



# **Dacorum Borough Council**

## **Local Planning Framework**

### **DACORUM SITE ALLOCATIONS DPD EXAMINATION IN PUBLIC**

**Statement by Dacorum Borough Council**

**Matter 13: Proposal L/4: Dunsley Farm, London Road, Tring**

**September 2016**

## **Purpose of this statement**

The purpose of this statement is to summarise the Council's position regarding the following matters, issues and questions raised by the Inspector in advance of their discussion at the public hearing sessions.

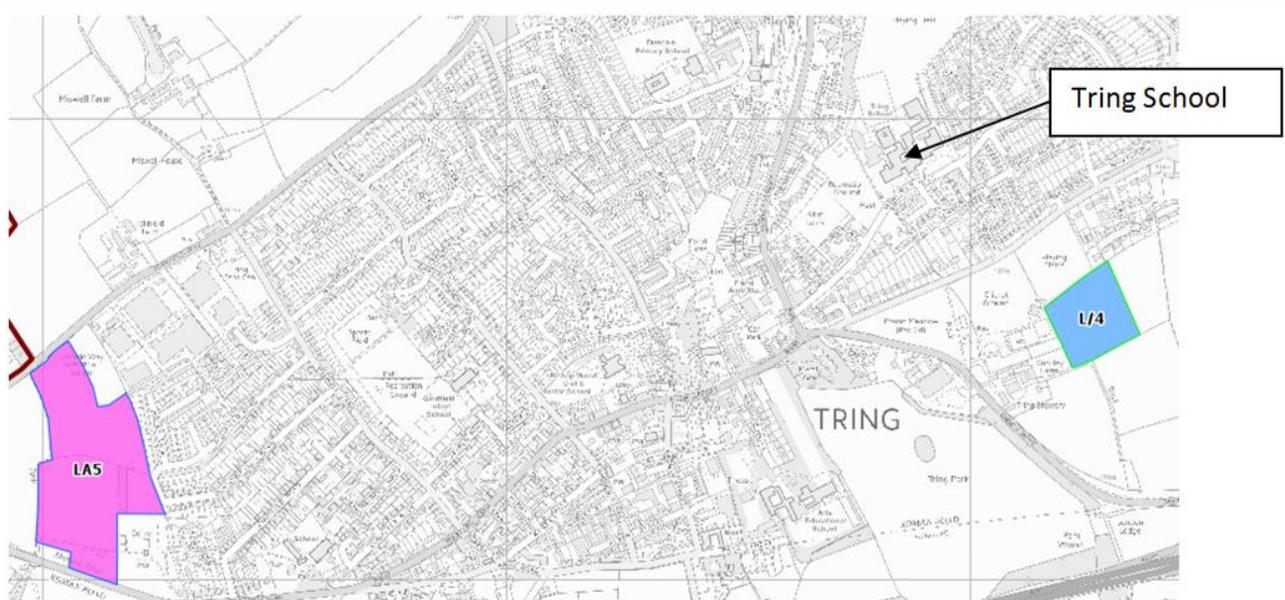
To avoid repetition this statement includes cross references to appropriate technical work and includes relevant extracts as appendices.

## Matters raised by Inspector and the Council's response

### 1. Are there better sites available for this purpose – have other sites been considered?

- 1.1 In an ideal scenario a school should have all of the facilities it requires, including playing fields, provided on a single site. Both Dacorum Borough Council and Hertfordshire County Council, as the Local Education Authority, acknowledge that there may however be situations where in order to provide additional school place capacity at an existing site, detached playing fields are required. In this circumstance, such a facility should ideally be located as close as practical to the main school site and be appropriate to enable delivery of the PE curriculum.
- 1.2 The need to allocate land for detached playing fields in Tring is identified as a local objective within the Tring Place Strategy in the adopted Core Strategy (Examination Document CS4). This inclusion within the Core Strategy resulted from recognition by both Councils of the constraints at the school's current site (which requires redevelopment and enhancement of its educational facilities) and therefore acknowledgement of the need to allocate land for detached playing fields. Dacorum's Playing Pitch Strategy and Action Plan (Examination Document SC1) identifies the need for additional playing pitches in Tring to address increased demand and overplay issues at local sports clubs. Hertfordshire County Council has identified land at Dunsley Farm off London Road as the best site to accommodate these 2 pitches.
- 1.3 The identification of this land within the Site Allocations DPD has been confirmed in consultation with Hertfordshire County Council, as both Local Education Authority and landowner. The identification of Dunsley Farm is a pragmatic solution to allow Tring Secondary School to expand further should they need to. The Council's Open Space Study (Examination Document EN10) identifies that Tring has a relatively large proportion of open space which is contained within schools and private sports clubs. This can limit their availability and use by the local community. It is also important to note that provision at Dunsley Farm would also contribute to local community demands for additional leisure and recreational facilities within the town, as the Open Space Study calculated the town as experiencing an overall deficit of 8.895ha of leisure space. This dual use aligns to requirements within Policy CS23: Social Infrastructure of the Core Strategy and contributes towards meeting the deficit of leisure facilities within the town. The Inspector is asked to note the letter received by the Council from Tring Sports Forum in May 2016 (reproduced here as Appendix 1). This confirms that the Forum would welcome any such dual use (contrary to the position reported in the Council's Report of Representations Addendum – Examination Document SUB4).

