



Appeal Decision

Site visit made on 2 December 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Appeal Ref: APP/Y9507/W/25/3367560

The Newman Collard Playing Field, Hill Brow Road, Liss, Hampshire GU33 7LE

- 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 Newman Collard Trustees against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/24/00553/FUL.
 - The development proposed is the formation of a multi-use games area (MUGA) with 3m high fence surround and 4no 6m high floodlight columns.
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Decision

1. The appeal is allowed and planning permission is granted for 'formation of a multi-use games area (MUGA) with 3m high fence surround and 4 no 6m high floodlight columns' at The Newman Collard Playing Field, Liss GU33 7LE in accordance with the terms of the application, Ref SDNP/24/00553/FUL, and subject to the following conditions:
 - 1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with drawing numbers: 1012-2 Rev C (Proposed Site Plan, dated January 2024); 1012-3 (Court Layout, dated January 2024); and 1012-4 (MUGA Court Elevations, dated June 2024).
 - 3) The development hereby permitted shall be carried out in accordance with the measures detailed within Chapter 4 (Conclusion and Action Plan) of the approved Noise Impact Assessment (Nova Acoustics, dated 5 December 2024) unless otherwise agreed in writing by the Local Planning Authority.
 - 4) Prior to first use of the hereby approved floodlights, a lighting strategy following Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 8: Bats and Artificial Lighting shall be submitted to and approved in writing by the Local Planning Authority. The floodlights shall be operated in accordance with the approved strategy for the lifetime of the development.
 - 5) The use of the hereby approved floodlights is not permitted after 8:00pm Monday to Friday, after 6:00pm on Saturdays, or at any time on Sundays.

Applications for costs

2. An application for costs has been made by Newman Collard Trustees against the Authority. This application is the subject of a separate decision.

Main Issues

3. The main issues are:

- whether the appeal scheme would result in the loss of an existing sports facility; and
- whether the location of the appeal scheme, which is outside of the settlement boundary, has been justified.

Reasons

Loss of Existing Facility

4. The Authority's conclusion that the proposed MUGA would be within an area identified as existing football pitch provision and would result in the loss of an existing facility was based on the East Hampshire District Council Playing Pitch Strategy (2024) (PPS) which indicates that the site includes a 9v9 football pitch. Sport England's objection was also based on the PPS and the description of pitch provision therein.
5. However, Liss Parish Council (LPC) – which is Custodian Trustee of the land on behalf of the Newman Collard Playing Fields Trust – has said that the PPS is inaccurate as there is currently no 9v9 pitch. It has noted that it is not satisfied that it had the opportunity to correct this during the PPS evidence base gathering exercise which took place in October 2023 as the report's author did not take up LPC's offer to meet them as they had requested.
6. LPC has added that the field is currently used for 7v7 and 5v5 sized pitches, that due to the limited size of the area a 9v9 pitch cannot be accommodated at the same time with the other two pitches being used, and that the proposed MUGA would not impact on these pitches. The Chairman of Liss Athletic Football Club has also confirmed that 9v9 matches have not been played on the site for over 10 years and the secretary of Liss Juniors AFC has said that she believes that there has not been a 9v9 pitch on the site for a similar period of time. I have no reason to doubt any of this local knowledge and the Authority has not suggested that any of this information is incorrect.
7. Overall I find that, based on the balance of probabilities and having consideration to the facts and circumstances of the case and the submissions of all parties, the appeal scheme would not result in the loss of an existing 9v9 pitch or an unacceptable adverse impact on the existing facility.
8. Furthermore, given that the appeal scheme proposes a sports / recreation facility it would not result in the absolute loss of any land or open space within the wider playing fields area to a use other than sports / recreation, it would not result in the loss of green space that should be preserved for the use of the wider community, and would not prevent opportunities for other activities to take place, including informal recreation and other pursuits such as dog-walking.
9. In addition, given that this is an alteration to an existing community facility rather than an expansion or creation of new community infrastructure, I do not find that part 1 of Policy SD43 of the South Downs Local Plan (2019) is directly applicable. Rather, and bearing in mind that the site is currently used for 7v7 and 5v5 sized pitches and that these would be unaffected by the proposals, the appeal scheme

would result in the enhancement of the village's sports facilities, including by providing a durable alternative training surface for when the traditional grass pitches are wet and unsuitable for use.

