



Appeal Decision

Site visit made on 3 April 2024

by S Heywood BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2024

Appeal Ref: APP/X1355/W/23/3335663

Former Leamside Equestrian Centre, Pithouse Lane, Leamside, DH4 6QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Russell Foster Tyne and Wear Sports Foundation against the decision of Durham County Council.
 - The application Ref is DM/21/01404/FPA.
 - The development proposed is engineering operations to create a football centre incorporating the creation of 20 no grass pitches (Use Class F2), demolition of existing stable block, creation of new building to provide changing facilities, creation of car parking and widening of existing access track.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are as follows:

- Whether the proposal is inappropriate development in the Green Belt having regard to relevant policies of the County Durham Plan 2020 (CDP) and the National Planning Policy Framework (the Framework);
- whether the location of the development would be in accordance with local and national policy aimed at directing development to the most sustainable locations;
- whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Description of the site and proposal

3. The appeal site adjoins the A1(M) which runs along the western site boundary. It comprises open, scrubby grassland with open wooden fencing creating paddock areas. There is a cluster of existing single storey and two storey buildings located to the west of the site. A narrow access road bounded by mature hedges runs into the site from Pithouse Lane which abuts the majority of the site's eastern boundary. There are also hardstanding areas for parking and a former outdoor arena.
4. There is no dispute that the former use of the site was as an equestrian centre. Accordingly, both parties agree that the outdoor areas of the site were

previously in use for outdoor sport and would remain so in the current proposal (Use Class F2(c)¹). On this basis the description of development, as set out above, is for “engineering operations to create a football centre” rather than for a change of use. The use of one of the existing buildings on the site as an indoor sports facility, which would fall within Use Class E(d), is not included in the application and therefore does not fall to be considered in this appeal.

5. The proposal would involve the relocation of the existing outdoor football centre at Newbottle, located in Sunderland City Council’s administrative boundary, some 5km to the north east of the appeal site. The existing facility has the same number of outdoor pitches as proposed in this appeal.

Whether the proposal would be inappropriate development

6. The site lies within the North Durham Green Belt. Policy 20 of the CDP states that development proposals in the Green Belt will be determined in accordance with national Green Belt policy.
7. Paragraph 155 of the Framework sets out that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include: (b) engineering operations, and (e) material changes in the use of land such as changes of use for outdoor sport or recreation.
8. In considering whether the development is inappropriate in the Green Belt, the Council have taken into account paragraph 155 (e) relating to material changes of use. For the reasons set out earlier, this does not appear to be relevant in this case. Instead, the proposals must be considered on the basis of the engineering operations applied for, and as such they are to be assessed under paragraph 155 (b). In practice, this has little consequence to the consideration of inappropriate development as both (b) and (e) require a consideration of the impact of the development on the openness of the Green Belt.
9. The engineering operations would involve the reprofiling of the land and creation of parking areas for 280 vehicles, plus 3 coach parking spaces; the widening of the access road; the creation of attenuation ponds for drainage; and the creation of 20 turf football pitches covering the majority of the existing open grassed area of the site.
10. The use is proposed to be operational 7 days a week. From Monday to Friday only one pitch would be in use between 8am – 5pm either indoors or outdoors. In the evening, between 5pm – 9pm, the maximum usage is expected to be the indoor facilities and one outdoor pitch. It is proposed that the use would be for non-competitive games, training and for school use. At the weekend, it is expected that a maximum of 12 outdoor pitches will be in use at any one time for competitive fixtures. The appellants state that they expect a maximum of 20 spectators per pitch. The hours of operation at the weekends are expected to be 9am – 4pm. The use of the outdoor pitches is intended to be restricted to the hours of daylight only.
11. Whilst the appellants claim that existing areas of hardstanding would be used for parking, amendments to the scheme during the Council’s consideration of the application resulted in the car parking area being moved onto the open

¹ Town and Country Planning Use Classes Order 1987 (as amended)

grassland on the northwestern part of the site (this facilitated moving pitches away from the A1(M)).

