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Received 14 JUN 1982

Mr D J Atkins
Chairman, The Berkhamsted Sports Ground
Association Ltd
Boxwell House
275 High Street
BERKHAMSTED, Herts MP4 1BW

Your reference
DA/SN
Our reference
E1/5252/219/6
Date
10 June 1982

Sir

TOWN AND COUNTRY PLANNING ACT 1971
APPLICATION BY THE BERKHAMSTED SPORTS GROUND ASSOCIATION LTD
TO DEVELOP LAND AT THE REAR OF CASTLE HILL, BERKHAMSTED, HERTS
AS A CRICKET GROUND WITH PAVILION AND CAR PARKING FACILITIES
REFERRED UNDER SECTION 35 OF THE 1971 ACT

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector Mr R A Gordon-Smith who held a local inquiry into your Association's application to the Dacorum District Council numbered 4/0145/81 and dated 6 February 1981 for outline planning permission for the use of land at the rear of Castle Hill, Berkhamsted as a cricket ground and erection of a pavilion and car parking facilities. The Secretary of State directed in pursuance of Section 35 of the Town and Country Planning Act 1971 that the application be referred to him for decision instead of being dealt with by the local planning authority.

2. A copy of the Inspector's report is enclosed. In his conclusions, the Inspector said

> "It seems to me that the main issues are whether the proposed development would be in serious conflict with Structure and District Plan policies; what impact the proposal would have on the rural character and natural beauty of the area; whether there would be significant loss of good agricultural land; whether there are alternative sites available and more suitable than the one proposed; and, finally, whether the need for and merits of the proposed development outweigh all the objections.
>
> The extent of the conflict with planning policies would appear to depend upon the intensity of activity arising from the proposed use of the site, including traffic generation, and the scale of facilities necessary to support these activities. So long as the playing activities are confined to cricket and the traffic generation limited to the transporting of cricket teams, officials and the numbers of spectators to be expected at small town cricket, I consider that the activities can be regarded as of low intensity and not in serious conflict with any policy. Similarly, so long as the cricket pavilion, car park and other facilities are limited to what is necessary for playing club cricket and maintenance of the ground, the scale of development would seem to me acceptable within the policy constraints applicable to the area.

The impact of the proposal upon the local environment depends upon similar considerations and, again, I consider that the character of the area, its tranquillity and natural beauty would not be appreciably harmed so long as the activities and facilities do not go beyond what is normal for small town cricket.

Although the land is Grade 3a according to the tests and analysis carried out by the Ministry of Agriculture, Fisheries and Food, other evidence indicates that the land has limited potential for use other than as pasture and that this has been recognised by its use over many years. The presence of the archaeological remains would inhibit ploughing over part of the site. If, as seems likely, the northern corner of the application site is not required as part of the cricket ground, the area of the ground would be slightly less than 10 acres, and the ground might continue to be used to some extent for pasture and not permanently lost to agriculture. I do not consider, therefore, that the proposal would result in a significant loss of good agricultural land from farming.

Alternative sites only come into the reckoning, in my opinion, if they are shown to be suitable and available, or likely to become available in the near future. In this category the only possibility appears to be the Shootersway site. This site is close to an Agricultural Priority Area but just within the boundary of an Amenity Corridor, and the evidence is that it is better agricultural land than the application site. Up to the present it has been in arable use. As regards availability, it is not a good prospect for more than one cricket field because of the proposed by-pass road and other restrictions imposed by the owner of the land. I inspected this site, as well as other sites referred to at the inquiry, and do not consider it realistic to expect other land to be restored by the Brick Company and become suitable and available for use as a cricket field in the near future.

The objections of the Berkhamsted Citizens Association, The Chiltern Society and Castle Hill Association have force, in my opinion, only if the level of intensity of use of the proposed cricket ground, scale of its facilities and ground levelling exceed what the applicants state as their intention. It seems to me that it is the fear of what the proposal might lead to, rather than the proposal itself, which inspires much of the opposition. With appropriate control over the future development of the application site, the existing ground and adjacent land, I see no reason to accept as the inevitable consequence of permission for the cricket ground the kind of scenario painted by the Citizens Association.

Taking account of the substantial benefits of the proposed scheme to the Football and Cricket Clubs and to the leisure interests of the town community, particularly its youth, plus the housing gain, I conclude that the need for and merits of the scheme outweigh the planning policy and other objections. However, in my opinion, this favourable balance depends upon the intensity of activity and scale of facilities being kept within the reasonable requirements of a small town cricket club. The Council are clearly aware of the need to exercise control over subsequent development and have suggested conditions of planning permission (at paragraph 47). In addition to accepting these conditions the applicants would accept a personal condition. I doubt whether the latter is a necessary and proper condition applied to the Sports Ground Association Ltd, and it seems to me that the other matters might be treated as reserved for subsequent approval by the Council when detailed development plans are submitted."

The Inspector recommended that planning permission for the proposed development be granted, subject to subsequent approval by the Council of detailed plans of the development.

3. The Secretary of State accepts that the land in question is correctly classified as Grade IIIA by the Ministry of Agriculture, Fisheries and Food. He notes the other evidence that has been put forward about the condition of the land which suggests that it has limited potential for use other than pasture. He does not consider that the past use of the land necessarily implies that its potential use is so limited or that the archaeological remains on the site (which are safeguarded under other powers) would necessarily inhibit ploughing. He notes, however, that alternative sites for a cricket ground are not readily available and that the alternative site considered comprises land probably at least as good in agricultural quality. The proposed development would, moreover, release urban land for housing purposes. He agrees with the remainder of the Inspector's conclusions and his recommendations. For these reasons he hereby grants planning permission for the use of land at the rear of Castle Hill, Berkhamsted as a cricket ground and for the erection of a pavilion and car parking facilities subject to the following conditions:-

(1) Access to the site shall meet such standards as may be agreed with the local planning authority, after consultation with the local highway authority, or, in default of agreement, as shall be determined by the Secretary of State;

(2) Provision for the parking of vehicles visiting the site shall be in accordance with the scheme to be agreed with the local planning authority or, in default of agreement, as shall be determined by the Secretary of State;

(3) The grounds shall not be used for any sport other than cricket;

(4) (a) Approval of the details of the siting, design and external appearance of the building and the fencing and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority;

(b) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 June 1985;

(5) The development hereby permitted shall be begun on or before whichever is the later of the following dates:-

(i) 2 June 1987, or

(ii) the expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved;

4. Attention is drawn to the fact that an applicant for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

5. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

6. It should be noted that any works to which Section 2 of the Ancient Monuments and Archaeological Areas Act 1979 applies, and which are not within any class or descriptions specified in an order made under Section 3 of the Act, (the Ancient Monuments (Class Consents) Order 1981) will require scheduled monument consent from the Secretary of State.