10. Although in its officer report the Authority noted that the appeal scheme would remove the potential for a 9v9 pitch to be laid out, the relevant policies relate to the loss of or unacceptable adverse impact on existing facilities, not on a hypothetical situation which may or may not occur some time in the future. Furthermore, there is no evidence before me to suggest that there is any other planning requirement for the site's owners or operators to provide certain types or sizes of pitches – or indeed to provide any pitches – on the site such that the appeal scheme would be an impediment to satisfying any such obligation; that there would be any requirement for a 9v9 pitch to be provided if this appeal did not succeed; or even that any user groups have expressed a desire for a 9v9 pitch to be laid out on this site.
11. Finally on this matter, given that the proposed development is a recreational facility that would be located within an area that is already identified for recreational use, I do not find there to be any net loss such that alternative or compensatory provision would need to be made.
12. Therefore, the appeal scheme would not conflict with SDLP Policy SD43 which seeks to guard against the loss of, or unacceptable adverse impacts upon, existing community facilities, or with SDLP Policy SD46 which guards against the loss of open space provision. Similarly, it would not conflict with Policies Liss 3 and Liss 13 of the Liss Village Neighbourhood Development Plan (2017) (LVNDP) which seek to protect open space and to retain and enhance important community facilities, including the Newman Collard Playing Fields (NCPF).

Location of Development

13. Based on SDLP Policy SD25, the Authority also decided that the proposed development would be located outside of the settlement policy boundary and that there was no proven need to justify it.
14. Part 2 of SDLP Policy SD25 states that exceptionally, development will be permitted outside of settlement boundaries where it complies with relevant policies in the SDLP, responds to the context of the relevant broad area or river corridor and:
 - a) it is allocated for development or safeguarded for the use proposed as part of the Development Plan; or
 - b) there is an essential need for a countryside location; or
 - c) in the case of community infrastructure, there is a proven need for the development that demonstrably cannot be met elsewhere; or
 - d) it is an appropriate reuse of a previously developed site, excepting residential gardens, and conserves and enhances the special qualities of the National Park.
15. Therefore, and provided that the development responds to the context of the relevant broad area, only one of the above points would need to be satisfied.

16. A representation from local councillors has explained that the settlement boundary was defined in the LVNDP to protect NCPF from housing development and that there was no intention that the provision of recreational facilities would be considered as equivalent to housing development. When I visited the site I noted that the site is visually-contained by dense boundary planting such that the presence of the playing fields is not readily appreciable from outside of the site, including when taking account of the local topography. Whilst the fencing and lighting columns associated with the MUGA could be visible above the boundary planting, the black mesh and slender columns would be relatively inconspicuous. Therefore, I do not find that the appeal scheme would affect the character of the wider area, including of the National Park, whether in terms of the MUGA itself or the related fencing and lighting columns. Consequently, and based on the particular circumstances of this site, I find that the appeal scheme responds appropriately to the context of the area, both in terms of its use and the associated operational development.
17. The development plan, as referred to in point a), includes the LVNDP. LVNDP Policy Liss 13 states that the important community facilities shown in Appendix 4 of the LVNDP, which include the NCPF, should be retained and enhanced to ensure a range of quality, accessible and safe facilities that meet the needs of the community. Thus, it is clear that the appeal site is safeguarded for the use proposed as part of the Development Plan.
18. I have also been provided with LPC's strategy for recreation facilities (April 2022) which was informed by discussions with a number of organisations including local councils, sports clubs and a residents' association as well as by feedback from members of the local community. This highlights the objective of the LVNDP to enhance community life through sports provision, the need to provide for a growing population, and the aim to provide for a fair balance between different groups. It specifically mentions a MUGA at the appeal site and the potential for this to be used for a wide range of activities, including for children, the elderly and the disabled. In addition, two local councillors have referred to there being a shortage of a good range of recreational facilities for younger people. No party has suggested that there are any suitable alternative locations to meet this need. Thus, I consider that the information before me also demonstrates that the appeal scheme would provide a facility that meets the needs of the community.
19. Overall, therefore, the appeal scheme would not conflict with the aims of SDLP Policy SD25 or LVNDP Policies Liss 1 and Liss 13 which together set out the criteria for assessing the acceptability of development proposals on land outside of the settlement boundaries and which support development that meets the needs of the community.
20. Furthermore, given that the appeal scheme involves the development of an open-air sports facility within a site that is already used for sports and recreation, the appeal scheme would not result in an adverse impact on the tranquillity or appearance of the area or conflict with the statutory purposes of the South Downs National Park, as set out at Section 11A of the National Parks and Access to the Countryside Act 1949 (as amended), which are to conserve and enhance the natural beauty, wildlife and cultural heritage of the area and to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

