



Appeal Decision

Site visit made on 7 March 2023

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023

Appeal Ref: APP/E2734/W/23/3314674

St Wilfrid's Catholic Primary School, Church Lane, Ripon, North Yorkshire HG4 2ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Tim Simpson of Highways planning Consultancy against the decision of Harrogate Borough Council.
- The application Ref 22/01906/FUL, dated 12 May 2022, was refused by notice dated 2 November 2022.
- The development proposed is for a 150 metre long running track that measures 1.5 metres wide. This is proposed to be installed around the smaller of the two football pitches on the existing school field. The material used will be tarmac. This proposal is to provide children all weather running facilities rather than the children getting wet feet throughout winter / wet days.

Decision

1. The appeal is dismissed.

Procedural Matter

2. As part of the appeal submission, the appellant put forward a more detailed drawing of the proposed running track, with dimensions and pitches marked. I am mindful that the appeal process should not be used to evolve a scheme to overcome the Local Planning Authority's reason for refusal and instead a fresh planning application should be made¹. I have had regard to the 'Wheatcroft Principles'² and the interests of fairness. I have therefore determined the appeal on the basis of the plans that were before the Council when it made its decision and on which parties were consulted.

Main Issue

3. The main issue is the effect of the proposal on the provision of outdoor sports facilities in the locality.

Reasons

4. The proposed development would be located on the playing field associated with St. Wilfred's Roman Catholic Primary School. The playing field is currently grassed, with trees and planting around its periphery. The proposed running track would be located towards the west of the playing field and would be accessed directly off an existing tarmac path. It would be surfaced in tarmac

¹ Annexe M of the *Procedural Guide Planning Appeals – England* advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

² *Bernard Wheatcroft Ltd vs Secretary of State for the Environment* [JPL, 1982, P37]

with timber edging and would be approximately 1.5 metres wide. Although I was unable to discern any formal pitch markings at the time of my site visit, from the information supplied, the running track would be located around one of the pitches indicated on the submitted plan and would be within the areas of the two pitches shown on the plan.

5. Sport England advise that a run-off area of at least 3 metres should be provided around the edge of playing pitches. This is to ensure the safety of players. From the information provided it is not evident that the necessary run-off could be provided between the running track and the edge of any marked pitch. This would result in the running track either impinging on the playing surface of these two pitches, or the pitches being located close to the edge of the running track.
6. Whilst the running track surface would be flush with the grass surface, over time natural undulations and compaction in the grass surface would inevitably develop. Therefore, I cannot be certain that the safety of players on the pitches would not be regularly compromised by the proposal.
7. I acknowledge that the appellant would be willing to accept a condition to ensure that the necessary 3 metre run-off would be provided, but on the basis of the information provided I cannot be certain that the playing pitches provided, once the running track is in place, would be of equivalent size, usefulness, attractiveness and quality as required by Policy HP6 of the Harrogate Local Plan 2020 (HLP). A condition would therefore not be appropriate in this instance.
8. The appellant states that the pitches are in regular use by the school although I have not been provided with any substantive evidence as to the regularity of their usage. I have also not been provided with any substantive evidence that the pitches on the appeal site are surplus. The appellant states that other sports pitches are available locally, however, I have not been advised of their location in relation to the appeal site or whether they would represent a suitable alternative for the pitches affected by the proposal. Moreover, I am not persuaded that the proposal before me represents the only solution to providing a running track of this length on the appeal site.
9. Whilst the provision of a running track of the nature proposed would provide a new sporting facility for the school, and this would provide opportunities and benefits to future users, this should not be to the detriment of other existing sporting facilities.
10. For the reasons given above, the benefits of providing a running track would not outweigh the harm that would be caused to the existing facilities by the laying of the running track. The proposal would, therefore, have a detrimental effect on the provision of sport facilities in the locality. It would therefore fail to comply with HLP Policy HP6 of the which seeks to ensure that proposals for development do not result in the loss of existing outdoor sporting facilities. The proposal would also fail to meet the exceptions set out at paragraph 99 of the National Planning Policy Framework and Sport England's exception test of its Playing Fields Policy.

Other Matters

11. I acknowledge the appellant's concerns over the Council's and Sport England's handling of the application. However, this is not a matter that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

Conclusion

12. For the reasons set out above, having considered the development plan as whole and all other matters raised, I conclude that the appealed should be dismissed.

KL Robbie

INSPECTOR