- 1.4 In terms of site options, the Borough and County Councils have had informal discussions to ascertain what sites in Tring may be suitable for detached playing field use. Through these discussions it became clear that there were unlikely to be any reasonable or deliverable alternatives. Many sites around Tring are either owned by developers or have developer options upon them which limit the opportunities for such a low-value use to come forward, unless supported by significant residential development which would be contrary to Green Belt policies. Whilst helping meet wider leisure space needs within the town, the open space that forms part of Local Allocation LA5 (Proposal L/3) is too far from Tring School to provide a practical solution (see map below).



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- 1.5 The Council received no sites during the 'Call for Sites' exercise that were promoted for leisure use. Table 7 of the Providing Homes and Community Services Background Paper (Examination Document SA4) identifies the sites which the Council has considered for leisure use as a result of suggestions made through the plan-making process. These sites are documented in greater detail in the Schedule of Site Appraisals for 2006<sup>1</sup>, 2008<sup>2</sup> and 2014<sup>3</sup> which support the Site Allocations DPD. For a number of reasons all alternative sites have been deemed inappropriate, due to locational issues, size of site, or other constraints. The land at Dunsley Farm is assessed within the Schedule of Site Appraisals 2006 (page 142). This concludes that *"open uses are likely to be appropriate in this location but do not necessarily need specific allocation."* This

<sup>1</sup> Schedule of Site Appraisals 2006 (Examination Document: SA19)

<sup>2</sup> Schedule of Site Appraisals 2008 (Examination Document: SA13)

<sup>3</sup> Supplementary Schedule of Site Appraisals 2014 (Examination Document: SUB15) and Schedule of Site Appraisals 2014 (Examination Document: SA20)

assessment pre-dates the Timmins Court of Appeal judgement, which brought into question the previously accepted position that open leisure uses were not inappropriate development in the Green Belt (see Examination Document REG7), and hence reflects why a specific leisure allocation is now proposed (see Question 3 below).

- 1.6 Alternative sites within the Dunsley Farm area were also discussed informally by the Councils, but due to access issues and other existing land uses which needed to be retained, the current proposed location was considered to be the best in the context of accessibility to the school and having the least impact on both the openness of the Green Belt and the wider landscape.
- 1.7 In summary, the land proposed as L/4 is the closest available site and both Councils agree that there are no alternative suitable sites available within reasonable proximity to the main school buildings. Please see Appendix 2 which shows the proximity of the site to Tring Secondary School in greater detail.
- 1.8 The L/4 site benefits from being in the single ownership of Hertfordshire County Council and is therefore available and deliverable when, and if, required by the school.

## **2. Has consideration been given in relation to the loss of agricultural land?**

- 2.1 It is recognised that the site is categorised as Agricultural Land Grade 3 (good to moderate). However, the Council does not consider that this is sufficient reason to prevent the site coming forward for its proposed leisure use.
- 2.2 The Sustainability Appraisal for the site seeks to consider and balance the numerous impacts arising from proposed development (see Examination Document SUB13). The loss of the agricultural land is not the only relevant consideration in this regard. These sustainability objectives are set out within Appendix 3 of Examination Document SUB13, together with the full assessment for the L/4 proposal. Amongst the 20 SA objectives, one includes seeking to minimise development of land with the most agricultural value, and minimise the loss of soils to new development (Soils). This appraisal considers there to be '*no predicted effects*' in this instance. There are however other objectives, such as encouraging healthier lifestyles (Health) and reducing social exclusion (Equality and social exclusions) against which Proposal L/4 scores positively. The full assessment for the site is set out below.

**Proposed Amendment SC10**

**Proposal L/4: Dunsley Farm, London Road, Tring**

SA Objective		Dunsley Farm, London Road, Tring	
1	Biodiversity	No predicted effects.	-
2	Water quality/ quantity	No predicted effects.	-
3	Flood risk	No predicted effects.	-
4	Soils	No predicted effects.	-
5	Greenhouse gas emissions	No predicted effects.	-
6	Climate change proof	No predicted effects.	-
7	Air quality	No predicted effects.	-
8	Use of brownfield sites	No predicted effects.	-
9	Resource efficiency	No predicted effects.	-
10	Historic & cultural assets	No predicted effects.	-
11	Landscape & townscape	No predicted effects.	-
12	Health	Allocation of this site supports this objective by providing additional playing fields which will be available for public use.	✓
13	Sustainable locations	No predicted effects.	-
14	Equality & social exclusion	Allocation of this site supports this objective by providing additional recreation facilities which will be made available to the community.	✓
15	Good quality housing	No predicted effects.	-
16	Community identity & participation	No predicted effects.	-
17	Crime and fear of crime	No predicted effects.	-
18	Sustainable prosperity & growth	No predicted effects.	-
19	Fairer access to services	No predicted effects.	-
20	Revitalise town centres	No predicted effects.	-
Summary of Assessment		The allocation of this new leisure site will have positive effects for the health (SA12) and equality (SA14) objectives, through the additional school playing fields which will also be made available to the community.	

2.3 The SA Scoping Report (Examination Document CS39) includes the full list of indicators to be assessed for each of the 20 objectives when carrying out the Sustainability Appraisal process (incorporating Strategic Environmental Assessment).

2.3 The Council recognises that the site is currently in agricultural use and forms part of the Rural Estate of Hertfordshire County Council. Both Councils agree however that the total agricultural area lost will be very small; that retention of the site is not essential to the operational activities of the farm; and that its loss would have no material impact on these agricultural activities. None of these factors outweigh the importance of securing detached playing fields to ensure that Tring School can continue to deliver the full PE curriculum, should future school expansion at the existing site necessitate additional playing pitch provision.

### 3. Is the site within the Green Belt and if so would the proposal accord with the advice in the National Planning Policy Framework in relation to Green Belts?

- 3.1 The Dunsley Farm site is located within the Metropolitan Green Belt. Para 81 of the NPPF (Examination Document REG10) states that *“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.”*
- 3.2 Para 89 of the NPPF goes on to state that *“a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are: ... provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.”*
- 3.3 The current drafting of the NPPF provides exceptions to built development for certain uses, but not for the primary use of the land. The L/4 proposal comprises playing pitches only, and does not include any associated buildings. With regards to this point, the Timmins<sup>4</sup> Court of Appeal Judgement (Examination Document REG7) is of relevance. The Court of Appeal ruled that cemeteries are inappropriate development within the meaning of the National Planning Policy Framework (NPPF). This is because the judge considered paragraphs 89 and 90 to be closed lists which identify the only categories of development which are ‘not inappropriate’.
- 3.4 The results of this Court of Appeal Judgement mean that there remains some legal debate as to whether outdoor sport and outdoor recreation are appropriate development, despite Paragraphs 81 and 89 of the NPPF appearing to indicate that they are. The Court of Appeal was split on this issue, but did not consider it necessary to reach a decision, as the case before the Court explicitly concerned cemeteries, rather than outdoor sport and recreation.
- 3.5 It is in part due to the uncertainty of legal interpretation caused by the Timmins judgement that the Council decided to introduce a specific allocation for the detached playing fields into the Site Allocations through the Focused Changes process. Previously it had been of the view that as the use was deemed an appropriate Green Belt use, an allocation was not necessary (see response to Question 1 above). The likelihood is that the site will come forward through the Development Management process, and the Council’s best view is that a combination of Paragraph 81 of the NPPF (*“local authorities should plan positively..... to provide opportunities for outdoor sport and recreation.”*) and

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<sup>4</sup> Timmins and Lymn Family Funeral Service v. Gedling Borough Council and Westerleigh Group

paragraph 89 of the NPPF which indicates that new buildings for provision of appropriate facilities for outdoor sport and recreation are not inappropriate development, mean an allocation is not strictly necessary. However, on balance, the Council has taken the view that given the positive intention to provide additional pitches, an allocation can only assist public understanding of the proposed development.