12. The grassed pitches and parking areas in themselves would remain open and would therefore retain the openness of the Green Belt. However, the presence of vehicles on the parking areas would reduce the sense of openness of these areas when in use. In addition, the use would generate considerable levels of activity from the coming and going of vehicles and the use of the pitches and indoor facilities by players and spectators. This would be more significant during the weekends when a greater number of pitches are likely to be in use.
13. Given the size of the parking areas and the level of activity generated by the use, particularly during the weekends, the proposal would lead to significant harm to the openness of the Green Belt while the centre was in use.
14. The appellants state that there would be no floodlighting of the outdoor pitches and no fencing proposed. However, I note the comments of the Durham Constabulary who recommend lighting of car parking and access areas, and of the Highway Authority who recommend fencing to avoid footballs entering Pithouse Lane and Cocken Road. It would appear therefore that some additional structures would be necessary should the appeal be allowed. Any such features would add to the harm to openness from the development.
15. I understand from the appellants' evidence that the equestrian centre hosted regional dressage events and showing and show-jumping competitions. However, I have no evidence relating to the number of such events that were held annually or the level of attendance at those events.
16. There is an existing hard-surfaced and fenced arena on site and limited other hardstanding which could be used for parking. Therefore, from what can be seen on site at the present time, the areas of hardstanding which could have accommodated vehicles was considerably less than is proposed in the current development. The remainder of the site appears to have been open. There is nothing before me to suggest that the levels of activity created by the equestrian use would have equated to that generated by the number of players and spectators anticipated for the proposed use, particularly during the weekend.
17. The proposed football centre would be in use every weekend in addition to the use proposed during the week. On the basis of the evidence before me, I am unable to conclude that the former use as an equestrian centre would have had a similar level of activity, on a day to day and weekly basis, as the proposed football centre.
18. In addition to the engineering operations, the proposal includes the removal of the part single-storey, part two-storey, stables building on the site and its replacement with a new building housing changing facilities for the proposed use.
19. Paragraph 154 of the Framework states that new buildings are inappropriate in the Green Belt except where they are for "(b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it".

20. The proposed changing facility would be visible from some points along Pithouse Lane and from the rear of the houses along the lane. It would be a large building of over 53 metres in length, albeit that it would be single storey. It would be sited in the same location as the existing building, but it would extend into the currently open area to the north of that building. In taking up more of the currently open land, in a location visible from the above vantage points, it would cause some minor adverse impact to the spatial element of openness. Accordingly, the proposed building would be inappropriate development which would cause limited harm to the openness of the Green Belt.
21. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (Framework paragraph 142). For the above reasons, I conclude that the development would constitute inappropriate development in the Green Belt. In line with the Framework substantial weight is given to the harm by reason of inappropriateness together with the harm to openness.

Accessibility of the location

22. The proposed football facility would be a significant generator of traffic. The Transport Assessment predicts that the use of the site would generate up to 360 two-way vehicle movements per hour on a Saturday and Sunday; weekday daytime movements of 30 vehicles per hour (two-way) and 90 vehicles per hour (two-way) on weekdays between 5pm and 9pm².
23. I note the potential for re-opening the Leamside Line rail route, with a potential station at Leamside or West Rainton. However, I have no evidence to suggest that this is likely to become a reality or in what timescale.
24. The appeal site is located in a rural area and the appellants accept that it is extremely unlikely that walking or cycling would be suitable for any users of the site apart from any locally situated members of staff. The proposed football centre would be a sub-regional facility which is predicted to have the same catchment area for the teams using the facility as the existing centre in Newbottle. According to the 'Highways Statement in Support of the Appeal', this catchment extends to the east coast, to Darlington and Middlesbrough in the south and north of Newcastle.
25. Due to the long distances involved for many users to travel to the appeal site, the opportunities to use public transport are acknowledged by the appellants to be limited. They accept that most users of the site would access the facility by use of private vehicles or a club minibus.
26. The proposal would have a similar impact in terms of the distance users would travel and the mode of transport as the existing facility at Newbottle. Nevertheless, the evidence indicates that there is at least one team in relatively close proximity to the existing facility at Newbottle, although no information is provided regarding how these club members currently access the Newbottle site.
27. I note that Sport England consider that the Leamside site is as suitable as the existing site at Newbottle. Nonetheless, the proposed site is further away from

² Peak hour movements.

urban areas than the existing site, thus giving fewer opportunities for users to live closer to the site and to be able to travel by more active or sustainable means of transport. Leamside is accepted by the appellants to be the more rural and less sustainable of the two locations.

