Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6 APPEAL BY THE LYMINGTON AND PENNINGTON TOWN COUNCIL
APPLICATION NO: 000335747

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the New Forest District Council to refuse planning permission in respect of an application for playing fields, a floodlit synthetic multi-purpose pitch, footpaths and associated parking on land at Woodside Playing Fields, Ridgeway Lane, Lymington. I held a local inquiry into the appeal on 4, 5 & 6 June 1996, and inspected the site on 13 June.

2. At the Inquiry you introduced an amended site layout plan, ref.10271/9. The plan does not alter the boundaries of the 18.6ha site. It shows a revised arrangement of playing pitches and the retention of a pond and grassland in the eastern part of the site. The amendment was fully aired at the Inquiry, which was well attended by local residents and representatives on both sides. I shall therefore accept the amended plan, and my decision will be based upon it.

3. Having heard and read all the evidence and representations, and visited the appeal site, its surroundings, and other sites referred to at the Inquiry, I consider the main issues in this case to be as follows:

   a) whether the appeal proposal constitutes appropriate development in the Green Belt and, if it does not, whether there are any very special circumstances sufficient to outweigh the strong presumption against inappropriate development in the Green Belt together with any additional harm which may be identified;

   b) the effect of the proposed development upon the ecology of the area;

   c) the effect of the proposal upon highway safety and convenience on Ridgeway Lane.
4. The statutory Development Plan for the area consists of the Hampshire County Structure Plan 1994 and the Coastal Towns Local Plan 1990. Together these locate the appeal site within the Green Belt. Local Plan Policy C5 states that "in the Green Belt outside the New Forest Heritage Area, the construction of new buildings...will not normally be permitted for purposes other than agriculture, forestry, outdoor sport...or other uses appropriate to a rural area".

5. Local Plan Policy R9 allocates 6 hectares of land at Woodside for public open space use. Local Plan Policy R1 retains in recreational use all existing and proposed areas of public open space. Explanatory paragraph R1.1 indicates that "schemes to improve facilities that are ancillary to the recreational use may be given further consideration, subject to Policy GC1". Policy GC1 sets criteria to exclude development which would have an adverse effect or would not retain important landscape or natural history features, or which would cause disturbance or would cause or increase danger to road users.

6. I shall also have regard to the Deposit Draft New Forest District Local Plan which, however, has not yet reached Inquiry stage. Draft Policy CO-R1 tolerates outdoor recreation uses to meet local recreational needs. Draft Policy CO-R2 states that "floodlighting will only be permitted where it can be demonstrated that it will have no significant adverse effect on the amenities of local residents or the character and appearance of the area".

7. The Government planning policy guidance of PPG2: Green Belts, revised in 1995, advises at paragraph 3.4 that the construction of new buildings inside a Green Belt is inappropriate unless it is for a specified range of purposes. These include "essential facilities for outdoor sport and outdoor recreation". Paragraph 3.5 states that "essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport".

First Issue: The Green Belt

8. All but one of the proposed playing pitches would be on grass. These are undoubtedly appropriate in the Green Belt. At the Inquiry, the Green Belt argument centred upon the artificial turf pitch (ATP). I consider that, as worded, the statutory Development Plan would tolerate the ATP, including its boundary fence and floodlighting columns, as appropriate development. However, PPG2 adds the criteria that appropriate development should be essential for the use and should preserve openness. In this respect I consider that PPG2, which is the more recent document, outweighs Development Plan policy.

9. The ATP is intended for a range of sports. These include tennis and netball which are commonly played on enclosed courts, and also football and hockey, for which the playing pitches are not normally fenced. Floodlights would enable all these sports to be played during dusk and darkness. They are not necessary in daylight. Fences and floodlighting columns undoubtedly increase the range of conditions under which it is possible to play. However, neither is in my view essential to allow outdoor sport to take place on the site. Even though the fencing would be mesh and the columns would be slender, neither item, strictly speaking, would preserve the openness of the Green Belt. I therefore conclude that these particular elements of the proposal render it inappropriate in the Green Belt.
10. You argue that, both locally and further afield within the New Forest District, there is an unsatisfied need for an artificial turf pitch, amounting to very special circumstances in this case. Competitive hockey, in particular, is now played largely on artificial surfaces. Players from Lymington and the surrounding area must go many miles both for training and for matches, at great inconvenience. A floodlit ATP would also foster training programmes and match play in football and rugby. Each sport is well organised locally through established clubs such as Lymington Sprites. Each could widen its playing base, among children, young people and adults, if it were provided with a local ATP. The evenness of the artificial surface also makes it suitable for use by wheelchairs, extending the scope for outdoor sporting activity to the disabled.

11. The Council does not equate demand with need. However, the evidence shows that outdoor sporting activity among the population at large is strongly encouraged both by Government policy and by official bodies such as the Sports Council. I consider that such encouragement, and the evidence of local demand for the facility, are very special circumstances in favour of the proposal. Though alternative local sites for an ATP have been suggested, none as yet has planning permission and each is subject to continuing uncertainty, delay and debate. Other alternatives lie much further afield. Because local demand exists, the proposal would in my view comply with draft Local Plan Policy CO-R1, even though the ATP might also attract players from beyond the Lymington area. These also are very special circumstances which support the proposal.

12. The Council and local residents argue that the proposed activity and floodlighting would harm the character and appearance of Woodside. The 16m lighting columns would be visible from many positions in and around the site, projecting above the trees. At night the fields and playing pitches form a quiet pool of darkness between the adjacent houses. The tall columns would direct a bright core of light into the centre of the playing fields. Modern equipment restricts the spillage of light beyond the boundaries of the pitch itself. Even so, I consider that the downward passage of light from the top of the high columns would be apparent. The many mature trees within the site and on its perimeter are deciduous and their heavy summer canopies would not be fully effective as a screen in winter and early spring.

