

4/01173/16/FUL - RETENTION OF EXISTING CRICKET TRAINING PITCH FACILITY AND ASSOCIATED NETS AND HARDSTANDING (RETROSPECTIVE), CHANGE OF USE FROM AGRICULTURAL TO RESIDENTIAL/LEISURE. BADGERDELL HOUSE, TOWER HILL, CHIPPERFIELD, KINGS LANGLEY, WD4 9LN.

APPLICANT: GRAHAM ROADNIGHT.

[Case Officer - Martin Stickley]

Summary

The application is recommended for approval.

It is not felt that the proposal harms the openness or the visual amenities of the Green Belt. The existing landscape features have be retained. Furthermore, it is not felt that the proposal harms the amenities of the neighbouring residents. Therefore, the proposal is considered acceptable in accordance with the aims of the National Planning Policy Framework (NPPF) (2012); Policies NP1, CS5 and CS12 of the Core Strategy (2013).

Site and surroundings

The application site is currently occupied by a two-storey detached dwelling with a residential curtilage of 0.32ha. The rest of the site comprises approximately 1.84ha of agricultural land. The site lies on the north-eastern side of Tower Hill. Access to the site from the private drive is via a crossover in the site's southern corner. The existing dwelling is substantially set back from this entrance behind a large open parking forecourt. Tall and dense hedging exists to the site's frontage to the private drive.

Proposal

The application seeks retrospective planning permission for an ancillary cricket training pitch facility.

Referral to committee

The application is referred to the Development Control Committee following objections from Chipperfield Parish Council.

Recent planning history

4/00824/16/FU CONSTRUCTION OF EQUESTRIAN BUILDING TO INCLUDE
L FOUR STABLES, HAY STORE, AND TACK/SADDLE ROOM;
HARD-STANDING FOR VEHICLE TURNING, HORSE BOX AND
WASH DOWN AREA
Awaiting Decision

Relevant policy

National Planning Policy Guidance

National Planning Policy Framework

Dacorum Core Strategy 2006-2031

NP1 – Supporting Development

CS5 – Green Belt

CS12 – Quality of Site Design

Summary of Representations

Regulatory Services - Contamination

The site is located within the vicinity of potentially contaminative former land uses (infilled ponds). However, due to the nature of the application, I have no comments to make in respect of contamination.

Strategic Planning and Regeneration

(i) Impacts on Green Belt

The NPPF (para. 81) states that: *“Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.”*

Paragraph 89 of the NPPF does allow for appropriate facilities for outdoor sports and recreation, but this is understood to relate to built facilities. Therefore, this exception does not apply to the application, as no buildings are proposed.

Core Strategy Policy CS5: Green Belt applies which states that *“The Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. ... Within the Green Belt, small-scale development will be permitted ... provided that:*

- i. it has no significant impact on the character and appearance of the countryside; and*
- ii. it supports the rural economy and maintenance of the wider countryside.”*

In theory this proposal is inappropriate development in the Green Belt and requires very special circumstances to be proven. The planning application is not supported by enough evidence to prove this currently. For example, we would have expected to see further supporting documents from a well-respected county cricket board confirming the talent of the applicant's son to play cricket at a higher level.

Conclusion:

Taking a pragmatic view over this proposal it is very small in scale and is for private use only, it is likely to have minimal impact, it is unlikely to affect surrounding amenity given its isolated location, and generally does not result in significant impacts on the character and appearance of the countryside or the openness of the Green Belt. Therefore, we do not raise any objections in policy terms to the proposal.

The design and colour of the facility is of considerable importance to ensure that the proposal is sympathetic to its surroundings. Can the facility be conditioned to ensure it

remains low key and restricted in use?

Further comment

Due to the drafting of the NPPF, the development would not be able to be considered as appropriate development in the Green Belt, so the application needs to demonstrate very special circumstances. We acknowledge that the applicant does not believe that the proposal requires very special circumstances to be justified as they believe that it is appropriate development in the Green Belt. Some of the policies referred to by the applicant have not been saved and others are not relevant to this proposals location.

