



Appeal Decision

Site visit made on 26 November 2019

by **Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 December 2019

Appeal Ref: APP/X1925/W/19/3232496

Putteridge High School, Putteridge Road, Luton LU2 8HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Roger Kirk against the decision of North Hertfordshire District Council.
 - The application Ref 18/02320/FP, dated 22 August 2018, was refused by notice dated 11 March 2019.
 - The development proposed is described as '*The existing playing fields to be made safe for the pupils of Putteridge High School. The proposal includes a cricket wicket, fencing around an existing pond and bunding along the edges of the field.*'
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Decision

1. The appeal is allowed and planning permission is granted for a cricket wicket, fencing around an existing pond and bunding along the edges of the field at Putteridge High School, Putteridge Road, Luton LU2 8HJ in accordance with the terms of the application, Ref 18/02320/FP, dated 22 August 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 223 FA 00 XXDR A 00001 P-0, 00223 PC XX XXDR A 00002 S8 P0, 223 PC XX XXDR A 10000 S8 P0.

Procedural Matters

2. In the decision notice the Council sought to split its decision in order to grant planning permission for the fencing and refuse planning permission for the cricket wicket and bunding. In the interests of certainty I assessed the scheme subject to the Council's decision in its entirety.
3. On site I saw that work has partly commenced as bunding has been established and the artificial wicket is in situ. It is clear from the evidence that the Council and the Hertfordshire Gardens Trust are particularly concerned about a section of bunding which has been created to the east of the cricket field. However, the bunding in question is not shown on the plans before me and did not form part of the planning application. It was not therefore for me to pass judgment on this matter, which is outside the scope of this appeal.
4. The decision notice refers, amongst others, to drawing Ref 223 FA 00 XXDR A 00001 P-0. However, two different drawings with this reference, and of the same date, were submitted with the planning application and accompanied the appeal. In the interests of clarity, I asked both parties to confirm the drawings subject to the Council's decision and made my assessment on that basis.

5. I have referred to the description of development used on the planning application form in my decision above, but only insofar as this relates to the development proposed, and not the reason for the application.
6. As the land forms the playing fields of Putteridge High School, I used the site address given within the appeal form as I found it to be the most accurate and concise.

Main Issues

7. The main issues are:

- whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and national planning policy, including its effect on the openness of the Green Belt; and,
- the effect of the proposal on the significance of the Grade II listed park and garden Putteridge Bury.

Reasons

Whether or not inappropriate development

8. The appeal site is the playing fields of Putteridge High School and arable land adjacent to the east. The land used by pupils is apportioned into two separate sports fields to the north and south, with the latter containing a cricket field. A private road is to the east, Putteridge Road is to the south, farmland is to the north, and Great Hays Wood separates the land from the main school campus to the west. The entire site falls within the Green Belt.
9. The National Planning Policy Framework (the Framework) establishes that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. One such exception is the provision of appropriate facilities for outdoor sport or 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. Paragraph 147 also sets out that engineering operations are not inappropriate when they meet these same tests. Of most relevance to this appeal is the safeguarding of the countryside from encroachment.
10. Policy 2 of the North Hertfordshire District Local Plan No.2 with Alterations (adopted 1996) (NHDLP) requires for the openness of the Green Belt to be protected and restricts inappropriate development, unless there are very special circumstances. It is therefore broadly consistent with the Framework.
11. Bunding has been established across the north and north east boundaries of the site, and along the east boundary between the arable land and the private estate road. An artificial wicket has been installed within the cricket field and 1.3m high post and rail fencing is proposed to the west side of the cricket field in order to enclose an existing surface water attenuation feature.
12. The bunding constitutes an engineering operation. The bunding to the north sits astride existing fencing and is of such a low profile that it could easily be mistaken for simple overgrowth. To the north east it maintains these characteristics and is also set against vegetation and a small woodland. Adjacent to the private estate road it is just beyond an existing fence and is largely obscured by a nearby roadside verge. The bunding therefore preserves

the openness of the Green Belt and does not conflict with the purposes of including land within it.

13. Whilst the fencing would be a building for the purposes of this assessment, it is required to secure the health and safety of pupils using the sports fields, and therefore would be an appropriate facility for outdoor sport. Given its siting adjacent to Great Hays Wood and, considering its locational context within established playing fields nearby to similar fencing, I find that the proposed fencing would not harm the openness of the Green Belt. As it relates to the existing use of the site, it would not cause encroachment into the countryside.
14. The cricket wicket would also be an appropriate facility for outdoor sport. It is flush with existing ground levels and therefore preserves openness. As a wicket at the centre of an existing cricket field, it does not constitute encroachment into the countryside.
15. I therefore find that the proposal would not be inappropriate development as described by the Framework. The proposal would therefore accord with Policy 2 of the NHDLP. The Council has also referred to Policy SP5 of the emerging North Hertfordshire Local Plan 2011-2031 (NHLP), which is at an advanced stage of preparation. Policy SP5 also seeks to avoid inappropriate development in the Green Belt and therefore does not alter my conclusion on this matter.

Putteridge Bury

16. Putteridge Bury is an early 20th century country house, now used for education and conferencing, surrounded by Grade II listed formal gardens and parkland, the latter within which the appeal site falls. As heritage assets are irreplaceable, any harm or loss requires clear and convincing justification.
17. Planning permission was granted in 2010 for the parkland to be changed into the school playing fields¹. In 2012 landscaping details pursuant to that permission were agreed, which included the delineation of the site by fencing². The significance of the park and gardens within the area of the appeal site is therefore in its treed and open parkland character, which has, to a limited extent, been changed by the visible use of the playing fields and the associated subdivision of the original space.
18. The proposed fencing would be seen against the backdrop of Great Hays Wood, well within the playing fields, and within the context of other post and rail fences. Whilst the cricket wicket has a synthetic appearance alien to the original parkland, I am mindful that the character of this area has already changed to a school cricket field. As such, I do not find the wicket harmful within this specific context. Considering its low profile, integral relationship with established fencing, and verdant coverage by overgrowth, the bunding offers very little presence or additional subdivision of the parkland. Given the circumstances, I find no harm.
19. I therefore conclude on this issue that the proposal would have an acceptable effect on the significance of the Grade II listed park and garden Putteridge Bury. It would accord with Policy 19 of the NHDLP. The Council has also referred to Policy HE1 of the emerging NHLP. As this policy seeks to protect

¹ Planning application Ref 08/02926/1

² Ref 12/00359/1DOC

designated heritage assets from harm, it has not altered my findings in relation to this issue.

Conditions

20. As I have considered the proposal as originally submitted, it is necessary to include a condition requiring commencement, within three years, of the work that has not yet started. In the interests of certainty, a condition is required to identify the approved plans. As this scheme relates only to operational development, and not the use of the land, conditions are not required to restrict the use, access arrangements and operating hours of the playing fields. For reasons I have already set out, a condition is not necessary to require removal of bunding which is outside the scope of the appeal. As I have found that the artificial wicket is acceptable, it would be unreasonable to require its removal. Due to the limited extent of the works, a landscaping scheme is not required in this case.

Conclusion

21. For the reasons given above, and taking all matters raised into account, I conclude that the appeal should be allowed.

Matthew Jones

INSPECTOR