Other Matters

21. It has been suggested as an alternative to the appeal scheme that one of the existing tennis courts could be used as a MUGA. However, and notwithstanding that such a proposal would result in the loss of an existing sports facility (i.e. a tennis court), I must assess the application before me on its own merits.
22. Whilst interested parties have said that the appeal scheme would have an adverse impact in respect of noise and light, based on the submitted information and proposed planning conditions, I do not find that the appeal scheme would result in a harmful impact on the living conditions of the occupiers of nearby residential properties or in terms of the National Park's Dark Skies Reserve status. In addition, no evidence has been presented to support concerns that the appeal scheme would result in an increase in anti-social behaviour, that parking provision would be unsatisfactory, that a management plan for the site is necessary, or that details of booking arrangements, changing or toilet facilities should be taken into account in assessing the acceptability of the appeal scheme. Furthermore, maintenance of nearby landscaping, operating costs and maintenance of the proposed MUGA, associated paths and the wider playing fields, including where waterlogging occurs, are matters for the appellant.
23. Whilst the Authority did not identify any issues in respect of the appeal scheme's effect on the historic environment, an interested party has suggested that there could be an impact. I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. In addition, Section 66(1) of the Act requires decision-makers to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
24. The site is not within a conservation area (CA) and would be well-screened by existing landscaping from the nearest CA which is to the north of the appeal site and, consequently, would not result in any harm to the CA.
25. There is a listed building to the south of the appeal site, Pophole Farmhouse, parts of which date from the sixteenth century and which has both historic and architectural interest. It is neighboured by a number of other buildings of varying ages, including a twentieth century dwellinghouse. With regard to the appeal site, the land use would remain the same as existing, the MUGA would be located some distance from the southern boundary of the playing fields, and landscaping and trees would also restrict intervisibility. Therefore, I find that the appeal scheme would not result in any harm to the setting of the listed building and, consequently, there is no need to weigh any impacts of the appeal scheme against its public benefits per paragraph 215 of the National Planning Policy Framework (the Framework).
26. It has also been noted that the appeal scheme does not take account of views out towards the Hawkley Hangers from the pavilion and from other key locations within the playing fields site. However, the development plan does not protect any views from the appeal site.
27. Some interested parties have said that they have not been consulted on the proposals, including in relation to the need for the proposed MUGA. However,

based on the evidence before me I am satisfied that there is a need for the proposed facility, and that interested parties have had an opportunity through both the planning application and appeals processes to make their views known.

Conditions

28. I have reviewed the conditions proposed by the Authority in light of the tests in the Framework and advice in the Planning Practice Guidance.
29. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. Conditions relating to noise mitigation and the hours of operation of lighting are necessary in the interests of the living conditions of the occupiers of nearby residential properties.
30. Whilst the Authority proposed a condition seeking the provision of additional trees within the NCPF, given that the appeal scheme would result in the loss of amenity grassland that is of low ecological value, I do not find it necessary to require tree planting to make the development acceptable within the context of SDLP Policies SD2 and SD9. However, given that the Revised Lighting Assessment that is before me does not explain how the design and usage of lighting has taken account of potential effects on bats which are a protected species, it is necessary for further information to be submitted in that regard before the floodlights are first used.

Conclusion

31. The appeal scheme complies with the development plan when taken as a whole and there are no material considerations that suggest that a decision should be taken other than in accordance with the development plan. Therefore, for the reasons given above the appeal should be allowed.

P Burley

INSPECTOR