28. Furthermore, the purpose of moving the centre to the appeal site would be the provision of the indoor facility which would allow matches and training to continue during times when the weather makes the outdoor pitches unplayable. It is therefore reasonable to assume that there will be some increase in the number of times during the year that the proposed facility would be accessed compared to the existing facility, where matches and training can be called off during inclement weather.
29. Whilst the indoor facility is not part of this appeal, the appellants have indicated that the facilities cannot be disaggregated therefore the indoor facility would not go ahead in isolation. As a whole therefore, the development would be likely to result in more trips to a less sustainable location than the existing facility at Newbottle.
30. The appellants propose a Travel Plan which they argue will ensure that sustainable access can be achieved. The Travel Plan's preliminary target is to achieve a 5% reduction in vehicle movements to the site. During the week (between the hours of 8am to 5pm) this would equate to a reduction of 2 vehicles per hour. During the weekday evenings, the aim would be a reduction of 6 vehicles per hour. At the weekends the aim would be to reduce trips by 18 vehicles per hour, from 360 (two-way movements) to 342³.
31. This would be only a modest reduction in the total number trips envisaged. Whilst this may be an appropriate starting point if the Plan sought to be more ambitious over time, the Travel Plan does not seek to go further in setting anything other than these preliminary targets.
32. Furthermore, the Travel Plan contains few concrete steps to achieve the target reduction in trips. Whilst a Travel Plan Co-ordinator would be appointed, the Plan seeks only to encourage users to travel more sustainably and to provide information about the intentions to reduce car use. Whilst the Action Plan provides measures to set up the Plan, provide information, monitor the results and review the Plan, there is no reference to any measures which may incentivise users to increase the use of more sustainable transport measures. I therefore consider that the Travel Plan would not be sufficiently robust to lead to a significant and sustained reduction in travel by less sustainable means.
33. The appellants argue that conditions could be imposed to ensure that additional measures or penalties could be included in the Travel Plan. However, in order to ensure that they would be effective, measures included in the Travel Plan would need to be investigated and proposed in the first instance by the appellants. This matter is central to the appellants' arguments that sustainable means of transport to the site can be achieved. For me to be able to give it significant weight in this appeal, there must be more than the possibility of unspecified measures to be incorporated into the Travel Plan at a later date. I am not therefore satisfied that this matter can effectively be dealt with by means of conditions.

³ Peak hour movements.

34. The existing site at Newbottle does not have a Travel Plan associated with it. However, I do not give this matter significant weight due to the relative accessibility of both sites and my concerns above regarding the effectiveness of the Travel Plan to the proposed site.
35. Policy 10p of the CDP sets out that development in the countryside, where otherwise acceptable, must not be solely reliant upon or, in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. Where a location is not well served by public transport, opportunities to improve access by foot, cycle or public transport should be exploited. Policy 21 seeks to ensure development delivers sustainable transport in a hierarchy including walking, cycling, bus use and car sharing. Policy 29 states that major development should ensure that convenient access is provided using a similar hierarchy.
36. The Framework encourages economic growth in rural areas and recognises, at paragraph 89, that sites to meet local business and community needs may have to be found in locations that are not well served by public transport. However, in these circumstances it notes the importance of development exploiting opportunities to make a location more sustainable. Paragraph 108 recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Nevertheless, it notes that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
37. For the above reasons, I conclude that the location of the development would not be in accordance with local and national policy aimed at directing development to the most sustainable locations. The proposal would therefore conflict with the above policies in the CDP and the Framework. This harm would attract a moderate amount of weight against the proposal.

Other considerations

38. The Framework sets out the need to plan positively for provision and use of community facilities such as sports venues and recognises the importance of physical activity for the health and well-being of communities.
39. The proposed football facility would undoubtedly result in a number of benefits which arise from access to organised and team sports, including physical and mental health improvements; social cohesion; reduced crime and anti-social behaviour and improved educational outcomes. The appellants also refer to the indirect economic benefits which arise from involvement in active sport. The proposed development would therefore comply with this aspect of the Framework.
40. However, the weight I give to these benefits is moderated by the following factors.
41. The proposal would be a replacement for the existing facility at Newbottle. Accordingly, these positive benefits will already be achieved in a location only 5km from the appeal site.
42. The additional health, social and economic benefits of the appeal scheme would be limited to the ability for teams to continue to play in inclement weather, and to the additional indoor facilities provided outside of the appeal scheme.

