



Appeal Decision

Site visit made on 27 August 2024

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal Ref: APP/A3655/W/24/3336504

3Js Nursery, Smarts Heath Road, Woking GU22 0RG

- 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 Mr Chris Hewitt of AFC Brooklands Football Club against the decision of Woking Borough Council.
 - The application Ref is PLAN/2022/1110.
 - The development proposed is change of use of the land from mixed use (agriculture and commercial) to a mixed use of agricultural, commercial and sports and the associated works to provide 5 x football pitches and permeable surfacing for additional car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the decision notice as it more accurately reflects the proposed development.
3. While fencing to the boundary of the site with nearby gardens is referred to in the appellant's submission, no details of any proposed fencing is shown on the submitted plans or included in the description of development. Therefore, I have not considered such fencing to be part of the appeal proposal.
4. Site layout plan 0320-01D and Proposed Parking Arrangement plan 1122-02a were submitted at the outset of the appeal. However, they were not before the Council at the time of their decision. The revised plans removed the proposed portable toilet block and identify an area of new hardstanding. I cannot be satisfied that interested parties who commented on the planning application have had sufficient and fair opportunity to comment on the changes. The parking layout at the time of my visit was not as shown on the submitted plans.
5. I have therefore considered the appeal scheme on the basis of the plans listed on the decision notice in order to avoid prejudice to the interested parties.

Main Issues

6. The main issues of the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies,

- Whether the appeal site is an appropriate location for the proposed development, with regard to the local and national development strategy, and accessibility,
- The effect of the proposed development on the character and appearance of the area,
- The effect of the proposed development on the living conditions of occupiers of nearby properties, with regard to noise and disturbance,
- The effect of the proposed development on archaeology,
- The effect of the proposed development on biodiversity,
- If the development is inappropriate, whether the 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 development.

Reasons

Whether Inappropriate Development

7. The appeal site is in the Green Belt. The Framework outlines that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Policy CS6 of the Woking Core Strategy refers to inappropriate development being as defined in the Framework.
8. One of the exceptions to inappropriate development in the Framework is material changes in the use of land such as changes of use for outdoor sport, providing they preserve its openness and do not conflict with the purposes of including land within it.
9. Although temporary, the presence of parked vehicles and paraphernalia associated with the provision of the pitches, including the portable toilet block would have a spatial effect on and fail to preserve openness spatially. This is the case even if the parking were limited to the additional spaces shown on the plans. Given the existing uses at the site as well as the potential for up to 3 pitches to be in use at one time and comings and goings with other games, the number of vehicles at the site could exceed the proposed number of parking spaces at times. This would likely take place on the grassed areas around the existing and proposed parking area rather than the public road. Nevertheless, this would further reduce spatial openness of the Green Belt.
10. There would be glimpsed views from nearby properties and the road, and the scheme would affect visual openness. However, the parking area and paraphernalia would be largely screened from views outside of the site by existing and proposed landscaping.
11. Given this, along with the potential to impose conditions to limit the extent and times of use, the harm to openness would be small. Notwithstanding this, in both spatial and visual terms, the proposal would fail to preserve, and there would be greater impact on, the openness of the Green Belt. Moreover, the proposal would be contrary to the purpose of safeguarding the countryside from encroachment.

12. As such, the proposal would be inappropriate development in the Green Belt and conflict with the Framework where it states such development is by definition harmful to the Green Belt. In addition, it would be contrary to the purpose of safeguarding the countryside from encroachment. It would be contrary to Policy CS6 of the Woking Core Strategy (Core Strategy), Policy DM13 of the Development Management Policies Development Plan Document (DMP) and the Framework where it states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. This attracts substantial weight.

