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**2017/1083**

**Applicant:** Athersley Community Association FC, C/o Aquaforce

**Description:** Construction of concrete base and 200 capacity grandstand.

**Site Address:** Athersley Community Association and Football Club, Ollerton Road, Athersley North, Barnsley, S71 3DP

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### **Site Description**

The application relates to Sheerin Park, a sports and recreation facility in Athersley that is also home to Shaw Lane FC and Athersley FC. The site consists of two full sized, floodlit football pitches, with access of Ollerton Road. A few small stands are located towards the southern area of the site, with other portakabin structures located adjacent to the car park. The site is located at the edge of Athersley, with residential properties to the south and west of the site, with open Green Belt land to the north and east.

The site has been developed over the past 10-15 years, with the installation of floodlights, temporary buildings and a timber panelled fence around the perimeter of the playing fields.

### **Proposed Development**

The applicant is seeking permission for the erection of a 200 seat (4 blocks) covered grandstand on the northern side of the football pitch comprising of profiled sheeting. The grandstand would be 26.27m long, 2.935m wide and 2.833m high at the rear (slightly higher to the front). The grandstand is an existing structure that was in place at Shaw Lane Rugby Club (Ref. 2014/1354), where Shaw Lane used to play their home games. The club has now relocated to Sheerin Park and wish to erect the stand at their new home.

### **Policy Context**

UDP Existing Community Facility  
UDP Green Belt

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Council has submitted its emerging Local Plan to the Secretary of State but it is at an early stage in the examination process. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The emergent policies of the Local Plan that are attributable to this development are GD1 and D1 and GB1. In general they resonate with the requirements of Core Strategy Policy 29 and Core Strategy Policy 34.

### Core Strategy

Core Strategy Policy CSP 26 – New Development and Highway Improvement states that new development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

CSP 29 sets out the overarching design principles for the borough to ensure that development is appropriate to its context. The policy is to be applied to new development and to the extension and conversion of existing buildings.

CSP 34 – Protection of Green Belt states that in order to protect the countryside and open land around built up areas the extent of the Green Belt will be safeguarded and remain unchanged.

CSP 40 ‘Pollution Control and Protection’ – Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural or built environment or to people.

CSP43 – Educational Facilities and Community Uses states that the Council will support the provision of schools, educational facilities and other community facilities.

### NPPF

The National Planning Policy Framework (NPPF) section 9, Paragraphs 79-92, states that Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

NPPF Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include the 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

These policies are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings.

### **Consultations**

Coal Authority – No objections to proposal, requested standard informative be added to any permission granted  
Drainage – No objections to proposal  
Highways DC – No objections in principle to the development.  
Pollution Control – No objections to proposal  
Sport England – No objections to proposal  
SYMAS – No objections to proposal  
Ward Councillors – No objections to proposal  
Yorkshire Water – No comments received

### **Representations**

Notification letter were sent to surrounding properties and a site notice was posted on Ollerton Road. No comments or objections were received.

### **Assessment**

#### Principle of Development

The site is designated as greenspace. Core Strategy Policy CSP35 states that we will only allow development proposals that result in the loss of green space where the development is for small scale facilities needed to support or improve the proper function of the green space. The erection of a modest grandstand is considered to constitute the provision of a small scale facility needed to support and improve the function of this particular area of green space for recreational purposes. The loss of the small area of green space is therefore acceptable in principle in accordance with policy CSP35.

Furthermore, policy CSP43 supports the provision of community facilities and the NPPF encourages Local Planning Authorities to plan positively for such uses.

#### Impact on Green Belt

Alongside the greenspace designation, the site is also designated as within the Green Belt. National planning policy indicates at para 89 of the NPPF that the construction of new buildings is inappropriate in the Green Belt but sets out a number of exceptions including the 'provision of appropriate facilities for outdoor sport and recreation'... 'as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'.