I am Sir
Your obedient Servant

J W M ROGERS

Authorised by the Secretary of State
to sign in that behalf

D/759/LA/P

Tollgate House
Houlton Street
BRISTOL
BS2 9DJ

24 December 1981

To The Right Honourable Michael Heseltine MP
Secretary of State for the Environment

Sir

I have the honour to report that on Tuesday to Thursday, 1 to 3 December 1981, I held an inquiry at The Civic Centre, Hemel Hempstead, into an application for planning permission by The Berkhamsted Sports Ground Association Ltd, referred to the Secretary of State under Section 35 of the Town and Country Planning Act 1971, for the development and use as a cricket ground, with pavilion and car parking, of about 4.39 ha of land known as Kitchener's Field, at the rear of Castle Hill, Berkhamsted.

1. This report includes a description of the appeal site and surroundings, the gist of the representations made at the inquiry, and my findings of fact, conclusions and recommendation. Lists of appearances, documents and plans are attached.

THE SITE AND SURROUNDINGS

2. The site is open pasture land lying some 300 yds north of the grounds of Berkhamsted Castle and about 125 yds beyond the rear garden boundaries of the housing on Castle Hill, together with a narrow access strip to Castle Hill.

3. The main site is nearly rectangular, with south-western and north-eastern sides of about 750 ft, and the south-eastern and north-western sides are 620 ft and 590 ft long respectively (Plan A). The access strip, about 30 ft wide, leaves the corner of Castle Hill road between Nos 4 and 6 and runs to the southern corner of the main site. The site area is about 4.39 ha (10.8 acres).

4. The site is a part of a much larger area of land in permanent pasture. The south-eastern boundary is defined by a post and wire fence and the north-eastern boundary for about 500 ft away from this fence is defined by a field hedge. The remainder of the north-eastern boundary and the north-western and south-western boundaries are undefined on the ground, except that near the southern corner of the site there are the signs of a former ditch and the stumps of dead trees along part of the south-western boundary.

5. Within the site and near its southern corner there are some medium-sized deciduous trees, and these continue in a line near the south-eastern boundary for about half its length. Outside the site, near its south-western boundary are 2 large deciduous trees, and there are 2 or 3 more near the south-eastern boundary.

6. Ground levels over the site vary as a result of the junction of 2 valleys. The main valley runs along an axis roughly south-south-west to north-north-east, with the south-eastern boundary of the site almost parallel with and near the valley bottom. A smaller valley runs through the site towards the north-west. This gives the site a gentle slope upwards away from its south-eastern boundary together with upward slopes towards the western and northern corners, particularly the latter. (Some measurements of relative level are given at Exhibit G to Document 8.2).

7. Between the application site and the rear garden boundaries of the even-numbered houses fronting Castle Hill, a wedge of pasture land would be left varying from 320 ft to 410 ft in width. The open pasture land continues up the valley to the north-west and round to the field hedge running northwards up the hill from the end of the hedge along part of the north-eastern boundary of the site. This agricultural land appears to belong to Castle Hill Farm.

8. The field beyond the north-eastern boundary of the application site has its lower part in use for grazing by sheep but the upper part in arable use. Other land east of the valley bottom and up to New Road, (the road running northwards past the eastern side of Berkhamsted Castle - Plan L is also in use for grazing by sheep, except for the land used by the Wellcome Foundation as their Sports Ground. This farmland appears to belong to Well Farm.

9. The existing sports ground has a cricket field adjacent to the southern half of the south-eastern boundary of the application site. Near the southern corner of the application site there is a timber building used for the storage of ground maintenance machinery, etc, and a little further away the single-storey, flat-roofed pavilion. South-east of the pavilion there is a 5-a-side football pitch, which can be floodlit from lights mounted on or near the pavilion. Between this ground and Bromlow Road to the south there is a full-sized football pitch. On the triangular piece of land near the junction of Bromlow Road and New Road there is a golf practice ground with a green for pitching and putting practice and 2 small huts. Just to the south-west of the pavilion there are hard tennis courts with a red coloured surface. Between the tennis courts and the access near to Castle Hill there is a grassy slope which is evidently used for car parking when not too wet and slippery.

10. Taking the broader view of the surroundings to the application site, there are the urban outskirts of Berkhamsted to the south, with the detached housing of Castle Hill on the higher ground overlooking the site. Berkhamsted Castle is hidden from the application site by the intervening high ground, houses and trees in the castle grounds. To the west there are houses and farm buildings of Castl Farm on the hill but an open valley of farmland running towards distant high ground to the north-west. To the north there is farmland on high ground; to the north-east the open valley of farmland and the farm buildings of Well Farm, with Berkhamsted Common on a ridge of high ground in the distance. Across the valley to the east there is New Road, lined on both sides with trees, and then more farmland on higher ground further east. A public footpath runs from the corner of Castle Hill and alongside the boundary between the existing sports ground and the application site and up the valley to Berkhamsted Common. Another footpath branches off near the eastern corner of the application site and runs north-westwards and then north alongside the field hedges. Electricity local-distribution power lines also run alongside the boundary of the Sports Ground with the application site.

11. From the corner of Castle Hill to the town centre the local road network appears to me satisfactory in all respects until reaching the bridge where the road goes under the railway. Under the bridge the carriageway is not wide enough for 2-way traffic and there is a narrow footway on one side only. In view of the proximity of the station and its car park, and the flow of traffic likely to use this north-south link under the railway and then over the canal, this bridge creates an obvious bottleneck. Between the canal and the High Street, A41, the roads have the limitations which one expects in the centre of an old town.

THE CASE FOR THE APPLICANTS

The material points are:-

12. The Berkhamsted Sports Ground Association Limited is a company limited by Guarantee which was formed in 1924 by a group of local business people. Its objectives are to acquire, establish and maintain land suitable for use as sports and recreation grounds in or near the town, and to promote and encourage outdoor games and recreations in the town and neighbourhood, co-operating with other interested bodies. The Association is non-profit making and is managed by a Board consisting of Chairman, Treasurer and Secretary, plus 2 members each from Berkhamsted Town Football, Cricket and Tennis Clubs.

13. Since 1924 the Association have owned a 4½ acre freehold site in Lower Kings Road, Berkhamsted (Plan B). The area hatched black was until 1950 used by the cricket club in the summer and hockey and football clubs in the winter. The hockey club have now purchased their own ground at Cow Road, Tring, so that at Lower Kings Road the cricket and football clubs share use of the hatched area. On the eastern side of the ground there are spectator terraces, a stand with changing rooms underneath, and an old war-time building serving as club house. These buildings are near the end of their lives and in very poor condition. On the other side of the ground a new cricket pavilion has been built to replace the old original one and there are tennis courts used by the tennis club, who have their pavilion and more courts to the west.

