

26/2007/014

MR ADRIAN EGLIN

## **RETENTION OF CHANGE OF USE OF AREA OF PLAYING FIELD TO DOMESTIC CURTILAGE ADJACENT TO KINVARA, NYNEHEAD**

314680/123152

RETENTION OF BUILDINGSWORKS ETC

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### **PROPOSAL**

The proposal comprises the retention of the change of use of a section of Nynehead playing field to domestic curtilage. The area of land lies northeast of the property to which it relates and is approximately 12 m x 12 m. A 2 m timber screen has been erected on the boundaries of this piece of land. While the property to which this application relates lies within defined settlement limits of the Nynehead area, the site of the proposed domestic curtilage lies outside defined settlement limits.

### **CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no observations. SPORT ENGLAND SOUTH WEST our policy is to oppose the loss of existing playing fields unless one of 5 exceptions to our policy applies. We note that the application proposes to encroach on the site of an existing playing field. Sport England's policy is to protect all parts of a playing field, not just those which happen, for the time being, to be laid out as pitches. This is because those other parts of a playing field are a resource which may be needed, now or in the future, and it is important that they be afforded the same protection. In light of the above, Sport England wishes to object to this application, on the grounds that the development would be in conflict with current Government policy contained in PPG17 and Sport England Playing Field Policy.

LANDSCAPE OFFICER the proposals will have only a limited impact on the local area. LEISURE DEVELOPMENT OFFICER object to the development of part of the Nynehead playing field as domestic curtilage. Playing fields deserve their 'protected status' and the loss of any part of them is to be avoided whenever possible – even if the Parish Council considers it acceptable. Regardless of the fact that the area in question is described in the application as 'previously overgrown, unused' it has the potential to be a valuable part of the playing field or as open space or simply as a 'buffer' between the field and the housing. If this application is permitted then this part of the playing field will be lost forever for future generations. The application has the potential to set a dangerous precedent – we can ill afford to allow pieces of playing fields to be converted into gardens however much they might be considered to be overgrown or unused at a particular point in time.

### **POLICY CONTEXT**

PPG17: Sport and Recreation, National planning policy.

Taunton Deane Local Plan Policies relevant to this application are S1 (general requirements), S2 (design) and C3 (protection of recreational open space).

## **ASSESSMENT**

In response to the consultation responses, the applicant has commented as following:- the area of land is a small area measuring 12 m x 12 m and is situated between an electrical sub-station and concrete garage. The area was overgrown with 8 feet of brambles, weeds, etc. and was also infested with rats. Also in the area were oil drums, containers and rubble. The land was donated by the charities commission and that small portion has never been used as playing field due to the position of the sub station. The parcel of land is only leased to me personally as long as I reside at the property, and will revert back to parish council should I move, and must be left in the state in which it was found.

Objections have been received from Sport England and the Council's Leisure Development Manager. The local plan policy C3 reflects PPG17 with regard to the safeguarding of recreational facilities which includes playing fields. Proposals involving the loss of this type of facility are not to be permitted unless:- there is an excess of good quality recreational facilities of the type would be lost, sufficient to meet local demand; the proposed development provides recreational or community benefit greater than the long-term recreational value of the facility that would be lost; equivalent provision in a convenient location is made to at least an equal standard. It is considered the proposal does not meet these requirements. It is also thought that an approval of this application may set a precedent for future planning applications of a similar nature.

## **RECOMMENDATION**

Permission be REFUSED for the following reasons (1) The playing field which has a protected status should remain part of the playing field and open space as it is a valuable resource which benefits the local community as a whole. (2) The proposed development, if permitted, is likely to encourage similar proposals in respect of other land in the vicinity which might then be difficult to resist, the cumulative effect of which, if permitted, would further detract from the character and amenities of the area (Taunton Deane Local Plan Policy C3). Enforcement action be authorised.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

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