



Appeal Decision

Hearings held on 29 January 2020 and 8 March 2021 (virtual)

Site visit made on 9 March 2021

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 6 April 2021

Appeal Ref: APP/V3120/W/19/3241871

Former Cricket Pitch, Northcourt Lane, Abingdon

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by The Trustees of Abingdon Vale Cricket Club against the decision of Vale of White Horse District Council.
 - The application Ref P19/V1322/O, dated 30 May 2019, was refused by notice dated 28 October 2019.
 - The development proposed is the erection of a three-storey building comprising 9 no. residential apartments with associated access, car parking and associated cycle and bin store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is made in outline with access, layout and scale for determination, with appearance and landscaping being reserved matters.
3. This appeal scheme was linked with another appeal (APP/V3120/W/19/3233677) but that proposal was withdrawn by the Appellant on 15 November 2020.
4. The hearing on 29 January 2020 was adjourned as it was not possible to complete all of the necessary discussion. Further, time was also allowed for further discussions to take place between the main parties in relation to planning obligations and other matters that arose at the hearing. The resumed hearing was then postponed due to the Covid-19 pandemic. The event was completed by a virtual hearing on 8 March 2021.

Application for costs

5. Two applications for costs have been made by the Vale of White Horse District Council against the Trustees of Abingdon Vale Cricket Club for the related withdrawn appeal (APP/V3120/W/19/3233677). I will determine these in a separate decision.

Main Issues

6. I consider the main issues of the appeal to be:

- whether the scheme would result in the unacceptable loss of playing field/pitch provision;
- whether the proposal would preserve or enhance the character or appearance of the Northcourt Conservation Area; and
- whether the proposal would preserve the settings of nearby listed buildings.

Reasons

Playing field/pitch provision

7. The proposed development would be constructed on an area of land that is currently used as a football pitch. At the virtual hearing the Appellant accepted that without any replacement provision there would be a loss of playing field and pitch provision.
8. Policy DP34 of the Vale of White Horse Local Plan 2031 (Part 2) (the LP Part 2) sets out that the development of existing leisure and sports facilities will only be permitted under certain circumstances. The only one of relevance in this case is *'the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of scale, quantity and quality in a suitable and accessible location'*. The National Planning Policy Framework (2019) (the NPPF) sets out the same criterion at Paragraph 97.
9. There is also other guidance of relevance in this case. Sports England's Playing Fields and Policy Guidance (2018) also seeks to resist the loss of playing fields subject to five exceptions. I consider that the guidance should be afforded significant weight. The exception of relevance to this appeal is no. 4 and states: *'The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field: of equivalent or better quality; and of equivalent or greater quantity; and in a suitable location; and subject to equivalent or better accessibility and management arrangements'*.
10. In addition, the Council's Playing Pitch Strategy (the PPS) sets out at Paragraph 5.92 that: *'The existing network of football pitch sites in secure community use should be retained, and improved as needed'*.
11. The Appellant has entered into a Section 106 Agreement (S106) to secure a financial contribution towards off-site leisure provision. The Appellant maintains that this along with the enhancement of the remaining football pitch on the appeal site will meet the above policy and guidance criteria. Whilst the Council has entered into a S106, they are not of the view that these measures are sufficient to offset the loss of playing field/pitch provision. The Council explained at the virtual hearing that securing a financial contribution was seen as a worst-case scenario should the appeal be allowed.
12. The secured financial contribution equates to 50 per cent of a 7x7 football training pitch size 40-50mm (3G, fenced, sport lights). This percentage would support the Council in finding partnership funding to match and deliver a new facility and is based on Sport England's guidance. The contribution would also secure 50% of maintenance costs and other costs such as expert advice, officer costs and equipment for the new facility.