We acknowledge that this is inappropriate development and therefore VSC needs to be established. We were trying to be pragmatic to the proposal, as we feel that the proposal has very limited impacts on the Green Belt. The proposal is located in a rural location and is surrounded by existing hedging on two sides. This proposal is very small in scale, open in character and is for private use only. Given these points it is likely to have minimal impact, it is unlikely to affect surrounding amenity given its isolated location, and generally does not results in significant impacts on the character and appearance of the countryside or the openness of the Green Belt. We feel on balance therefore that these points are sufficient to justify VSC. We would be concerned if such a proposal were larger in scale and would result in a more intense use of the site, greater amounts of hard standing, additional vehicle trips or lighting. However it would be prudent to consider whether the activity can be controlled by way of condition to prevent its expansion.

Additional information would be helpful but we want to take a proportionate approach to the evidence given the small scale of the proposal.

Obviously you will need to satisfy yourself that a case for VSC has been made.

Hertfordshire County Council - Highways Department

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Decision: Hertfordshire County Council, as Highway Authority has no objection to the proposed retention of existing cricket training pitch facility and associated nets and hardstanding (retrospective)

Badgerdell House: Is accessed from Tenements Farm Lane which is an un-adopted driveway / track, over which is a public Right of Way

Impact on the Highway Network: The proposed development is not thought to impact the highway network.

Chipperfield Parish Council

Object - inappropriate in the Green Belt, the structure is large with a concrete base.

Blanrye, Tower Hill, Chipperfield, WD4 9LN

- 1) The nets have been “fully completed” and for clarification purposes, two concessions were agreed between myself and Mr Roadnight. Firstly, he suggested the stanchion could be painted and secondly the entry bay was to be reduced in height along with some planted screening. I agreed that these were acceptable to me. However it should also be noted at the time of these discussions I advised Mr Roadnight that I had reported the construction of the nets to the Dacorum Planning Enforcement team.
- 2) The applicant suggests that this installation is “de minimis”. I strongly suggest that any inference to a trifling development within the green belt is minimal shows some lack of sensitivity on behalf of the applicant. Under Policy 4 section (c) of the Dacorum Borough local plan it suggests essential facilities for outdoor sports.... would be acceptable. I firmly believe that the nets are not an essential facility to be built within the green belt.
- 3) In the Core Strategy, it is clearly stated (policy CS6, selected small villages in the green belt) the types of development which are acceptable, and interestingly, it does not mention sports facilities rather it mentions “open air recreation, which cannot be reasonably accommodated elsewhere”
- 4) Further to point 3 above and “accommodation elsewhere”. The applicant suggests that the training facilities are only available at his local clubs for 4 months of the year. However there are clearly winter net facilities available at, Berkhamsted Schools Knox Johnston Sports Hall, Dacorum Councils Longdean and Hemel Hempstead Sports Halls. I am sure there are others available which would accommodate the applicant’s requirements for times outside of the 4 months stated.
- 5) I would suggest that the main issue here is whether the Planning Department feel that this clear infringement of the Green Belt is acceptable or not, based on the Core Strategy and plans that have been agreed and are in place. I believe this is a clear infringement of the Green Belt.
- 6) Finally I raise the issue of precedent. If this development is granted what is to stop other such developments being allowable in green belt areas? Surely this must be a serious concern for the Planning Department and hence I urge them to reject this retrospective application.

Tenements Farm, Tower Hill, Chipperfield, WD4 9LN

As it stands these cricket nets do not impact on our amenities. However they are clearly visible from our neighbour’s garden and he has raised an objection. As well as the interference to his amenities, he points out that permitting development within the Green Belt sets an important precedent. We concur with this.