14. The only football and cricket grounds in Berkhamsted, apart from the Association's ground, are those of schools, the Wellcome Foundation's private ground and some football pitches for rent from the local council. There are no public cricket grounds. Yet in 1924 the population of Berkhamsted was about 8,000 and now exceeds 16,500. The Berkhamsted Football and Cricket Clubs have expanded considerably in the past 26 years, particularly in the provision of facilities and coaching for the youth of the town. The one ground available to them restricts their activities and causes friction due to overlapping seasons, so that neither club can fulfil its full potential.

15. The football club has some 40 senior and 20 junior players. They have played for many years in the Spartan League but aspire to the higher standard of the Athenian and Isthmian Leagues. The club cannot satisfy the requirements of these higher leagues, first, because the changing and spectator accommodation is not up to standard and, second, because it does not have an enclosed ground available over the whole season from mid-August to mid-May. An enclosed ground is necessary for security purposes and so that gate money can be charged. Flood lighting is also a requirement. The present situation is that the club has to play all matches away from home for a month in each season and the overlap with cricket prevents

proper ground maintenance such as re-seeding and re-turfing when necessary. The existing buildings, besides providing unsatisfactory accommodation, detract from the appearance of the area but the club is not in a position financially to undertake any major works.

16. The cricket club has about 50 senior players (over 19 years old) and 75 juniors. It runs 3 elevens at weekends throughout the season and 4 elevens from June to August inclusive, as well as 3 different age-group youth teams. This means that 2 or 3 elevens have to play away every weekend and that the third and fourth elevens never play on the home ground. Pitches have been used in recent years at the Hockey Club but this is a far from satisfactory arrangement because the ground is 2½ miles from the club ground and difficulties of ground maintenance at this distance result in poor, and even dangerous, wickets. On the home ground the sharing with football results in cricket use ceasing at the end of August whilst the season goes on till the end of September. It also means that the cricket outfield is badly churned up and bumpy when the season starts on 1 May and continues so for some time.

17. Conscious of the cricket and football club problems the Sports Ground Association have spent much time over the last 10 to 15 years in looking for alternative sites. The difficulties are that within the town the density of development is high and outside the suitability of the land is affected by the local topography. Open spaces are either situated mainly on the hills outside the town or are agricultural in nature and not available or accessible. A possible 5-ha site was found at Shooterway, about 1½ miles from the town centre (Plan E) but without easy access. Negotiations with the owners, Berkhamsted Brick Company Ltd, were commenced for leasing about 5 ha of this land and outline planning permission was obtained for use as a cricket ground. At the time the land was being used for agricultural purposes on a cropping basis and has continued in such use since. The land granted planning permission would provide for 2 cricket fields and pavilion, with car parking on the uneven and overgrown land near the brick works (Plan C). However the Brick Company wish to retain a 65 ft wide strip of this land parallel with the south-eastern boundary, for possible future development and this would considerably curtail the project. Furthermore, the Preferred Route of the A41 Berkhamsted By-pass has been published, showing the road taking up a considerable portion of the remainder of the site. The result is that there would not be sufficient suitable land for 2 cricket fields, pavilion and car parking, making it impracticable for the Cricket Club to move to the site. It was then decided that the old cricket pavilion at Lower Kings Road would have to be replaced and contracts were signed for the new buildings. After entering into this commitment it was learned that the application site might become available. No other suitable site is known by the Association to be available.

18. The Association have since obtained a legal binding option to purchase the appeal site from the owner of Castle Hill Farm. It is gently sloping land of sufficient size to provide for 2 cricket pitches with room for a pavilion and necessary car parking facilities (Plan F). It would not be necessary to alter the contours of the ground, except possibly for slight levelling of the cricket squares. The option agreement contains a specific covenant which will run with the land and can be enforced by the owner of Castle Hill Farm. This covenant would prevent any playing of association football on the ground, any floodlighting of the sports area and the erection of any permanent building except within 150 ft of the south-eastern boundary of the site (Plans A1 and A2).

19. The development scheme now proposed by the Association is in 2 parts.

a. The Football Club would move their football pitch onto the western half of the Lower Kings Road ground and take over the new cricket pavilion. The old buildings near the eastern boundary of the site would be demolished and the eastern half of the site sold for residential development. The existing access to Lower Kings Road would be re-located. This part of the scheme shown on Plan D, was granted outline planning permission, including the erection of up to 40 flats, by the District Council on 19 March 1981, but would not be implemented except in conjunction with part b.

b. The sale of part of the Lower Kings Road site would enable the Association to purchase the application site, construct a suitable access road to it, lay 2 cricket squares, and construct a suitable cricket pavilion, thus enabling the cricket club to move to this location. The club would wish to obtain a Club Registration Certificate to enable bar facilities to be offered to members and guests. The more steeply rising ground towards the northern corner of the site may well not be needed and so the option not exercised over this part, reducing the total area of the site to just under 10 acres. This part of the scheme is the application now before the Secretary of State.

20. The proposed scheme would benefit the Football Club by enabling it to have an enclosed ground, with a modern pavilion and the opportunity to erect floodlights. There would be none of the problems arising from the shared use of the ground and the Club would immediately seek to improve their status in higher leagues. Improved facilities would give greater opportunities for coaching and matches, and having the ground available throughout the year would enable coaching and 5-a-side tournaments to be run during the Summer. This would encourage local boys to join the Club and be of great benefit to the youth of the town. There would be similar advantages for the Cricket Club. So the whole scheme would greatly benefit the local community by providing additional recreational facilities in a town where there is a lack of such facilities and an inability of local authorities to make good the deficiency. This is recognised by the Berkhamsted Town Council, who welcome the provision of additional sporting facilities at no cost to the ratepayer, and by the Chairman of the Leisure Services Committee of the District Council (Document 7). It could also make a significant contribution of new 'starter' homes in the town.

21. The intention at Kitchener's Field is to make every effort to preserve the pastoral scene and limit the development impact to the narrow accessway, a sporting area with 2 pitches, a suitable pavilion with integral club bar for members and provision for car parking. Care would be taken, in full co-operation with the local planning authority, to effect such landscaping as may enhance the area. The only work necessary to lay down the sports ground would be surface work preparatory to seeding. There would be no ground levelling or engineering work, except possibly for minor levelling of the 2 cricket squares. The pavilion would be erected adjacent to the row of trees, well away from the part of the site containing archaeological remains. The Association would accept a condition of planning permission confining use of the sports ground to cricket, and also a personal condition so that the use could be reviewed should the Association cease to exist. The design and external appearance of the pavilion would be subject to approval by the local planning authority, as reserved matters, and the materials and depth of the car parking surface could also be controlled. For example, a "grass-crete" or similar surface might be specified.