43. No plans of the existing building to house the indoor facility have been provided. However, the appellants state that the building has a floor area of 42m x 32m. The evidence indicates that it would be a multi-use games area primarily to facilitate junior coaching sessions and small-sided games. It could also accommodate a number of indoor sports including 5-a-side football and would improve access to sporting facilities for disabled users.
44. No information is provided about the number of teams that could be accommodated for matches or training during inclement weather when outdoor pitches would be unplayable. The 'Impact of Relocation' report submitted with the appeal states that matches cancelled due to inclement weather at Newbottle would be facilitated on the proposed outdoor pitches at Leamside. However, there is no explanation as to how this will be facilitated given that the proposed new pitches would also be natural turf surfaces.
45. Given the size of the indoor facility, it is likely to be limited in the number of teams / matches it could accommodate at any one time. It is therefore likely that the economic impact of allowing matches to go ahead at times when they would otherwise have been called off has been overestimated.
46. The appellants indicate that the indoor facility could be used by community groups and schools. I accept that conditions could secure the provision of the indoor facility and community use prior to the operation of the outdoor facility. However, no details are provided to indicate the likely extent of such community or school use which limits the weight I give to this benefit.
47. In terms of meeting a need, the parties state that the Council's Playing Pitch Strategy (PPS) identifies current and future shortfalls across County Durham in youth 11v11 pitches. There is spare capacity in all other types of grass football pitch, but no future capacity identified for 9v9 pitches. The proposed pitches on the appeal site would be configured to provide fourteen 7v7 pitches and six 5v5 format. However, the appellants indicate that they can be configured to provide 11v11 and 9v9 pitches and they would therefore meet an identified need.
48. I understand that the proposal would also facilitate 5 new female teams to have access to pitches. However, there is no explanation as to how this would be facilitated given that the number of outdoor pitches would be the same in the new facility as in the existing.
49. Because the proposal is a replacement facility, the Council state that team demand will transfer to Leamside along with the existing stock of 20 pitches. As such, overall, they say that the proposal would not generate benefits of increasing provision in junior or mini pitch capacity in County Durham. The appellants point out however that much of the demand currently originates in County Durham and is currently exported to Sunderland, to the existing facility in Newbottle.
50. It seems to me therefore that the proposal would ensure that an existing demand which arises in Durham would be met within the County Durham boundary which would be a positive benefit of the scheme. However, when considered on a more strategic, sub-regional level, the proposal would also result in demand which originates in Sunderland, and is currently met in Sunderland, being exported to Durham. The appellants point out that additional provision has been made in Sunderland which they consider would

absorb the loss of the Newbottle site. However, as this is a facility for an existing league it is likely that the existing Sunderland teams would transfer to the appeal site, at least in the short term, as is suggested by the highways evidence for the appeal.

51. Demand which arises beyond these two administrative boundaries would still be exported to outside of their own areas. I conclude that, because the proposal would not provide additional facilities (apart from the indoor facilities), the fact that the location of provision would be moved some 5km to the south west is a neutral factor overall in terms of meeting a need.
52. There is no evidence that the other sporting facilities which could be provided in the indoor facility would meet a specific identified need and I am therefore unable to attach weight to it in this regard.
53. The appellants state that the proposals would provide an improved quality of outdoor pitches, but no explanation is provided as to what improvements would be made over and above the existing pitches at Newbottle.
54. The Council notes that if the existing facility were to close without replacement, this would reduce provision for teams within County Durham who currently access the Newbottle site. There is no suggestion that this would be the case, and I note that an application to redevelop the existing site at Newbottle has been withdrawn. Nevertheless, the development of the appeal site would ensure provision is secured for the foreseeable future and this would be a benefit of the scheme.
55. In creating a central site, the appellants argue that the proposal would complement the aims of the PPS to reduce the number of one pitch football sites and create larger, better quality facilities. Again, because the proposal would not be providing additional facilities, apart from the indoor facilities, the contribution made by the proposal to this aim of the PPS appears limited and is unsubstantiated by any specific evidence.
56. I note the provision of good quality changing facilities in accordance with the PPS. However, these appear to be for the use of the proposed facility itself and would be expected in a newly designed development. There is no suggestion that they would lead to an improvement of existing inadequate facilities elsewhere.
57. Bringing together the above factors, whilst there would undoubtedly be positive benefits of the scheme, they would not be as significant as suggested by the appellants. Nevertheless, taken together, the development would ensure continuity in meeting an identified need and would provide for some matches to go ahead during inclement weather. Together with the health, social and indirect economic benefits of the scheme as set out above, these matters attract significant weight in favour of the development.
58. The proposal would also result in the creation of jobs in operating and managing the site. However, there is no quantification of the number of jobs provided, or any indication whether these jobs would be newly created or transferred from the Newbottle site.
59. I accept that there would be economic benefits from the creation of 8 full time equivalent construction jobs, but these would be for a limited period and there is no indication that local firms would be used in the construction of the site.