13. At the hearing, the Council confirmed that there was no money available through their Community Infrastructure Levy (CIL) to match the funding to be able to deliver the replacement football pitch and was also unable to provide any certainty about gaining any funding by other means. This raises significant questions around the deliverability of the replacement provision.
14. Further to this and based on the information before me, there is no certainty that a suitable and accessible location within the vicinity of the appeal site can feasibly be secured. The Appellant has noted that the redevelopment of Dalton Barracks, which is a Strategic Allocation in the LP Part 2, may offer an opportunity. However, there is no evidence before me to suggest that the potential developers of the site would be open to accommodating a replacement football pitch on a permanent basis.
15. I consider a financial contribution could feasibly be used to meet the requirements of Policy DP34 and I acknowledge that the Council would have up to 10 years to utilise the financial contribution for the replacement football pitch. However, in this case, there is insufficient certainty in terms of both a replacement site and matching funding to suggest that a policy compliant replacement football pitch will be suitably delivered in the vicinity of the appeal site to offset the loss of the playing pitch. The secured financial contribution would therefore not make the development acceptable in planning terms.
16. I accept that the S106 secures enhancements to the remaining on-site football pitch which could be used more frequently through increased management and maintenance. However, I am mindful that it would be smaller in terms of quantity and also therefore less flexible than the current pitch. I consider that this alone is not sufficient to meet the requirements of Policy DP34 of the LP Part 2.
17. Given all of the above, I am unable to conclude that the scheme would not result in the unacceptable loss of playing field/pitch provision contrary to Policy DP34 of the LP Part 2, Paragraph 97 of the NPPF, Sport England's Playing Fields and Policy Guidance and the PPS.
18. On a related matter, concern has also been raised that the replacement of the football pitch elsewhere would also unacceptably disperse junior tiers of the football club. The Appellant's revised statement of Case is supported by a letter (Appendix 6) from Abingdon United Football Club that notes football of varying age groups is already dispersed across Abingdon with existing arrangements with Dalton Barracks and Tilsley Park. Consequently, and whilst noting the guidance in Sport England's Playing Fields and Policy Guidance on this matter, I do not share these concerns.

Conservation area

19. As set out above, the appeal site is currently an area of open land that is used as a football pitch. This along with the football pitch to the east forms a significant area of open space within the Northcourt Conservation Area (the CA). This area is described by the Northcourt Conservation Area Appraisal, 2008 (the NCAA). The key characteristics of particular relevance are: large areas of open space, including important remnants of the historic field system; contribution made by historic buildings; and the rural nature of Northcourt Lane. Section 7.7 notes that the sports ground of Abingdon United Football and Social Club forms an important area of open space surrounding the listed

buildings once associated with Abingdon Abbey and maintains the sense of the former open plots forming the hamlet.

20. Further, Section 7.11 sets out that the main areas of undeveloped open space remain on the north side of Tatham Road, the grounds of Northcourt House and its immediate neighbours and the football playing field. It continues by stating: *'It is important that these areas remain open as intrinsically important in their own right and to protect the setting of listed buildings and views of key historic buildings'*.
21. The Appellant accepts that the appeal site makes some positive contribution to the CA but notes that due to the boundary treatments and lack of views to and from the appeal site its contribution is limited. Whilst it is acknowledged that majority of important views identified in the NCAA associated with the appeal site are contained within it and would not be open to the public, they would be seen from the users of the football pitches. Further, important views are identified along Northcourt Lane, and whilst not specifically identified as important views in the NCAA, glimpsed views through breaks in the boundary vegetation are available at regular intervals. In addition, the lack of built development through the absence of buildings and roofs can be appreciated from Northcourt Road. This can be particularly said for the area around Christ Church. As a result, I consider that the appeal site can be readily viewed and appreciated from a good level of public viewpoints.
22. As is discussed later under listed buildings, the open space provides a reminder of the historic pattern of development in this area and this contributes to the significance of the open land to the CA. Overall, I am of the view that the open space associated with the appeal site makes a positive and important contribution to the CA. I do not consider that the fact that the open space is no longer in agricultural use diminishes this contribution. Whilst it may have been levelled for sports use, this area has remained largely free from any significant built development and the relationship of the open space to the historic buildings to the north/west is still legible. This is also despite the more modern development that surrounds it.
23. The scheme seeks to introduce a three-storey building that would accommodate 9 residential units. There would also be a large area of hardstanding to accommodate parking spaces and a bin and cycle store. The proposed building would be a large structure and the presence of built development would erode the positive contribution that the site makes to the CA. Further, whilst there is a variety of dwelling types and architectural styles within the vicinity of the appeal site, I consider that the scale and massing of the proposed building would be at odds with the prevailing pattern of development, particularly that along Northcourt Lane opposite the appeal site, which accommodates modest sized two-storey dwellings and some bungalows.
24. It was evident from my site visit that Northcourt Lane has a pleasant rural character. A contributing factor to this is the frequent glimpsed views through the existing boundary vegetation across the open space of the appeal site. The proposed building would block these views and replace them with three-storey built development. Given the considerable mass of the proposed building and its height, I consider that it would have an overly imposing effect on Northcourt Lane. Whilst additional planting could seek to close the gaps in the boundary planting along Northcourt Lane, it is unlikely that this would be able to entirely

screen a building of the proportions proposed. Further, the removal of views across the open space would in itself cause harm to the rural character of Northcourt Lane.

