



Appeal Decision

Hearing and associated site visit held
on Wednesday, 30 January 2008

by **J. Greenfield** BA MCD MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
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Decision date:
7 March 2008

Appeal Ref: APP/Q3115/A/07/2052189

Horspath Sports Ground, Oxford Road, Horspath, OX4 2RL.

- 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 the Oxford City Council against the decision of the South Oxfordshire District Council.
- The application Ref P06/W0968, dated 21 August 2006, was refused by notice dated 6 March 2007.
- The development proposed is car park floodlighting.

Procedural matters

1. During consideration by the local planning authority, the initial application was clarified by lighting calculations received on 9 October 2006 and letter from the applicant dated 25 October 2006, as amended by Drawing No. OCH/06/06 02, and Lighting Design Report accompanying letter dated 3 November 2006 and amended by Drawing No. OCH/06/06 3 accompanying letter dated 4 December 2006, as well as by Drawing No. OCH/06/06 04 accompanying letter dated 30 January 2007 (Docs. 3 & 4).

Decision

2. I hereby dismiss the appeal.

Main issue

3. From my inspection of the site and its surroundings and from my consideration of both the written representations made and the evidence presented at the Hearing, I am of the opinion that the main issue in this case is whether or not the proposal would represent inappropriate development within the designated Oxford Green Belt and, if so, whether there are other considerations sufficient to clearly outweigh the harm, thereby justifying it on the basis of very special circumstances.

Reasoning

4. The appeal proposal involves the erection of 6 lighting columns, each 6m in height, around the western half of a 175-space car park fronting the northern side of Oxford Road, close to the City boundary. The car park adjoins the Horspath Athletics Stadium, an 8-lane, all-weather track facility, itself sited to

- the east of sports playing pitches, which extend to the City limits. At this point the City limits coincide with the inner boundary of the Green Belt (Docs. 5 & 6).
5. The up-grading of this athletics track, which is now of major regional significance, occurred on the foot of planning permission ref. no. P95/N0119, dated 30 August 1995 (Doc. 7). This permission also involved the extension of the car park, the subject of this appeal, and the erection of 8 floodlighting columns, up to 16m in height, around the stadium. It was specified that the floodlights should not be used after 22.00hrs. and that their average luminance should not exceed 200 lux.
 6. As a consequence of the 1995 planning permission, it would appear that the car park is regarded as an essential facility serving the Athletics Stadium and the playing fields, themselves not considered inappropriate development in the Green Belt, in accordance with central government advice, as set out in para. 3.5 of Planning Policy Guidance Note 2 (PPG 2). On this basis, it could be argued, therefore, that the provision of lighting for the car park, as a crime prevention measure, is also appropriate development. In this context central government guidance on design, as contained within Planning Policy Statement 1 (PPS 1), is that one of the key objectives should be to 'create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion'.
 7. However, this argument is somewhat academic, since the City Council places no restrictions on the use of the car park in question. Although it owes its existence to the Athletics Stadium, it also serves the adjoining playing fields and is used by joggers and dog walkers. More particularly, it is open to general use at all times and, though not advertised as such, functions as a public car park. In fact, it is availed of by City Council employees occupying offices located nearby. It is also used by driving schools during tuition lessons and it was indicated that local firms had parked buses and vans there from time to time. Significantly, the proposal to limit the times of illumination to between the hours of 16.00 and 20.00 from 1 October to 31 March appears to relate more to the general use of the car park than to activities at the Sports Ground. There are no proposals to restrict its current use.
 8. As such, I am of the opinion that the car park, as operated at present, represents inappropriate development in the Green Belt and, by implication, so does the appeal proposal to provide lighting columns. Policy GB3 of the approved South Oxfordshire Local Plan 2006 states that the carrying out of engineering and other operations and the making of any material change in the use of land will not be permitted unless the openness of the Green Belt is maintained and there is no conflict with the purposes of including land within the Green Belt, as listed in Policy G4 of the Oxfordshire Structure Plan 2005.
 9. In my opinion, the use of the appeal site as a general car park represents urban encroachment into the countryside, and thereby fails to check the growth of Oxford, to curtail urban sprawl and to prevent the coalescence of settlements, all of which are included in the list of purposes contained in Policy G4. Moreover, any proposal, such as the one the subject of this appeal, which facilitates and encourages the use of the site as a public car park, could only intensify the urbanisation to the detriment of the character and appearance of the Green Belt. PPG 2, which goes on to make clear that, as well as the

general policies controlling building in the countryside, in the Green Belt there is a general presumption against inappropriate development which, by definition, is harmful. Consequently, very special circumstances are needed to outweigh the harm caused.