It is essential, if the proposed grandstand is to be considered as an exception to inappropriate development in the Green Belt, to be able to conclude that it would preserve the openness of the Green Belt. The NPPF states at para 79 that 'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. Courts have held that the concept of openness means the state of being free from built development, the absence of buildings – as distinct from the absence of visual impact'. A recent High Court judgement - R Buxton v Elmbridge Borough Council – was cited; where planning permission was quashed because the planning officer's report had concluded that the development would have a 'limited adverse impact' on openness and that this impact

was less than significant. The Court held that a development cannot preserve the openness of the Green Belt when it causes harm to openness. Therefore if a new sports facility causes harm to openness of the Green Belt, it is inappropriate development, regardless of the extent of harm.

The main issue, therefore, is whether or not the new stand causes harm to the openness of the Green Belt; and if the benefits of the proposal outweigh the potential harm to the Green Belt. Sheerin Park itself has been developed in the past, with stands and temporary buildings erected on the site, as well as a 2m high timber panelled fence being installed around the perimeter of the pitch.

The proposed stand will measure 2.5m to 3m high and will be within the perimeter fence, meaning that no more than 1m will be visible above the fence line. This is unlikely to cause further harm to the openness of the Green Belt, beyond what has been caused by previous development at the site.

The applicant has also submitted a case to demonstrate that very special circumstances exist which outweighs any harm to the Green Belt.

Shaw Lane FC left their previous ground after the exiting ground-share agreement with Shaw Lane Rugby Club was terminated. The club has since started ground-sharing Sheerin Park with its current occupants, Athersley Rec. FC.

In order to meet F.A. requirements to compete in their current division, the club must provide a minimum amount of covered seating. Therefore, the proposal involves the relocation of a stand from the previous ground to Sheerin Park in order to provide adequate number of covered seats.

The provision of this stand will help to secure the clubs long term future as well as enhance the viability of Sheerin Park, which is used as a community facility beyond the two football clubs. The site is classed as a community facility in the UDP and complies with the aims of CSP 43 in terms of supporting this type of community facility in order to maintain the sustainability of such communities.

The benefits of the proposal to both the occupants of the site and the surrounding community and the very special circumstances put forward are therefore considered to outweigh the limited impact on the openness of the Green Belt.

#### Residential Amenity

The nearest residential properties to the proposed stand would be at least 80m away from its location. Therefore, it is unlikely that there will be any significantly detrimental effect on the amenity of nearby residents. The majority of dwellings have screening along the rear boundary with the football ground, which further help to mitigate any effect from the new stand.

Initial concerns were raised by Pollution Control in regards to noise from the stand. However; following a site visit, Pollution Control were satisfied that the design and location of the stand would adequately mitigate any detrimental impact in terms of noise generation to neighbouring residents.

The proposal is therefore considered acceptable.

### Visual Amenity

The stand will be located well away from public vantage points and its design is also considered to accord with policy CSP29 and the NPPF in that it would be simple and functional, and would reflect the identity of the local surroundings.

The design of the stand is in line with what would be expected of this type of development, is not highly visible from the highway or other public vantage points outside the site and is far enough away from residential properties so as not become a dominant feature.

Therefore, the proposal is considered acceptable for its visual impact.

### Highway Safety

There is an existing car park located at the southern end of the site and access is taken from Ollerton Road. Highways DC have acknowledged that the site therefore has existing access and parking facilities that are already used for the football club that operates at the site.

Whilst the existing car park is not marked out, SPD guidance on parking states that sports stadia up to a capacity of 1500 do not need to provide a minimum number of parking spaces, and therefore the car park provided does not contravene the SPD. On this basis, there are not considered to be any significantly adverse impacts on highway safety from the proposal.

### Conclusion

The NPPF states that the 'provision of appropriate facilities for outdoor sport and recreation' is not inappropriate development as long as it 'preserves the openness of the Green Belt'.

The facilities are considered appropriate to the use of the site for football and given the stand's position, and scale, it could be considered not to have an adverse impact on the openness of the Green Belt. Notwithstanding this, if it is felt that the stand does have an impact on openness it is still considered that the very special circumstances that the applicant has put forward are sufficient to outweigh any harm to the character or openness of the Green Belt. Furthermore, it is not considered that the site would result in any harm to residential amenity, visual amenity or highway safety.

### **Recommendation**

**Approve** – subject to conditions:-

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Site Plan received 29/09/17 and Drawing No. LT Super 75 Rev. EX 200) and specifications as approved unless required by any other conditions in this permission.  
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**

PA reference :-

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