25. In addition, to provide the vehicular access into the appeal site and suitable visibility splays, a section of hedgerow would need to be removed. Glimpsed views across the open appeal site through mature vegetation would be replaced by an urbanising site access and a car park. Further, the proposed 1.8 metre wide footpath that would link to Oxford Road, which is likely to require the removal of some boundary vegetation, would also have an urbanising affect along this part of Northcourt Lane. For these reasons, the scheme would cause considerable harm to the rural character and appearance of Northcourt Lane, which as set out above, the NCAA notes to be a key characteristic of the CA.
26. As a result of the loss of important open space, the failure to reflect the prevailing pattern of development and the considerable urbanising effect on Northcourt Lane, I consider that the scheme would not preserve or enhance the character or appearance of the CA. The scheme would result in less than substantial harm to the CA as a whole. On a sliding scale, I consider that the harm would be in the middle to upper bracket.

Listed buildings

27. There are three Grade II listed buildings located to the north/northwest of the appeal site. These are the Old Farmhouse and two barns now associated with Christ Church which were converted to church use and a café in the mid-20th century. Each of these buildings have their own unique features and factors such as their age, methods of construction and retention of primary fabric that contribute to their significance.
28. However, it was also clear from my site visit that the historic courtyard and the relationship of the barns to the main farmhouse is still legible. Further, the rear of the Old Farmhouse has a close relationship with the barns providing surveillance over the historic courtyard. Views across the open space of which the appeal site forms part of, are also available from the upper floors of the Old Farmhouse. This grouping also adds to their historic interest.
29. Based on my own observations and despite the open land no longer being in agricultural use, I agree with the Council that the character and relationship of the group are enhanced by the open nature of land to the southeast/south, that provides a reminder of the historic pattern of development. In my view, the open space of the appeal site forms part of the setting of the historic group of buildings and makes a positive contribution to their significance and historic interest. This can be particularly appreciated from the courtyard area itself and from glimpsed views through the boundary hedges along Northcourt Lane to the south of the appeal site.
30. The appeal scheme would erode this open space by introducing a significant built structure and associated development such as parking spaces. This would reduce the positive contribution that the open space makes to the setting of the listed buildings. Consequently, I consider that the scheme would not preserve their settings, causing less than substantial harm in each case.

31. On a sliding scale of less than substantial harm, I consider it would be at the lower end for each listed building. This is because the proposed built development would be at its furthest point from the listed buildings within the open space. The area of open land associated with the proposed enhanced football pitch would remain and this would retain some appreciation of openness and the historic pattern of development. Landscaping proposals would also go some way to softening the impact of the scheme.
32. Concern has been raised that the setting of Joy Mount would also be affected by the scheme. However, due to the distance between the two and the fact that there is existing built development that separates Joy Mount from the appeal site, I consider that the proposed development would preserve its setting.

Harm to heritage assets v public benefits

33. I have found above that there would be less than substantial harm caused to the CA and the three listed buildings as a result of the scheme. Paragraph 196 of the NPPF sets out that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
34. It is clear from the Appellant's case that securing investment into Abingdon Vale Cricket Club to enable the development of its facilities to help secure its long-term future is a key driver of the proposed scheme. The Appellant's revised Statement of Case anticipates generating over £300,000 from the appeal scheme to invest in the cricket club. I see no reason to doubt this represents a reasonable estimate. I consider that the S106 suitably secures the profit that would arise from the proposal to be re-invested into the club and particularly the projects listed in the attached 'Club Development Plan'.
35. The Club Development Plan identifies a number of objectives, which includes: upgrading playing and training facilities; creation of a new indoor net facility; the extension, refurbishment and reconfiguration of the Clubhouse; and improved marketing plan/strategy for the club to help market and promote the club to a wider audience. On my site visit to the cricket club, it was clear that the clubhouse is in need of updating, as are the playing and training facilities. This is also clear from the concerns raised by the Cherwell League in their letter.
36. Notwithstanding this, I do share some of the concerns of the Council and Sport England with regard to the Club Development Plan. It is evident that the indicated costs for the objectives are broad estimates that have not been informed by specialist input. Whilst I acknowledge there is some in house expertise within the cricket club itself and there are limited funds to invest in such work, it does nonetheless raise difficulty in understanding with any confidence what could be achieved with the investment of funds from the appeal scheme and how it will secure the long-term future of the cricket club.
37. I am also uncertain how achievable some of the objectives are, for example, the proposed indoor net facility and extension to the clubhouse could require planning permission and given the issues with flooding and drainage on the site, it is unclear whether this could be achieved.

38. Further, based on the evidence before me, I am not satisfied that the Appellant has explored all funding options that might be available to them to achieve the future goals of the cricket club. Sport England have set out that there might be the potential of further grants from the England and Wales Cricket Board and also the Council's leisure department.
39. Nonetheless, I do accept that the potential investment of some £300,000 would likely make a significant difference to the cricket club and its users, such as adult and junior players, local schools that might use the ground and potentially the public hire of the Clubhouse for events. However, given all of the above, I consider that only a moderate level of weight can be afforded to the public benefits of the scheme in this regard.
40. The Appellant has set out that the scheme would result in the provision of a Football Association regulation sized U9/U10 youth football pitch on a more secure and long-term agreement than currently exists, with provisions in place to improve/maintain the quality of the playing surface. I have found above that I am unable to conclude that the scheme would not as a whole, result in the unacceptable loss of playing field/pitch provision. In terms of the benefit of a long-term agreement with the football club, I am not convinced that this can only be achieved in the future by the implementation of the proposed development. As a result, I afford no weight to this matter.
41. The scheme would make a contribution to housing land supply in the District. However, it is agreed between the parties that the Council has a five-year housing land supply. Given this and the provision of 9 dwellings would make only a modest contribution, I afford this benefit limited weight. Further, any contribution to the sustainability and viability of the community would be very minor, particularly given Abingdon is a large settlement.
42. The proposal would create a new footpath through the appeal site that would link Northcourt Lane to Northcourt Road. I accept that this would create a more direct link for those travelling to and from the existing footpath network to the south and north of the site. However, the travelling time saved would not, in my view, be significant and therefore I afford limited weight to this benefit.
43. A relatively small parcel of land would be provided to Christ Church to use as amenity space. This area would not be open to use by the wider public and therefore I afford limited weight to this matter.
44. I am of the view that the potential new landscaping would not be a benefit of the proposal, but rather mitigation of the impacts of the scheme. Whilst there may be some biodiversity gain as a result of the proposal, this would be very minor and carries very limited weight as a result.
45. Overall, and on balance, I consider that the combination of public benefits of the scheme would not outweigh the identified less than substantial harm to the CA and listed buildings. The scheme therefore conflicts with Policies CP37 and CP39 of the Vale of White Horse Local Plan 2031 Part 1; Policies DP36, DP37 and DP38 of the LP Part 2; and Paragraph 196 of the NPPF.

Other Matters

46. Interested parties have raised a large number of other concerns. However, as I am dismissing the appeal on other grounds, such matters do not alter my

overall conclusion and have therefore not had a significant bearing on my decision.

Conclusion

47. For all of the reasons set out above and having regard to all other matters raised, the scheme conflicts with the development plan when considered as a whole. There are no material considerations, including the benefits of the scheme, that outweigh the identified harm and associated development plan conflict to suggest a decision should be made other than in accordance with the development plan. As a result, the appeal is dismissed.

Jonathan Manning

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Tracy Smith	Vale of White Horse District Council
Luke Veillet	Vale of White Horse District Council
Dylan Evans	Vale of White Horse District Council
Ruth Cross	Vale of White Horse District Council
David Bell	Vale of White Horse District Council
Samantha Allen	Vale of White Horse District Council
Cath Dale	Vale of White Horse District Council
Bob Sharples	Sport England

FOR THE APPELLANT:

Steven Sensecall	Agent (Carter Jonas) and site promoter
Helen Ensor	Donald Insall Associates
Julian Shellard	Abingdon Vale Cricket Club
Henry Swailes	Site promoter
Dave Binningsley	Abingdon Vale Cricket Club

INTERESTED PARTIES

Richard Tamplin	Abingdon Civic Society
Roger Thomas	Abingdon Civic Society
Paul Wenman	Local resident
Robin Yuill	Abingdon United Football Club
Hillary Wright	Local resident
Mary Storrs	Local resident
Fiona Tickler	Local resident
Phillip Draper	Local resident
Jean Draper	Local resident
Michael Chown	Local resident
Roger Webb	Local resident

DOCUMENTS SUBMITTED DURING THE HEARINGS

1. Signed Statement of Common Ground.
2. Draft Unilateral Undertaking – Appellant.
3. Response to Deed of Unilateral Undertaking – Council.
4. Bundle of information for planning obligations – Council.
5. Speaking note from Paul Wenman.

DOCUMENTS SUBMITTED AFTER THE HEARINGS

6. Executed Section 106 Agreement.