10. I am satisfied that, as a consequence of the discussions between the local planning authority and the appellant during the consideration of the application, the existing trees and hedgerows on the appeal site would not be adversely affected by the location of the lighting columns as now proposed. Moreover, the revised siting of the cable trenches would avoid all the root systems. The preservation of the existing vegetation on the site is particularly important since the foliage would minimise light spillage should the proposed development proceed.
11. I am also of the opinion that these discussions have achieved a reasonable balance in respect of the type of lighting proposed and the level of illumination for the use of the car park as envisaged in the appeal application. The extent of the illumination has been limited to the western half of the car park from the outset, but now the height of the lighting columns has been limited to 6m, the same as the street lights which stretch eastwards along the opposite side of Oxford Road as far as the entrance to the car park. Moreover, the scheme has been amended from the use of bowl-shaped luminaries to horizontally-mounted ones with flat-glass covers, using 150 watt lamps. As a consequence, light would be directed downwards and the amount of light spillage upwards and laterally would be significantly curtailed. Also, there is an acceptance of compliance with conditions governing the angle, orientation and alignment of lights, as well as limiting light spillage to no more than 5 lux at a distance 5m from the site boundary. These changes accord with the requirements of BS 5489-1:2003 for rural areas.
12. The proposed lighting columns in themselves are unlikely to result in significant encroachment on the Green Belt at this point. They would be sited between the row of street lights and the group of 10 floodlighting columns on the Sports Ground (8 around the running track and 2 overlooking the training pitches) and would be set, when viewed from the east, against an urban skyline punctuated by masts, columns and other similar structures.
13. However, the appeal site occupies a critical location in the narrow and very sensitive gap of countryside which forms the Green Belt between the village of Horspath and the urban fringe of Oxford. Consequently, it is under considerable development pressures and has already experienced creeping urbanisation, ranging from the BMW car factory building erected on the former Rover sports field to the City Council's service depot to the north of the Stadium. Even taking into account the existing tree screens and hedges, the use of the proposed lighting columns to illuminate the car park would, increasingly urbanise the site and decrease the openness of the Green Belt.
14. I reject the argument that, owing to the presence of both the street and Stadium lighting, the illumination from the proposed car park columns would have no greater impact than at present. The latter would be switched on for up to 4 hours per day during the winter months, whilst the Stadium is floodlit for no more than 1 or 2 days per week. Even though the upward and horizontal spillage would be restricted, there would be significant light

- emanation which would be visible from Horspath and would add to the sky glow over Oxford.
15. There is growing concern regarding light pollution in the countryside and the proliferation of night light in the area of the appeal site would add to the creeping urbanisation into the Green Belt, to the detriment of the rural character of the area. As well as conflicting with the stated purposes of the Oxford Green Belt, the appeal proposals would also fail to conform with Policy EP3 of the Local Plan, which rejects external lighting proposals that would adversely affect the rural character of the countryside.
 16. I also consider that the appeal proposal conflicts with Policy C1 of the Local Plan which seeks to conserve, and even enhance, the local landscape. This is predominantly rural in nature, consisting of rolling farmland and country parks, intruded upon by roads and village settlements. It includes the Shotover Site of Special Scientific Interest, so designated for its bio-diversity and geological strata, and is identified as being part of the Oxford Heights in the South Oxfordshire Landscape Assessment, now adopted as Special Planning Guidance (SPG) by the local planning authority. The SPG seeks the creation, and preservation, of strong and clearly-defined edges to landscapes to reduce the urbanising effects of development on the countryside beyond the urban fringe.
 17. Although reported incidents over the past 3 years are limited, I acknowledge that there is a palpable risk of crime in the car park. The site adjoins a main road and is close to a large urban area. It is also screened by mature vegetation and surveillance is limited. Moreover, the buildings on the Sports Ground display evidence of the fear of crime: metal mesh coverings, palisade fencing and umbrella spikes, as well as CCTV cameras are present. In addition, I accept that, even when the track floodlights are on, night-time light levels in the car park are low. I, therefore, agree that the proposed development would accord with central government guidance on crime prevention as set out in PPS 1.
 18. However, I do not consider that these benefits would outweigh the harm that would be caused to the character, appearance and visual qualities of the area or to the consistency and integrity of the Green Belt. I am satisfied that the appeal proposal conflicts with the purposes of including land within the Green Belt and would be detrimental to the rural character of the area, contrary not only to Policy GB3 but also other Policies of the Local Plan. I do not undervalue the duty of care that the City Council extends to the users of its services and facilities but, in this instance, do not believe that this constitutes circumstances which overcome the strong policy objections to the proposed development.

Conclusions

19. For the reasons given above, I conclude that the appeal should be dismissed.

J. Greenfield

J. GREENFIELD

APPEARANCES

FOR THE APPELLANT:

Mr. S. Fry	Oxford City Council
Mrs. K. Chirnside	Oxford City Council
Mr. R. D. Hampshire	Crime Prevention Design Officer for Oxfordshire

FOR THE LOCAL PLANNING AUTHORITY:

Mr. I. Richards	South Oxfordshire District Council
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INTERESTED PERSONS:

Mr. M. Tyce	Campaign to Protect Rural England & Oxford Green Belt Network
Mr. M. Harris	Chairman, Horspath Parish Council
Mr. R. Bell	Ward Councillor
Ms. S. Gray	Ward Councillor
Mr. D. Hursley	Parish Councillor

DOCUMENTS

Only those documents submitted at the Hearing included: -

- 1 Record of Attendance
- 2 Notification of Hearing and circulation list
- 3 Amendment to application dated 3 November 2006 – Lighting Design Report
- 4 Amendment to application dated 4 December 2006
- 5 Aerial photograph of locality of appeal site
- 6 Map of Green Belt in the locality
- 7 Planning permission, ref. no, P95/N0119, dated 30 August 1995
- 8 Appeal decisions APP/T0335/C/01/1072163 and 03/113532, as well as APP/Q3115/A/96/266538.
- 9 Letter from Horspath Parish Council, dated 12 October 2007
- 10 Statement by Mr. M. Tyce, Chairman of the Thame Branch of the CPRE
- 11 Comparative analysis of car park lighting – present/proposed
- 12 'Lighting in the Countryside: Towards Better Practice' 2007 DCLG/Countryside Commission
- 13 List of suggested Conditions