22. The Chairman of the Association attended the meetings of both Berkhamsted Town Council and the Development Control Committee of the District Council at which the applications were first considered. There were full complements of councillors at both meetings. The discussions were lengthy and detailed and, despite the Chief Planning Officer's recommendations, the Committees were unanimously in favour of the applications. The Town Council praised the scheme and considered the proposed cricket ground to be a much needed amenity for the town. At both meetings the present lack of amenities was stressed, and this is borne out by the Dacorum District Plan Written Statement on pages 34 and 35. When the District Council's Development Control Committee re-considered the Kitchener's Field application, after receiving the views of the Ministry of Agriculture, Fisheries and Food, they adhered to their previous conclusion by a 15:2 majority that planning permission should be granted.

23. The Dacorum District Plan Proposals Map shows the boundary between an Agricultural Priority Area and Amenity Corridor running along the south-eastern boundary of the application site and including this site within the Agricultural Priority Area but the adjoining Wellcome Foundation Sports Ground within the Amenity Corridor. At the inquiry hearing objections to the deposited Plan the Association suggested that the boundary should be moved westwards to incorporate the application site within the Amenity Corridor. However the Inspector concluded (Document S.3) that the proposed boundary was a reasonable reflection of the present local position and there was justification for including the application site within the Agricultural Priority Area, and so he recommended no modification. He considered that the merits and de-merits of the new cricket ground proposals, and whether the circumstances justified an exception to policy in this case, were for the District Council and Secretary of State to decide.

24. In the District Plan the application site is shown as lying within the Metropolitan Green Belt and the Chilterns Area of Outstanding Natural Beauty, just within an Agricultural Priority Area and part of the site within an Area of Archaeological Importance. Therefore, the policies applicable to these designated areas have to be considered to determine the extent to which the proposed development is in conflict with the policies.

25. The Green Belt policy of the Structure Plan, Policy 2, states that a permission will not be given, except in very special circumstances, for the construction of new buildings...for purposes other than...small scale facilities for participatory sport and recreation, or other uses appropriate to a rural area...". Cricket is not intrinsically inappropriate in a rural area and is a participatory sport, and the construction of a cricket pavilion would be small scale and not conflict with this policy. Under the District Plan Policy the council have to be satisfied that ...."the proposal is for leisure purposes appropriate to the area and which cannot reasonably be located within urban areas". It is clear that the council are satisfied. So Green Belt policy is not infringed.

26. Structure Plan Policy 21, relating to the Chilterns Area of Outstanding Natural Beauty, states that "the preservation of the beauty of the area will be the prime consideration...agriculture will be encouraged to prosper...the area should not be regarded as one of availability from the point of view of development and...development should be subordinated to the basic theme of the area of outstanding natural beauty". The District Plan Policy 23 is similar, being..."concerned to preserve the natural beauty of the landscape, to encourage agriculture and to conserve wildlife. Special attention will be paid to the siting, design and external appearance of any buildings that are permitted...". The cricket ground would not cause any

disfigurement of the landscape. The landscape already owes much to man's intervention by way of agriculture or forestry, and the man-made cricket pitch would be no more of an intrusion than much of modern agriculture. It is accepted that there can be anxiety about the pavilion and car park but there is ample opportunity to ensure that they are suitably sited, designed and screened. Thus the development can be subordinated to the basic theme. Cricket played in rural surroundings is almost as traditional as agriculture and there are many examples of cricket fields in areas of outstanding natural beauty throughout the counties of England. Provided that the pavilion and car park are planned sensibly there would be no conflict with the conservation of natural beauty.

27. The Roman remains giving rise to the designation of part of the site as of archaeological importance are in the north-eastern section of the site, which would be the outfield of one cricket pitch. No earth movement is intended and so the remains would not be disturbed. In contrast, arable cultivation of the land without restriction on depth of ploughing for appropriate agricultural use of Grade 3a land could well cause damage.

28. Policy 18 of the Structure Plan states that "the needs of farming and forestry will have priorty over other activities within Agricultural Priority Areas..... agriculture is to be encouraged...countryside recreation of a quiet nature and low intensity only will be encouraged and confined to a network of scenic drives, footpaths and bridleways". Cricket is of a quiet nature and a low intensity activity when played at village or small town level. It does not attract large numbers of spectators and those that do watch are usually well behaved. While cricket does not fall within the category of footpaths, bridleways and scenic drives it does not clash with agriculture and probably causes less harm to farming than the encouragement of greater use of footpaths over agricultural land. District Plan Policy 9 is not normally to grant planning permission for recreational development in Agricultural Priority Areas in order to give priority to agriculture and conserve the character of the countryside. The proposal would not damage the character of the countryside and would not conflict with the purpose of the policies which is to give priority to agriculture over any development which clashes with agriculture. It is where there is conflict that a priority is necessary, and in the case of an Area of Archaeological Importance it would appear that cricket should be preferred to agriculture. Furthermore, throughout Chapters 2 and 3 of the District Plan there is hardly any reference to the purpose of agriculture, no stress on its importance and little consideration given to the agricultural quality of one area of land as compared with another. The primary concern appears to be the protection of the visual environment. There is no evidence of agricultural grading of the land being taken into account when the boundary between Agricultural Priority Areas and Amenity Corridors was drawn. It has not been shown that the application site is any better agricultural land than the adjoining land in the Amenity Corridor to the east.

29. The objection to the proposal from the Ministry of Agriculture, Fisheries and Food is based on Circular 75/76 and their assessment that the site of just over 10 acres is Grade 3a, ie good agricultural land. However this grading is disputed in the evidence of 2 expert witnesses and the past history of agricultural use of the site, as follows:-

a. Mr Cox, a practising farmer for 25 years, farming 1,000 acres at Berkhamsted and elsewhere and Director of a company advising and managing other farms in the area, has known Kitchener's Field for over 20 years and

has recently examined it. The field lies in a dry valley, the soil type is 'clay with flints' and the top soil is approximately 8 ins deep, acidic in parts (pH 5.5 to 6.5). He has taken 4 samples by spade down to the chalk sub-soil. The samples showed many stones up to 6 ins in length and an average of 61% of the top soil by weight was stone greater than ¼ in in diameter. Below lies a shallow layer, 4 to 6 ins thick, of stoney sub-soil overlying chalk at approximately 1 ft from the surface. Because of the chalk below, and the high proportion of stone in the top soil, the area would be expected to suffer severely in times of drought. That this occurs is confirmed by observation. The soil would also make arable cultivation very expensive and the stone would rule out commercial production of root crops. In his opinion the land should be considered at the poorer end of Grade 3, such as 3c. He is also familiar with the Shootersway land, having inspected and worked it, and would consider this to be at the higher end of Grade 3, certainly better than Kitchener's Field. In general, the land on the top of the hills is better than the thin valley land, and is capable of producing 2½ to 3 tons per acre of wheat, compared with probable 1½ tons/acre from the kind of land like Kitchener's Field. Kitchener's Field is also very susceptible to frost, being at the junction of 2 valleys.