The economic benefits of construction therefore may not necessarily be felt in the local area.

60. I note too the spend by parents on football for their children and the benefit of this to the economy. However, due to the origin of the clubs using the site, and the prevalence of online shopping, these benefits will not necessarily be of benefit to the local economy. These direct economic benefits overall would attract limited weight in favour of the appeal.
61. The appellants point out that the proposed facility requires a specific size of site. They say that they have approached Sunderland Council regarding alternative sites, but none were found to be available or suitable. Two other sites in the Green Belt were found not to be suitable because of the impact of new buildings on openness. However, no information has been provided regarding the sites outside of the Green Belt which were considered and why they were discounted, and no mention is made of any search for sites in other urban areas within the required location. Accordingly, on the basis of the evidence provided, the lack of availability of alternative sites for the proposed use does not weigh in favour of the proposed development.

Other Matters

62. The proposal would result in a biodiversity net gain of 6.29% for habitats and 1.94% for hedgerows. From 12 February 2024, the Government introduced the statutory requirement⁴ for major development, such as proposed on the appeal site, to deliver at least a 10% increase in biodiversity value relative to the pre-development value of on-site habitat. The proposed development would not meet this aim. The Council have raised no concerns in this respect. I have therefore only considered this matter in light of whether it would be a benefit of the scheme as the appellants claim. I conclude that it would not.
63. A number of local residents, the Parish Council and local MP have raised concerns regarding the traffic generation of the proposed scheme and the resultant impacts on local roads. The Highway Authority has assessed the impact of the proposal and concluded that the surrounding road network would continue to work well within design capacity with the proposed development in place. I note that National Highways have no objections to the proposal subject to conditions limiting the hours of use and number of pitches.
64. I agree that local residents would be likely to notice the additional traffic to and from the site, particularly during peak times. I note that there are potential pinch-points along the routes towards the site that may mean that traffic would need to wait for oncoming vehicles in order to pass. However, there is no evidence that this would create unacceptable safety concerns nor severe impacts in terms of the free flow of traffic. The Highway Authority has confirmed that there are no safety or capacity concerns as a result of the increased traffic and the evidence does not lead me to take a different view. I conclude that the proposal would not create unacceptable impacts on the highway network.
65. A number of other concerns have been raised by local residents including the impact of noise, air pollution, flooding and ecological impact. As I am

⁴ Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021)

dismissing this appeal on other grounds, it is not necessary for me to consider these matters.

Whether very special circumstances exist

66. I have found that the proposal would constitute inappropriate development in the Green Belt and that it would result in harm to the Green Belt's openness. This would be significant harm for the activities which would result from the engineering operations and limited harm for the construction of the changing facilities. Substantial weight is given to the harm by reason of inappropriateness and the harm to openness, in accordance with the Framework. The lack of accessibility of the site's location adds further moderate weight against the appeal.
67. Inappropriate development must not be approved except in very special circumstances. These will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
68. On the positive side of the overall balance, there would be significant benefits resulting from the proposed development. These would result from providing a facility to ensure continuity of provision of the sports facilities, the enhancement of facilities through use of the indoor facility during inclement weather and the more general social and health benefits of sports provision. I attach significant weight to these benefits. The proposal would also have some limited economic benefits.
69. Notwithstanding these benefits, the Framework sets out that the Government attaches great importance to Green Belts. It is therefore a very high bar that must be reached for inappropriate development to be allowed. In this case, the other considerations are not sufficient to **clearly** outweigh the harm to the Green Belt and the harm due to the lack of accessibility of the site. Consequently, the very special circumstances necessary to justify the development do not exist.
70. The proposal would comply with the Framework's aim to encourage sports provision in the interests of health and wellbeing. However, it would conflict with the Framework in terms of development within the Green Belt. Because of this latter conflict, it would also be contrary to CDP policy 20. It would further conflict with policies 10p, 21 and 29 of the CDP. It would therefore conflict with the development plan taken as a whole. The development should be determined in accordance with the development plan as there are no material circumstances of sufficient weight to indicate otherwise.

Conclusion

71. For the above reasons the appeal is dismissed.

S Heywood

INSPECTOR