Development Strategy

13. Policy CS1 of the Core Strategy aims to direct most new development to previously developed land in town, district and local centres which offer the best access to a range of services and facilities. Policy CS18 of the Core Strategy aims to locate most new development in the main urban areas served by a range of sustainable transport. Policy CS19 of the Core Strategy seeks to provide accessible and sustainable social and community infrastructure. New community facilities will be encouraged in locations well served by public transport, pedestrian and cycle infrastructure. Policy DM3 of the DMP states proposals for outdoor sport and recreational facilities will be permitted subject to various criteria and other policies.
14. No specific policy requirement for a sequential test has been highlighted and the above policies do not require all development to be within urban areas. Given the size and nature of the proposal, urban locations may be more difficult to find. Moreover, the extract of the Woking Play Pitch and Outdoor Sports Facility Strategy 2017 before me does not indicate the need for additional grass pitches only relates to those for public use. Nevertheless, the development strategy does seek to ensure development is accessible by a range of transport options, other than by private car.
15. Were the appeal allowed conditions could be imposed on the number of pitches that could be used at any one time and when they could be used. There is also potential for some visitors bringing more than one player in a vehicle. However, details showing public transport facilities are a reasonable option to get to and from the site have not been provided. There is no footway or lighting along the road near the entrance to the site or separate cycle facilities. This would discourage the likelihood of them being a practical route, particularly at times of darkness or adverse weather conditions.
16. While it may be technically possible to access the site by modes of transport other than private car, due to the characteristics of the surrounding road it would be unrealistic and unlikely.
17. Therefore, the appeal site would not be an appropriate location for the proposed development with regard to the local and national development strategy, and accessibility. It would be contrary to Policies CS1, CS18 and CS19 of the Core Strategy where they seek to ensure development is directed to locations that are accessible by a range of facilities. It would also fail to accord with the Framework where it aims to create places that are accessible and that appropriate opportunities to promote sustainable transport modes can be taken up. I give this harm moderate weight.

Character and appearance

18. There is some noise and activities at the site given the existing uses in place. However, these are contained within the area around the building. The surrounding area is largely vacant fields or subject to small scale buildings and operations. The rear of the site, where the pitches are proposed is a largely tranquil and peaceful area of undeveloped field at present.
19. The introduction of several football pitches, the associated comings and goings and activities it would introduce would significantly alter this. Although conditions could limit the extend and timing of games, when taking place, the scale and nature of the proposal would harm the existing character of the area.
20. As with the current parking area, some of the proposed parking spaces would be positioned close to and under the canopy of some boundary trees. There are limited views of the boundary trees near the proposed parking area. Nonetheless, they form part of the wider boundary landscape features which contribute positively to the verdant character of the site and the wider area.
21. Further landscaping is proposed. Nonetheless, the Drainage Strategy Update indicates that the proposed drainage system would require works below ground. In some circumstances conditions can be imposed requiring further information of any excavation works required for the additional parking and protection measures. Notwithstanding this, in the absence of any details relating to the trees and their root system, I cannot be sure that there are methods that would prevent harm to the trees from the below ground works. The proposed works to create and drain the spaces could result in harm and prevent future growth of the trees and I cannot be sure appropriate replacements could be provided.
22. As such, the proposed development would significantly harm the character and appearance of the area. It would be contrary to Policies CS21 and CS24 of the Core Strategy, and DM2 of the DMP where they, in part, seek to retain and protect trees as well as respect, conserve and where possible enhance the character of the area. It would also be contrary to the Framework where it requires proposals to be sympathetic to local character.

Living conditions

23. The Noise Impact Assessment (NIA) concluded that the proposal would be acceptable. Nonetheless, this was based on solid timber fences at the gardens of nearby properties being in place. At present this is not the case for all garden boundaries. This fencing is also not proposed as part of the application. Furthermore, there are uncertainties over the location of the readings for the NIA including the number of football pitches in use, age of players and type of match for the readings taken off site. In addition, given the number of pitches that could be in use at the same time, the proposed number of spectators appears low. It is also not clear why the received location was the centre of a nearby garden, rather than the closest part to the site. Given the above, it has not been shown that the level of noise experienced by occupiers of the nearby residential properties would be acceptable.
24. Consequently, the proposed development would unacceptably and significantly harm the living conditions of the occupiers of nearby properties with regard to noise and disturbance. It would be contrary to Policies CS21 of the Core

Strategy, Policy DM7 of the DMP where they, in part, seek to achieve a satisfactory relationship with adjoining properties and ensure noise is at an acceptable level. Moreover, the scheme would fail to accord with the Framework where it seeks a high standard of amenity for existing users.