b. Mr Paton has inspected the land and on 14 November 1981 carried out, jointly with a senior representative of Humberts Farm Management Department (previously employed by MAFF on land classification), tests of soil type, depth and condition. Nine trial lots were dug and augured, in positions shown on Plan G. The workable soil amounted to a depth of 3 to 6 ins overlying a layer of stone and flint. It was difficult to produce cores for soil analysis in the time available but the overall conclusion, based on agricultural experience and comparison with other areas, was that the land was of poor productivity and should be a low Grade 3 or 4. The use of the land over the years confirmed its poor quality.

c. The 1970 Agricultural Land Classification Map (Plan M) shows Kitchener's Field and adjoining land on Castle Hill as "other land primarily in non-agricultural use", whereas much of the higher land to the north-west, north and east is shown as Grade 3. The land has not changed since then and so it is hard to see why this land should now be within an Agricultural Priority Area. The land has not been ploughed since 1914, if ever, and was not considered to be pasture land suitable for ploughing by Hertfordshire Agricultural Executive Committee during World War II. Over the past 10 years the owner has on 2 occasions stripped the turf and the present rough grazing is the result of natural re-seeding.

30. The policies for leisure and recreation are generally to encourage sports provision in Amenity Corridors, with high intensity activities located in easily accessible urban areas, medium intensity activities on the edges of towns and only low intensity outdoor activities between towns. Under District Plan Policy 75 planning permission for leisure proposals will not normally be granted in areas outside Amenity Corridors. There is no ban; 'normally' needs underlining. A low intensity activity, such as a golf course, is considered in paragraph 7.4 as normally appropriate. Reading Policy 75 in conjunction with the preceding paragraphs shows no conflict between the proposal and the policy, bearing in mind that small town cricket cannot be considered as other than a low intensity outdoor activity. Policy 76 requires refusal of proposals where there are overriding agricultural or nature conservation interests, and previous consideration of these points shows that there are no such overriding interests.

31. An overall analysis of the policy objections shows that no objective of any policy would be prejudiced by the proposed development. The only conflict would be with Structure Plan Policy 18 and only then because of the difference in intensity of activity between cricket (at say 3 persons per acre) and the use of footpaths, bridlepaths and scenic drives. The aim of the policy is to give priority to farming and forestry in Agricultural Priority Areas and it can be seen that the effect of the proposal on agriculture would not be significant. If there were an overriding agricultural interest, such as in a national emergency, the site could easily be returned to agricultural use. Objections on other than policy grounds are wide ranging and the main ones are considered below.

32. There are objections to the proposal on grounds of adverse impact on the natural beauty and rural character of the area, on enjoyment of the footpaths and to the obtrusion of a building and car parking. The cricket field would not require any works to change the contours of the land, and would not detract from the visual amenity of the area; the much greener grass of the mown field would probably appear to most people more attractive than the present rough pasture. The activity of cricket would provide interest to users of the footpaths, would not attract large and noisy crowds and seldom gives rise to bad behaviour. The ground would only extend some 100 yds along the footpath further than the present Wellcome Foundation ground. Cricket is not out of place in a rural setting; it is traditionally played around towns and villages all over the country, and is largely confined to Summer weekends and fine weather. The pavilion need not be obtrusive and can be screened to some extent by existing trees and new planting; an agricultural building would probably be just as obtrusive or more so. The car park would not be intensively used and need not have a concrete or tarmac surface. The details of the development are under the control of the Council and the Association would accept a landscaping condition of planning permission.

33. There are objections to increased traffic, and therefore congestion, at the narrow railway bridge and at the junction of Castle Hill and Brownlow Road, and to the noise and nuisance of car parking associated with another sports ground on Castle Hill. An estimate of the likely traffic generation from the proposed cricket ground, compared with existing traffic flows, shows the objection to be much exaggerated. Traffic counts were taken on Castle Hill on 6 different weekdays and 4 different weekends during July, August and September. These gave morning peak hour flows (8 to 9 am) of between 430 and 580 vehicles (both directions), and in the evening (5 to 6 pm) between 460 and 540 vehicles, on normal working days. At weekends, between 1 pm to 2 pm on Saturdays and Sundays, the counts varied between 200 and 240 on Saturdays and between 180 and 196 on Sundays. Cricket matches normally commence at 2 pm, and so between 1 and 2 pm on Saturdays and Sundays a maximum of 4 teams, officials and visitors would arrive. They would never occupy more than 30 cars, and usually considerably less. This additional traffic added to the existing traffic, when local residents are likely to be having lunch, is considerably less than half the peak hour flow occuring twice per day on working days. There is no question of use of the cricket ground car park by commuters. There is the possibility that nuisances caused at present by lack of car parking facilities at the adjacent Wellcome Foundation Ground could be overcome by co-operation in planning - shared access, together with planned provision for parking on both grounds. The pavilion and car park of the proposed cricket ground are too far away from houses for the associated activities to cause disturbance to local residents.

34. There is apprehension concerning use of the wedge of land between the Castle Hill houses and the cricket ground, should permission for the cricket be permitted, but there is no reason why this land should not continue to be used for grazing and never be used for anything else. The present proposal cannot properly be compared with previous applications for development in the area, such as for a school involving large buildings or at the Wellcome Foundation ground a building of some 8,500 sqft floor area and including a flat. Fears have also been expressed about precedent, using the 'thin edge of the wedge' argument, but each application has to be determined in its merits and it is always open to the local planning authority to say 'so far, but no further'. The Chiltern Society statement (in Document 3.2) that "the principle of natural justice is enshrined in precedent" is not so, otherwise there would be no progress.

35. The Chiltern Society and Berkhamsted Citizens Association show in their evidence a lack of understanding of the inadequacy of the present ground at Lower Kings Road and the need for a new cricket ground. They then suggest that more suitable alternative sites than the application site are available but neither they nor the Town and District Councils are able to identify a better site which is available. The Shootersway site, apart from the negotiation difficulties and effects of the proposed by-pass road, is in open countryside rather than on the edge of the town, is also within the Green Belt and Area of Outstanding Natural Beauty and is almost certainly better agricultural land than the application site. At present it is mostly in arable cultivation. The difficulties of finding 10 acre sites suitable as playing fields in the Berkhamsted area is well illustrated by the schools building programme in the early 1970's. The new schools needing sites of about 10 acres were forced out to the tops of hills and on the edges of development (Plan E). Local authorities have powers to obtain such sites. Private companies have not only to overcome planning difficulties but find land which the owners are willing to sell or rent. There is very little likelihood of a local authority acquiring land such as that shown O/P on the Proposals Map of the District Plan, using compulsory powers where necessary, and then making it available for private use.

36. In conclusion, it has been shown that the proposal would infringe Structure and District Plan policies in only minor and marginal ways. The proposed use of the site, confined to cricket and accepting the restrictive covenant and planning conditions as to personal use, landscaping, no alteration of ground contours except possibly minor levelling of the cricket squares and subsequent approval of the details of the pavilion, car park and access road construction, would have no significant adverse effect upon the local environment and would be a wholly appropriate and traditional use. The need for additional sports facilities in the area, especially cricket since there is no public cricket ground other than at schools, is accepted but constraints on public expenditure prevent the need being met by local authorities. The benefits of the scheme to the football and cricket clubs, to the youth of the town and community at large, particularly in these days of high unemployment and increased leisure, would be considerable. In addition there would be the opportunity for housing gain, improved access road junction and general appearance of the site at Lower Kings Road. The benefits of the scheme are heavily in favour of the proposal.

THE CASE FOR THE PLANNING AUTHORITY

The material points are:-

37. The Development Control Committee of the District Council first considered the application at its meeting on 19 March 1981. At this meeting the committee

discussed a lengthy report by the Chief Planning Officer (Document 4.1) and took account of the characteristics and setting of the site, the policy constraints applicable and the various objections raised by local residents and interested groups. It was unanimously concluded that permission should be granted but decided that the application should be referred to the Secretary of State as a 'departure application'.

38. Since the application site was in excess of 10 acres and the Council were minded to grant permission, the Ministry of Agriculture, Fisheries and Food were consulted and their views received (Document 5.2). On 18 June 1981 the Development Control Committee considered a further report from the Chief Planning Officer together with the observations of the Ministry and Hertfordshire County Council. Notwithstanding these views the Committee voted 15:2 in favour of planning permission being granted.

39. Between 14 and 28 July 1981 the application site was the subject of discussion at the public local inquiry arranged to hear objections to the District Plan. The present applicants objected to the boundary line of the Agricultural Priority Area and Amenity Corridor as drawn through Kitchener's Field and argued that it should be outside the application site. The Castle Hill Association opposed the proposed amendment. The Inspector's report has now been received but the District Council have not yet had occasion to consider it. The Inspector's conclusions and recommendation concerning this objection are reproduced at Document 8.3.

40. The deposited Dacorum District Plan has been certified as being in general conformity with the Hertfordshire County Structure Plan but has not yet been adopted by the District Council. In the approved Structure Plan and the District Plan the application site is shown within the extension of the Metropolitan Green Belt, the Chilterns Area of Outstanding Natural Beauty, an Agricultural Priority Area and part of the site is shown as an Area of Archaeological Importance.

41. Under the Structure Plan and District Plan policies for the Green Belt, Policies 2 and 1 respectively, small scale facilities for participatory sport, such as a cricket pavilion, are not precluded and the committee was satisfied that in the particular circumstances the proposal was for a leisure purpose appropriate to the area, which could not reasonably be located within an urban area. The proposed cricket ground was not, therefore, in conflict with Green Belt policy.

42. The District Plan's policy for the Chilterns Area of Outstanding Natural Beauty, Policy 23, is to conserve the natural beauty of the landscape, encourage agriculture, conserve wildlife and pay special attention to the appearance of such buildings as are permitted. It is very doubtful whether this policy precludes cricket. The pavilion and parked cars were considered to be of minor significance and no threat to the natural beauty of the area if their development is controlled by appropriate conditions.

43. Structure Plan Policy 29 is concerned with the preservation of archaeological remains but is no real constraint on the proposed development because there is no reason why the remains should be disturbed. In any case the remains are protected by the obligations of the owners or occupiers of the land under Section 6(2) of the Ancient Monuments Act 1931.

44. Structure Plan Policy 18 and District Plan Policies 9, 75 and 76 are concerned with the importance of agriculture and positive environmental conservation as

against recreational and other development in Agricultural Priority Areas. The purpose of the zoning of Agricultural Priority Areas and Amenity Corridors is to guide development into appropriate areas, in general keeping leisure and recreational activities close to the residential areas and means of communication of towns. In this case the site is adjacent to an existing sports ground within an Amenity Corridor and is close to urban development and road communications and also to the railway station. There is no physical distinction between the one part of the valley which is Amenity Corridor and the other part which is Agricultural Priority Area, except for the existence of the Wellcome Foundation sports ground. This raises 2 questions. First, if the present application had been made before the APA/AMC boundary was drawn would the application site have been included in the AMC? This particular boundary and its possible amendment was considered at the recent inquiry into District Plan objections and the question left open. The Inspector has not recommended a modification but the Council have not made a decision on this point, and if planning permission is granted for the present proposal it would be logical to amend the boundary. Secondly, what is the agricultural value of the application site? There is conflict of evidence on this point but it is significant that this land was not ploughed up even during 2 World Wars and the Agricultural Land Map classification of the land in 1970 (Plan M) has not been challenged. The site has since been worked for turf on several occasions.

45. It is accepted that the sport of cricket is one of the least intensive recreational pursuits and one that is not intrinsically unsuitable in a rural setting. The application site is immediately adjacent to an established private sports ground. The topography of the town makes it difficult, if not impossible, to find a suitable alternative site within the former Urban District boundary. The proposed site, pavilion and car park could be laid out to blend with the countryside and with new landscaping and tree planting the development need not harm the scenic beauty of the area. The isolation of the site from adjacent residential properties is not a matter for concern since any development of the intervening land would require the permission of the local planning authority, and the isolation is to the advantage of local residents as regards any effect of the cricket club activities upon their amenities.

46. Having regard to the approved Structure Plan policies and those of the deposited District Plan, and all other material considerations, it is concluded that the merits of the proposed scheme outweigh the various policy and other objections. The extent of the conflict with the County Structure Plan and departure from the policies is so small as to be of little importance, and is justified by the special circumstances of the application.

47. If planning permission is to be granted, it is requested that planning conditions be imposed to provide the local planning authority with the means to control the subsequent development. In the Council's view matters covered should include:-

a. access to appropriate highway standards (not suggesting metalled surfacing but appropriate width, etc);

b. boundary treatment and landscaping;

c. car parking provision;

d. detailed design of the pavilion and car park to have regard to its setting;

e. access to and safeguarding of archaeological remains;

f. the restriction of the permission to use of the site as a cricket ground.

CASE FOR THE MINISTRY OF AGRICULTURE, FISHERIES AND FOOD

The material points are:-

48. The site lies at a height of between 107 and 122 m above Ordnance Datum. It straddles a small dry valley with an easterly aspect. The average annual rainfall for this part of Hertfordshire is 711 mm. The growing season is between 230 and 240 days. The area is not exposed and the slope of the site is not a limiting factor in the grading of the land. The land is in permanent pasture.

49. On the provisional Agricultural Land Classification Map, Sheet No 159 (The Chilterns), extracts at Plan N, the site is shown as "other land primarily in non-agricultural use". Because of the acknowledged limitations of the map, the site was inspected on 9 April and 17 November 1981. On each occasion samples were taken using a one metre Dutch auger of 1¼ in diameter. Plan N shows the positions of the auger borings and Document 9 the schedule of results of analysis. The site falls within Grade 3a of the Ministry's Agriculture Land Classification System. This is regarded as 'good' agricultural land since only 17.4% of the agricultural land in England and Wales is in the higher Grades 1 and 2.

50. The underlying geology of the area is middle chalk with a variable covering of loam and gravelly deposits. This material is derived from pre-existing geological formations which are mixed and re-arranged during transport from higher to lower ground, often under periglacial conditions. These materials contain flint, chalk and other materials in proportions depending on their source, and may contain a high proportion of silt, partly of non-local and windborne origin. The stones may be arranged in bands or pockets within the deposit.

51. The soils comprise flinty and pebbly loams, or loams over a brown, friable, flinty or pebbly sub-soil which usually becomes stiffer and redder with depth. Chalk was found in the soil profile at one location only, where the deposit thins out on the main valley slope is approached. The site is well drained. In cross-examination it was acknowledged that the 1¼ diameter auger used for sampling would not have brought up any large stones and so the sample results do not contradict the evidence of Mr Cox as regards the stoniness of the soil.

52. National policy on the non-agricultural use of agricultural land has recently been confirmed in Circular 22/80, in which it is stated that only the essential minimum of agricultural land should be allowed to be diverted to developments, and land of higher agricultural quality should not be taken when lower quality land could reasonably be used instead. The application site comprises high quality agricultural land and so in accordance with Government policy and in the national interest it should be retained in agricultural use. It was, however, conceded that owing to limited resources it was only possible to determine the sub-divisions of Grade 3 for land in Hertfordshire on an ad hoc basis. It could not be said whether land in the Amenity Corridor adjacent to the application site was any worse or better than that of the site itself and its Agricultural Priority Area, nor had any tests been carried out to determine the sub-grading of the Shootermay site. So far as was known the Ministry had not been consulted when the District Plan boundaries between Agricultural Priority Areas and Amenity Corridors were drawn.

THE CASES FOR INTERESTED PERSONS

The material points are:

The Case for Berkhamsted Citizens Association and The Chiltern Society

53. Mr Moores spoke on behalf of Berkhamsted Citizens Association, an Association founded in 1924 and currently having a membership of some 400 families, and also on behalf of The Chiltern Society, whose written representations are at Document 3.2. The Association's interests lie in the maintenance and improvement of the amenities of Berkhamsted and its surrounding countryside, and members are informed of proposed developments through a newsletter.

54. The Cricket Club is looking for a new site even though they opened a new £38,000 pavilion club house on their present ground quite recently. The need to find a new site is partly caused by the Sports Ground Association itself in deciding to sell some of the land for residential development. The District Council facilitated this proposal by granting planning permission on 19 March 1981 although it conflicts with District Plan policies. Policy 75, on Leisure, states that within Amenity Corridors, the District Council will exercise its powers of development control so as to secure the location of high intensity leisure uses in urban areas, and in paragraph 7.6 states that they will seek to retain existing sports facilities.

55. Plans for a cricket club in Kitchener's Field are in conflict with Structure and District Plan policies as stated in the report of the District's Chief Planning Officer to the Development Control Committee. The Citizens Association are in complete agreement with and support the reasons given and the recommendation for refusal of the professional officers. If planning permission were to be granted the whole purpose of the County and District Plans would be undermined, destroying the principles and integrity which they seek to lay down in planning control. It is easy to speculate on the possibilities arising from permission and the alteration of the Amenity Corridor boundary to condone the permission - see Document 10.2. Even should the Amenity Corridor be moved the permission would conflict with the proposed change to the District Plan's Policy 9, which states that "Agriculture will be retained as the most important and predominant land use in Amenity Corridors outside built-up areas". It is critically important that the planning principles agreed, which form the basis for decision making where there is conflict of demand on land resources, are upheld. The District Council is going against such principles and failing to protect an important piece of our local heritage.

56. Kitchener's Field forms a link between the historic moated castle and the beautiful surrounding Chiltern Hills, and is part of an Area of Outstanding Natural Beauty. Townspeople and visitors alike regularly walk this way to the common and Ashridge. A cricket field would seem, prima facie, not to be in conflict with such an area and it is accepted that a cricket pitch as such would not be. However when the full implications of the proposal are appreciated it is easy to see that the reverse is the case. Berkhamsted Cricket Club is not a small village club, which can manage with few encumbrances but is a large and flourishing club, which earlier this year won the Gazette Cup. The proposal is to create 2 complete cricket fields and the club need a large clubhouse and pavilion, floodlit car park for 100-200 cars (sic) [the applicants state a maximum of 40 cars and no floodlighting], and attendant groundsman's facilities. These would entail ancillary buildings, ground maintenance machinery, site screens, practice nets, power and telephone cables, and roads. All this would ruin the nature of the land, the beautiful views along the valley, and the enjoyment of the walks along the footpaths. There must come a time when any further encroachment into the countryside is halted. This is

particularly important when the trend is for people to abandon inner city areas and move out to the country, so creating great pressure on areas such as Berkhamsted.

57. The alternative site at Shooterway, where planning permission has been granted for cricket, is a very suitable site for the cricket club. It may be a little further away for some members and the disadvantage of losing one pitch, if the proposed by pass is constructed, is recognised. However compensation might take the form of laying a second new pitch on the adjacent site of the old brick workings, which are currently being filled in. This would be a more appropriate use than the current planning requirement of a restoration for agricultural use. The overall effect would be to enhance this area for the benefit of everyone.

58. The case for the Castle Hill Association is agreed and supported.

The Case for the Castle Hill Association.

59. This Association was formed in October this year and has a membership of some 60 adults and 15 children. Its aim is to protect and improve the physical and social amenities of the area and to co-operate with other organisations on matters of mutual concern. Its concern about the proposed development springs from the consequences which it is convinced would follow from permission for the application.

60. The applicants have pointed to the Wellcome Foundation sports field lying to the east of the application site, when justifying their proposal. It is understood that this sports ground was established before planning control and purchased by the present owners from the Cooper Company around 1951. In 1976 the Wellcome Foundation applied for permission to erect an extensive club house, with bar and caretaker's flat above, and car parking for 75 cars. This was refused by the Council on grounds of conflict with Development Plan policy for an Area of Outstanding Natural Beauty and Green Belt, and serious loss of the visual amenity of the area. Another application in 1977 to construct indoor and outdoor sports facilities, plus a car park, was refused because, inter alia, the indoor facilities would be inappropriate in this location where only outdoor facilities are envisaged, and would cause loss of open character and visual amenity of the area. Permission for the present application would be inconsistent with refusal of these previous applications and would be a signal to the Wellcome Foundation to revive their previous applications for an extensive club house with members' bar, paved parking and other forms of expansion. Only last year garish red clay tennis courts and a large unsightly machine shed were constructed with, it is believed, delegated planning permission.