13. However, the light would appear most intense only near the ground. At this level, further screening of the light and activity could be obtained by planting additional shrubs and trees. Woodside is not wild or isolated countryside. Much of it is already highly organised and managed as playing fields and for informal recreation and leisure. The surrounding houses are themselves lit at night, both internally and, in some cases, externally by bright security lights reflected by the outside walls. The proposal would retain the outer fringes as grazing land and woodland. The ATP would not be active and illuminated all night, but only for a few hours each evening. These could be limited by condition if I were to allow the appeal. For most of the night Woodside would remain as before, in peace and darkness.

14. The purpose of the proposal is for outdoor sport and recreation, itself an appropriate use within the Green Belt. I have concluded that there are very special circumstances which favour those elements of the proposal which are inappropriate. In my view any harm to the character of the Green Belt at this point would be both limited and capable of mitigation. There would be no material conflict with statutory or emerging Development Plan policy. I have therefore arrived at the conclusion that there are very special circumstances in this case which outweigh the strong presumption against inappropriate development in the Green Belt together with the harm which I have identified.
Second Issue: Ecology

15. Specialist evidence was presented to the Inquiry on the ecological interest of the site. That interest arises chiefly from the grassland state of the paddocks to the east of the existing playing pitches. The so-called southern paddocks are of particular interest. In each case the prime object of importance is the green-winged orchid, *Orchis morio*, followed by the Adder’s-tongue, *Ophioglossum vulgatum*. These and other plants and their habitats qualify the paddocks for inclusion among the Sites of Importance for Nature Conservation (SINC) proposed by Hampshire County Council under the policies of the emerging District Plan.

16. The amended site layout plan would sacrifice the central paddocks, which would be covered by the earthworks and artificial surface of the ATP. However, it would preserve the southern paddocks in which the Orchid has gained a firm foothold and might be supplemented by transplantation from the affected areas. The outfield of the proposed Junior cricket pitch, where quality of the surface is not of crucial importance to the game, could be managed largely without chemicals, in the interests of the neighbouring plants. The paddocks would continue to be fenced against invasion by balls and players.

17. Local residents value highly the more general wildlife interest of Woodside, listing many species of birds and other creatures to be found there. I have no evidence that these more common species are likely to suffer any more serious disturbance from the proposals for periodic lighting than they do at present from players, walkers, children and dogs. It emerged at the Inquiry that grazing by horses, which restricts the spread of self-sown trees and on that account is regarded with disfavour by residents, is actually beneficial to the maintenance of grassland and the plant species of ecological interest.

18. The proposed footpath around the outskirts of the site would offer the opportunity to inform visitors about the items of nature conservation interest. Within New Forest District 292 SINC have already been proposed, covering some 4500 hectares. On balance, therefore, I conclude that the appeal proposals would not have a materially harmful effect upon the ecology of the area.

Third Issue: Highways

19. Access to the existing playing fields and car park is taken via Ridgeway Lane. This is a narrow lane, without footways. For most of its passage between the car park entrance and its junction with Rookes Lane (where it widens significantly), Ridgeway Lane is little more than 4m wide. In 2 stretches, each over 30m long, the carriageway width shrinks to between 3.7m and 3.8m. DoE Design Bulletin 32 states that below 4m the carriageway will be too narrow for private cars to pass each other except at very low speed.

20. There are no passing places in Ridgeway Lane. For much of its length the eastern side of the carriageway runs hard against an earthen bank. Not far from the car park entrance the eastern edge of the lane falls away abruptly. Much of the western side is bordered by an open ditch. In my view, none of these features would safely tolerate overrunning by vehicles. None offers any refuge to pedestrians. Each, under pressure from a pair of passing vehicles, could provoke an accident.

21. The proposal would undoubtedly increase the use of the playing fields. The parties’ estimates of traffic generation vary, depending upon their assumptions on, for example, the 

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level of car-sharing by players, and the numbers of spectators. The proposal incorporates an extension to the existing car park to accommodate 44 additional spaces. In my view the precise number of vehicles generated matters somewhat less than the likely number of instances when vehicles would pass each other on Ridgeway Lane.

22. Use of the proposed new grass pitches and the ATP would be added to the more intermittent use of the existing playing pitches. The ATP would be capable of virtually constant use, for training sessions as well as practice matches, games and tournaments. At turnover times, players arriving, or parents dropping off children for training sessions, would coincide with others leaving. On match days, minibuses or even, on occasion, coaches could be involved. It seems to me that there would be a significant increase in the number of incidents in which a succession of vehicles travelling one way would meet not one but a succession of opposing vehicles. Each incident would create uncomfortable conditions for road users and would carry with it the possibility of mishap.

23. The proposal offers a new footpath around the extremity of the site. However, there would be only 2 points of entry and exit on Ridgeway Lane, at either end of the stretch between Rookees Lane and the car park. These would be of no use to pedestrians going to and from the houses on Ridgeway Lane. The pitches would be in heaviest use during the evenings and weekends, when residents would be most likely to be at home and likely to walk along Ridgeway Lane. In these circumstances I conclude that the appeal proposal would be likely to lead to materially harmful conditions of highway inconvenience and danger on Ridgeway Lane.

24. Local residents suggest that use of the proposed north-western pitches would cause noise and disturbance. However, the houses are set well back from Ridgeway Lane and are separated from the proposed pitches by trees and undergrowth. Disturbance would in my view be both temporary and limited. I have considered all other matters raised, but none affects the decision which I have reached on the basis of the main planning issues. My conclusion on the highway issue leads me to the overall conclusion that this appeal should be dismissed.

25. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

SUSAN HOLLAND MA DipTP MRTPI
Inspector