If his objections to this development are successful, this could result in a proposal to re-site the nets. In that event we would suggest the new site is somewhere close to the proposed site for his stable block, so all development is located within his residential planning unit. Were there to be a proposal to re-locate the nets on our boundary, we would strongly object along the lines of our objections to planning application 4/03605/15/FUL, which, we note, has still to be determined.

Considerations

Policy and principle - cricket training facility

The NPPF (para. 81) states that: *“Once Green Belts have been defined, local planning*

authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.” Core Strategy Policy CS5: Green Belt applies which states that “The Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements...within the Green Belt, small-scale development will be permitted...provided that: i. it has no significant impact on the character and appearance of the countryside; and ii. it supports the rural economy and maintenance of the wider countryside.”

The proposed cricket training facility is considered a small-scale facility that would support outdoor sport and recreation. It is not felt that the proposal has resulted in any significant impact to the character and appearance of the countryside and openness of the Green Belt in accordance with Core Strategy Policy CS5 and the National Planning Policy Framework. Therefore, no objections are raised with regards to the retention of the cricket training facility. However, the proposed change of use from agriculture to residential/leisure must also be considered (see below).

Policy and principle - change of use

The NPPF would not regard the proposed change of use as appropriate development in the Green Belt and therefore very special circumstances are required to support this application. The very special circumstances that support this application are as follows: The applicant has stated "my son has ability and is being coached by a number of professional coaches but for him to develop his full potential he needs to practice every day". The design and access statement also comments that "they can only use the nets at Chipperfield and Chorleywood for 4 months of the year". An email has been submitted from the cricket coach to support these claims. It is felt that considering this information and the small-scale nature of the proposal, the application should be supported.

Impact on residential amenities

Two neighbours have commented on the application. The first (Blantyre, Tower Hill) discusses a number of Dacorum's policies and how the proposal conflicts with these policies. The neighbour discusses Policy 4 of the Dacorum Borough Local Plan, which has been superseded by Policy CS5 (discussed above) and Policy CS6, which does not relate to this application (as the site falls outside of the Chipperfield Village Envelope). This neighbour also indicates that there are other cricket training facilities at various schools within the Borough and states "I am sure there are others available which could accommodate the applicant's requirements for times outside of the four months stated." The second (Tenements Farm, Tower Hill) state that the cricket nets do not impact their amenities, but are clearly visible from their neighbours (Blantyre) garden. There is a considerable distance between the properties and the applicant has done several things to mitigate the visual appearance from this property, i.e. reduced the height of the entry bay, painted the stanchions green and provided some screening. Overall, the impacts on the amenity of neighbouring residents are extremely minimal in accordance with Policy CS12 of Dacorum's adopted Core Strategy.

Conclusion

The proposal is located in a rural location and is surrounded by existing hedging on two sides. This proposal is very small in scale, open in character and is for private use only. Given these points it is likely to have minimal impact, it is unlikely to affect surrounding amenity given its isolated location, and generally does not result in significant impacts on the character and appearance of the countryside or the openness of the Green Belt. It is felt that this, along with the very special circumstances supporting the application are sufficient to support the application. Concerns would be raised if such a proposal were larger in scale and would result in a more intense use of the site, greater amounts of hard standing, additional vehicle trips or lighting. The agent has suggested that a three year temporary condition can be added to act as a safeguard. However, it is not felt that this is necessary. In conclusion it is considered that the proposal complies with the NPPF, Core Strategy Policies CS5 and CS12 of the Core Strategy. As such, the application is recommended for approval.

RECOMMENDATION - That planning permission be **GRANTED** subject to receipt of satisfactory plans showing the structure to be retained and subject to the following conditions:-

- 1 **The development hereby permitted shall be carried out in accordance with the following approved plan:**

Total-play specifications (final design - version 3), dated 30th October 2015

Reason: For the avoidance of doubt and in the interests of proper planning.

Article 35 Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015.