Archaeology

25. Policy CS20 of the Core Strategy states that on all development sites over 0.4 hectares an archaeological evaluation and investigation will be necessary if in the opinion of the County Archaeologist, an archaeological assessment demonstrates that the site has archaeological potential. The Framework also states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
26. No archaeological assessment has been provided. While it is not indicated there would be changes to land levels or underground works at the proposed pitches, the parking and associated drainage works would require some below ground works. It is therefore not clear what implications the proposal may have on archaeology.
27. It would not be appropriate to impose a condition requiring further details, as assessment and evaluation should take place before a planning application is determined in order to predict the presence of remains and assess their potential significance. As an assessment has not been done, I cannot identify the significance.
28. Therefore, the absence of sufficient information means I cannot rule out potentially significant harm to archaeology. The proposal would be contrary to Policy CS20 of the Core Strategy and the Framework as set out above.

Biodiversity

29. The supporting text of Policy CS7 of the Core Strategy states that prior assessment of the development site to provide information on species and habitats will be required.
30. The Planning Practice Guidance indicates that an ecological survey will be necessary in advance of a planning application if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.
31. Large parts of the site are currently undeveloped and there are landscape features that could also be habitats used by various species. The site is also close to the Smart's and Prey Heath SSSI and partly within other designations indicating that there is the potential for the scheme to effect species and habitats.
32. Without any survey of the relevant features, it is simply not known whether protected species are present and, if there are, whether mitigation measures would be appropriate. There is a further question concerning the implementation of any such measures. Given this degree of uncertainty, the use of conditions would not be reasonable in this case.

33. Consequently, the absence of sufficient information means I cannot rule out potentially significant harm to biodiversity. The proposal would be contrary to Policy CS7 of the Core Strategy where it seeks to conserve and protect existing biodiversity assets. It would also fail to accord with the Framework where it states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Other Considerations

34. Whether or not the pitches would be for public use, the evidence indicates that there is a need for additional provision at local and national level. The appellant and stated user would be a children's football club. It is also suggested that the pitches could be used for disabled football, although such teams do not appear to be active within the club at present and it is not clear how or when such use would take place.
35. Nonetheless, a refusal of permission for the pitches could reduce equality of access to a recreational use. Notwithstanding this, there has been no detailed information relating to the search for facilities to demonstrate there are no alternative pitches, or that those currently used are no longer available or suitable and the future of the club is being threatened.
36. Nonetheless, the proposal would go towards meeting a need and go towards securing a long terms site for the appellant and I have no reason to doubt the club ethos. I give these factors moderate weight.
37. There would also be the wider and general health and wellbeing benefits associated with sport and in this instance, that focused on younger people. Due to the scale of the scheme, I give these benefits moderate weight.
38. At my site visit, which I appreciate it only a snapshot in time, I did not see any evidence of the site being subject to issues relating to fly tipping. It has also not been shown that the appeal scheme is the only way of dealing with any such problem. Therefore, this attracts small weight. The scale of the scheme and its location means any economic benefits to the area are likely to be small and attract limited weight.
39. That there is support for a proposal is not a reason in itself to grant planning permission. Whether the appeal scheme is more beneficial than alternative schemes at the site is not a matter for this appeal, which has been assessed on its own merits.
40. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also lead to a small loss of openness to the Green Belt. Moreover, there would be harm to the character and appearance of the area, archaeology, biodiversity, living conditions of nearby occupiers and the development strategy. The other considerations, including those relating to the type of pitch provision, do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
41. I have had due regard to the Public Sector Equality Duty set out under the Equality Act 2010. The harm caused by the appeal development outweighs its benefits in terms of eliminating discrimination against persons with the

protected characteristics of disability and age advancing equality of opportunity for those persons and fostering good relations between them and others.

Conclusion

42. The proposed development conflicts with the development plan when considered as a whole, and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
43. Therefore, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR