



Appeal Decision

Site visit made on 10 October 2023

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2023

Appeal Ref: APP/J1915/W/22/3309640

Bishops Stortford Community Sports Club, Cricketfield Lane, Bishops Stortford, Herts CM23 2TD

- 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 Bishops Stortford Community Sports Club against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/2523/FUL, dated 30 September 2021, was refused by notice dated 18 July 2022.
 - The development proposed is Extensions, Refurbishment and Part Change of Use (F2(b)/Sui Generis to C3-Groundsman's Flat) to Charles Edwards Community Pavilion, Extension to Carpark and Extension to Cricketers Changing Pavilion (to form Umpire changing facility).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Appellant asserts that the description of development was changed by the Council without the agreement of the Appellant. As the Appellant's description provides a clear and complete description of the proposed development, I have used the original description as found on the application form.
3. The Bishops Stortford Neighbourhood Plan 2014-2033 (NP), for Silverleys and Meads Wards, includes policies that support sports facilities. NP policies SP1 and SP2 supports the expansion of multi-purpose facilities. The NP is being reviewed.
4. Paragraph 48, of the National Planning Policy Framework (the Framework), allows me to assign weight to policies in emerging plans based on the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency with the Framework. The Bishops Stortford Neighbourhood Plan 2021-2033, first revision, (NP2) is at Final Examination Stage. NP2 policy SLCP5 supports the development of sports facilities in the Green Belt, subject to such facilities being harmonious with the surrounding landscape and therefore consistent with the Framework. Due to its stage of development, and based on the evidence submitted, this emerging policy carries moderate weight in the decision-making process.

Main Issues

5. The main issues are:

- whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- the effect on the openness of the Green Belt;
- The effect of the proposal on highway safety; and
- if the proposal would be inappropriate development, whether any harm is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

Reasons

Inappropriate development

6. The appeal site is within the Green Belt. Policy GBR1, of the East Herts District Plan [2018] (DP), states that planning applications for development within the Green Belt will be considered in line with national policy. Paragraph 149, of the Framework, establishes that buildings in the Green Belt would be inappropriate unless they would meet a listed exception. Paragraph 149(b) explains that the provision of appropriate facilities for outdoor sport and recreation would not be inappropriate provided it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
7. The proposal includes an extension to the Charles Edwards Community Pavilion (CECP) and a small addition to the Cricketers' Changing Pavilion. The CECP consists of a series of two-storey and single storey flat roofed buildings that have been adapted, expanded, and connected over time creating a floorspace of around 500sqm. The proposed extension would consist of ground floor and first floor additions and add further floorspace of about 1,209sqm. The addition would represent a sizeable floorspace increase to the building.
8. The Council has found that the members' area, internal re-organisation of the kitchen, bar and bar store, expansion of changing areas, function room and refuse area and lobby, covering all works at ground floor would be a suitable expansion to a sports facility. Furthermore, the reconfiguring of the viewing area, male and female WC, office, committee room and roof terrace would also be suitable development as these would support the existing cricket activity. Moreover, the Cricketers' Pavilion would be increased by around 11sqm, representing a small and proportionate addition to this building. Therefore, most of the proposed facilities would be in support of outdoor sport and recreation, and I see no reason within the evidence to disagree with the Council's conclusions on these matters. Accordingly, these elements, being associated with outdoor sport, would not be inappropriate development by paragraph 149(b) of the Framework.
9. However, the proposed extension to the CECP would include a two-bedroom Groundsman's flat. This would not be directly related to the provision of

outdoor sport and recreation and therefore cannot be an element that complies with the exclusions of paragraph 149(b) of the Framework, rendering the proposal as a whole as being inappropriate development.