- 3.6 Should the courts decide in the future that outdoor leisure uses such as detached playing fields are indeed 'inappropriate', the Council considers that very special circumstances justify such a use in this location. Proposal L/4 is consistent with NPPF paragraph 81, the land would remain open in nature, and the allocation will help meet the demand for additional open space in Tring. As explained in response to Question 1 above, there are no suitable non-Green Belt sites available. The site will have very limited impact on the openness of the wider Green Belt and the physical extent of the site has been limited to that required to meet the anticipated needs of Tring School in the event of school expansion.
- 3.7 The Council is not proposing to take the Dunsley Farm site out of the Green Belt, as it is likely such an alteration would require a wider area of land to be removed from the Green Belt to provide a robust and defensible new Green Belt boundary in this location. This means that any forthcoming planning application would be required to prove 'very special circumstances' for an outdoor and recreation use.

#### **4 Does the policy need amending to make reference to the need to protect living conditions at nearby residential properties?**

- 4.1 Proposal L/4 is bounded by open greenfield land to the north, east, south and south west, with Tring Park Cricket Club and Tring Tennis Clubs located along the western boundary. The greenfield land to the north and east of the site boundary is in recreational use by Tring Park Cricket Club. It is acknowledged that there are two residential properties which adjoin the north eastern boundary of the site.
- 4.2 The adopted Core Strategy contains policies which explicitly seek to protect residential amenity. These would apply to any application for a change of use on the L/4 site. Relevant extracts are quoted below:
- Policy CS12 (Quality of Site Design) states that "*on each site development should: ...*  
*(c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties;*  
*(e) plant trees and shrubs to help assimilate development and softly screen settlement edges;*

*(g) respect adjoining properties in terms of:  
ii. security;  
viii. landscaping and amenity space.”*

- Policy CS32 (Air, Soil and Water Quality) states that *“any development proposals which would cause harm from a significant increase in pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances, will not be permitted.”*

- 4.3 While relevant and concerns issues raised by consultees are considered during the planning application process (and can lead to planning conditions being imposed, such as on hours of use), the Council’s Environmental Health team are also able take legal action via the Environmental Protection Act 1990 if unforeseen issues do arise after permission has been granted. Both of these processes seek to protect the living conditions of residential properties from nuisance development.
- 4.4 The Council has also proposed additional Minor Changes to Proposal L/4 (as submitted) to include the words: *“...existing hedgerows to be retained and enhanced where possible to minimise and impact upon the ecological value of the site, including existing wildlife corridors.”* This additional text will also provide a buffer to the existing residential properties and protect their privacy. These changes are set out in the Appendix to Matter 2.
- 4.5 In the light of these existing policies and controls, the Council does not consider it necessary to add an explicit reference to the protection of living conditions of nearby properties. However, if the Inspector wishes such a reference to be included within the proposal, this can be added through a further Minor Change to the plan.

**Letter from Tring Sports Forum (May 2016)**



Laura Wood, Team Leader (Strategic Planning)  
Strategic Planning & Regeneration  
Dacorum Borough Council  
Civic Centre  
Marlowes  
Hemel Hempstead  
Herts HP1 1HH

Dear Ms Wood,

On 5 May 2016 we held a meeting of our members at which we discussed the Council's response to our representations regarding the Site Allocations Pre-Submission Focused Changes.

One particular statement, appearing in the Report presented to the Dacorum BC Cabinet on 15 December 2015 caught our attention. At paragraph 33 under the "Representations received on Focused Changes" (Significant Changes) sub-section you state:

"...they [TSF] support the principle of the allocation, but object to the fact that there is no explicit reference to the pitches being available for wider community use (which is incorrect)..."

TSF's members have asked me to stress to you that we have made no such objection. Rather, we wished to point out that, under the wording of SC10 (Proposal L/4), detached playing fields would, effectively, only be available for community use should they be required for use of the school as a result of its expansion.

If you go to Part B, paragraph 4 of our representation on SC10 and read it again, you will note our concern that "new playing pitches should in our view be provided on the Dunsley Farm site not only for use of the school but also for use of local community sports clubs, irrespective of whether the school expands."

We are pleased to note that dual use is an essential part of the Council's proposal; our worry is that, if the school does not expand, there will be no new pitches at all, and therefore no new pitches for the local community.

I would be very grateful if you could confirm that we now have a common understanding of our position regarding SC10. I would also welcome your confirmation that the Site Allocations DPD (incorporating the Focused Changes), as currently worded, would allow for the potential use of the Dunsley Farm site for playing fields for community use, independent of the school's requirements.

Regards,

Chris Allen (Hon. Secretary)

12 May 2016

**Location of Proposal L/4 Dunsley Farm in relation to Tring School**

