require him to site the proposal on MOL.
30. Consequently, I do not find that there are any other considerations advanced in support of the proposal that need to be weighed against the harm caused to the openness of the MOL and other harm in the form of the effect on the character and appearance of the area and the effect on cycle storage and electric charging provision. Thus, I conclude that there are no very special circumstances that outweigh the significant harm caused by the proposal justifying granting approval to the scheme.

Conclusions

31. For the above reasons and having had regard to the documents put before me the appeal is dismissed.

William Walton

INSPECTOR