10. Paragraph 149(c), of the Framework, explains that the extension or alteration of a building would not be inappropriate provided that it would not result in a disproportionate addition over and above the size of the original building. The glossary defines the original building as the building as it existed on 1 July 1948 or if constructed after 1 July 1948 as it was built originally. It appears that the squash courts were added to the pavilion following their approval in 1977. As such, the original building (prior to the addition of the squash courts) would have been substantially smaller than is seen today.
11. The Framework does not define 'disproportionate'. As such, consideration of proportionality is a matter of planning judgement taking into account a range of factors including a proposal's height, floorspace, volume, design and the configuration of the plot. The size of the proposed extension to the CECP would be substantial. As such, whilst largely located to the side of the existing building, the proposal would be of a significant scale in width, depth and overall size in consideration of the size of the original building. Therefore, the proposal in combination with the previous addition of the squash courts, would amount to a disproportionate addition to the size of the original building in conflict with paragraph 149(c).
12. As it has not been demonstrated that the proposal, in its entirety, would be any of the exceptions listed in Paragraph 149 of the Framework, it would amount to inappropriate development in the Green Belt.

Effect on openness

13. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and its essential characteristics are therefore its permanence and openness. Considerations of openness have both visual and spatial aspects. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. The appeal site is adjacent to the settlement boundary and is relatively well enclosed by mature tree and hedge boundary screening. Also, the site slopes from east down towards the west of the site, with the existing building nestled within a substantial slope. As a result, the site is relatively well enclosed taking the site context into account.
14. The additions to the CECP would be substantial. However, most of the two-storey section would be to the side of the CECP, within a gap between it and the Cricket Pavilion. Also, the existing building is relatively bulky and as such within this context the proposed additions would not be especially obtrusive. Further, the proposed extensions would be partially screened by the existing building from highway views, limiting its overall visual effect. Consequently, the proposal would have a limited visual effect on the openness of the Green Belt.
15. Nonetheless, whilst I have taken into account the limited views of the main mass of the proposal, the scheme would in spatial terms, result in a substantial additional mass to the CECP resulting in modest harm to the openness of the Green Belt. As a result, it would encroach further into the Green Belt in conflict with a key purpose of the Green Belt.

Highway safety

16. Cricketfield Lane is a relatively wide highway, serving local traffic needs. The highway is subject to some parking restrictions with double yellow restrictions. Nonetheless, parking bays and some unrestricted parking is also evident around the site's entrance that could accommodate overspill parking. Also, most local housing includes on plot parking, reducing on-street parking demand. During my visit, in the daytime, I observed that unrestricted on street parking was locally available. Whilst demand would be greater at weekends, and in the evenings, I anticipate that spaces would remain available and I have seen no evidence to dissuade me of this view.
17. The proposal includes the reconfiguring of the car park to accommodate 32 vehicles, an increase of 6 spaces, which would be a relatively modest increase. However, the Council has not demonstrated that the facility currently creates on street parking problems. It has not identified where any on street pressure points have, or would lead to, highway safety concerns. Furthermore, the on-street parking restrictions would prevent a concentration of parking around the site's entrance which might otherwise cause congestion.
18. Accordingly, based on the submitted evidence, it has not been demonstrated that the level of proposed parking would result in an adverse effect on the free flow and safe operation of the adjacent highway. As such, the proposal would comply with DP policy TRA3, which *inter alia* seeks development to provide integrated parking in a safe and secure environment.

Housing land supply position

19. The Council has stated it does not have a 5-year Housing land Supply, with a provision of around 4.41 years. As such, paragraph 11(d) of the Framework is engaged. Paragraph 11(d) states that where policies which are most relevant in the determination of out of date (including when dealing with applications involving the provision of housing) permission should be granted. This is unless, the application of policies in the Framework, that protect areas or assets of particular importance provides a clear reason for refusing development proposed. At footnote 7 this identifies protected areas as including development within the Green Belt.

Other Considerations

20. Most of the proposed works would directly improve the existing sports facility and I note that Sport England support the scheme. Furthermore, DP policy CFLR1 supports the retention, enhancement of existing sport and recreation facilities. Also, DP policy CFLR7 supports the expansion of community facilities subject to it being in a sustainable location and of an appropriate scale to meet the needs of users and be of flexible design to enable multiple uses throughout the day. Further support is conveyed by NP policies SP1 and SP2 and NP2 policy SLCP2. The benefits of the enhanced facility weigh strongly in favour of the proposal and where the Framework recognises that sport and physical activity is important for the health and well-being of communities.
21. The Appellant states that the Community Sports Club provides a facility for the cricket club, tennis club and squash club, which are all long established on site, with a combined membership of around 1200 adult and junior members.

Accordingly, the facility is popular, and improvements would benefit a wide section of the local community.

22. The Appellant identifies that the building is outdated and has not been materially improved in over 40 years. This results in a roof that leaks requiring frequent maintenance and the building having poor thermal insulation. Also, it is stated that the bar and venue is too small and cannot cope in the summer when demand is high, there are too few toilets, and the décor is outdated. Most of these issues are a matter of general maintenance and can be addressed without needing to extend. However, I am sympathetic to existing capacity difficulties which weigh in favour of the proposal.
23. Two appeals¹ were allowed for two padel courts and one for courts and a canopy in a site just to the west of the clubhouse last year. The Inspector found that whilst the proposal caused some harm to the openness of the Green Belt, the health-related benefits of the scheme would clearly outweigh the harm. Although each case must be considered on its own merits, these decisions are for a different range of facilities that prevents any commonality being found between them and the proposal.
24. The Appellant's evidence also refers to two planning approvals for groundskeeper's dwellings within the Green Belt and an appeal decision in 2011 for a manager's dwelling in the Green Belt. The appeal decision recognised that the security benefits of the proposal outweighed any harm. However, whilst I recognise that security issues can be of substantial weight in favour of a proposal each case must be considered on its own merits.
25. The Appellant explains that the Groundsman's flat is an integral part of the proposal. It is needed to attract a suitable caretaker and an on-site presence is required to provide on-site security. The Appellant identifies the dwelling as a small flat to fulfil as specific functional requirement of the facility. The club consider that the site is relatively exposed, and has been subject to break-ins, theft, and arson over the years. Whilst measures to improve security would comply with DP policy DES5, insufficient evidence has been provided to substantiate that either crime and anti-social behaviour is a frequent issue on site or evidence that a 24/7 presence would materially reduce such activity.
26. It has not been demonstrated why an on-site residential presence is essential for the proposal or the club. The Appellant has not explained why accommodation within the adjacent town would not address this requirement. Furthermore, a condition limiting the dwelling to only be used by an employee and his/her family would not resolve the policy objection to the scheme. This is because the dwelling would achieve the sought security presence irrespective of whether they act as caretaker or not and this would not resolve the policy objection.
27. The Appellant indicates that the proposal would include improved insulation, compared to the existing structure, and a ground source heat pump, solar/voltaic panels and a green roof. These improvements are welcomed but only convey limited weight in favour of the proposal.
28. The clubhouse was subject to planning approval for an extension in 2003. This appears to be, in part, similar to the current proposed extension to the CECP in

¹ Planning Appeal References: APP/J1915/W/21/3272506 and APP/J1915/W/21/3275195

that it included additional toilets, changing rooms and function room. However, this did not include a dwelling and, in any event, has lapsed unimplemented. Therefore, it is of very limited weight in my consideration of the merits of the current proposal.

Whether there would be Very Special Circumstances

29. Paragraphs 147 and 148 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
30. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in modest harm to the openness of the Green Belt and would result in encroachment. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
31. On the other hand, it has been demonstrated that most of the proposed additions would support outdoor sport and would not be inappropriate development. Furthermore, the proposed dwelling may improve on site security and the overall scheme would significantly improve a dated but popular sports facility with energy benefits. However, these matters are of limited to moderate weight in favour of the proposal. Accordingly, in these specific circumstances, I consider that the harm to the Green Belt provides a clear reason to refuse the proposal which is not clearly outweighed by other considerations and therefore the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to DP policy GBR1 and NP2 policy SLCP5, and the national Green Belt policies I have already outlined.

Conclusion

32. The proposed development would not accord with the development plan or national policy and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

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INSPECTOR