61. The policy for The Chilterns Area of Outstanding Natural Beauty is based on the conclusions of the document 'A Plan for the Chilterns', in which it was considered that the basic policy in resolving conflict between recreation and the landscape must be..."to canalise the greatest recreation uses to certain limited areas...and leave the remainder to be enjoyed by those whose interests are in solitude and scenic beauty". The County Structure Plan supports the Plan for the Chilterns in its Policy 21, stating that preservation of the beauty of the area will be the prime consideration. The applicants speak of the proposal as "preserving the pastoral scene and outlook" but the Castle Hill and Berkhamsted Citizens Associations and The Chilterns Society see this development differently. They see over 10 acres of land in the middle of a beautiful valley fenced in

against cattle, with a pavilion built in one corner, a hardstanding car park alongside it, with lighting for night parking, 2 cricket fields separated by an artificial or tree barrier, with contours modified, and a paved road leading from Castle Hill to the site. Even if all the promised landscaping is carried out an enormous compound would still be seen, in which cricket would form only a part of the overall activities. There would be the passage of cars across the valley and their formation into ranks of multi-coloured patchwork on the car park. This would obviously detract from the pastoral scene and the tranquility of the area. Then there is the question of what would happen outside the cricket season. It has to be assumed that the pavilion would be put to use to pay for its maintenance. The present pavilion at Lower Kings Road has been granted permission for use as a nursery school, operates a licensed bar and is currently advertising a discotheque. Profitable uses of the proposed pavilion would also be likely, such as gala evenings, dances, discotheques, indoor and outdoor amusements - a kind of social centre use, in fact. The pressures for such activities are well understood, but the true pastoral scene should be retained as it is. Little confidence is placed in the restrictive covenant on the land because the effects of covenants can usually be bought off.

62. The importance of adequate sports grounds for the young, the increase in leisure time, the scarcity of land around Berkhamsted and the difficulties over the years of finding a suitable site for the cricket club are largely accepted, but it is difficult to understand why the Shootersway site was dropped so abruptly. The publication of the preferred route of the A41 Berkhamsted by-pass does not inevitably end any possibility of sports use of that site. There remain the opportunities to secure some modification of the route or obtain more land. A large section of the adjacent Brick Company derelict land could with advantage to the neighbourhood be reclaimed and used for a cricket pitch. The field at Shootersway is isolated and not attached to any farm holding, whereas the land at Kitchener's Field is an integral part of an agricultural holding and presently used as part of a larger tract of pasturage. There is concern, too, about the future use of the strip of land left between the application site and the Castle Hill houses. The Shootersway field lies within the Amenity Corridor, whereas the application site is within an Agricultural Priority Area, and following the District Plan inquiry no change of boundary was recommended. Therefore, from a planning point of view the Shootersway site provides a better solution to the Club's needs. There would also appear to be the possibility of joining forces with Berkhamsted Hockey Club at Cow Roast or the cricket club at Northchurch.

63. Some members of the Castle Hill Association are particularly concerned about the increase of traffic using Castle Hill which would result from the introduction of another sports ground in Kitchener's Field. It would aggravate the congestion at the bottleneck formed by the railway bridge, add to the danger at the Bridgewater Road/Bromlow Road and Castle Hill/Bromlow Road junctions, and the passage of a considerable number of cars through the narrow entrance to the site from Castle Hill would cause serious disturbance to the householders nearby.

64. It is concluded that the Council, in not refusing the application, gave inadequate consideration to the planning objections, as presented to them in the reports of their planning staff, and to the expressed views of the County Council and Ministry of Agriculture, Fisheries and Food, and acted contrary to the principles it had supported in previous applications for development in the same area. The objections presented by the Berkhamsted Citizens Association and The Chiltern Society are supported.

FINDINGS OF FACT

65. I find the following facts:-

1. The proposed cricket ground lies north of Castle Hill about 125 yds beyond the rear garden boundaries of houses fronting Castle Hill road, and is connected to the road by a narrow strip of land forming part of the application site.

2. The site is pasture land, having an area of about 4.39 ha (10.8 acres) and being part of a much larger area of permanent pasture.

3. The proposed cricket ground is nearly rectangular in shape. Its south-eastern boundary has a length of some 620 ft and is defined by a fence. The north-eastern boundary is defined by a hedge for about 500 ft of its total length of some 750 ft, but the remainder of this boundary and the other 2 boundaries are undefined on the ground.

4. There are some medium-sized deciduous trees near the southern corner of the site and in a line near the south-eastern boundary for about half the length.

5. The ground slopes gently upwards away from its south-eastern boundary, together with upward slopes towards the western and northern corners, since it is at the junction of 2 valleys.

6. The pasture land continues up the valley to the north-west with the houses and farm buildings of Castle Hill to the west and overlooking the valley.

7. To the north of the site some of the land on the hill is in arable use but the lower slopes of the main valley to the north-east are pasture in use for grazing sheep. In the distance to the north and north-east lies Berkhamsted Common on a ridge of high ground.

8. On the other side of the valley east of the site there is more pasture land with the tree-lined New Road running along the valley side.

9. Immediately adjacent to the southern half of the site's eastern boundary there is the cricket field of the Wellcome Foundation sports ground; south of this a 5-a-side football pitch and then a full-sized football pitch extending towards Brownlow Road; and a golf pitch and put practice ground in the corner near the New Road/Brownlow Road junction.

10. The Wellcome Foundation sports ground has a timber building for the storage of ground maintenance machinery near the southern corner of the application site. A little further away there is a single-storey flat-roofed pavilion. South-east of the pavilion there are red-coloured hard tennis courts. This sports ground has no car parking provision other than the grassy slope between the tennis courts and the access near 4 Castle Hill.

11. South of the proposed cricket field there is a wedge of pasture land, between 320 and 410 ft wide, and then the rear gardens of the even-numbered houses on the higher ground of Castle Hill. The grounds and remains of Berkhamsted Castle are hidden from the proposed cricket field by the intervening high ground, houses and trees in the castle grounds.

12. A public footpath runs from the corner of Castle Hill alongside the boundary between the existing sports ground and the application site and up the valley to Berkhamsted Common. Another footpath branches off near the eastern corner of the application site and runs north-westwards and then northwards alongside the field hedges.

13. Local electricity distribution power lines also run alongside the boundary between the existing sports ground and the application site.

14. The proposed access to the application site is about 30 ft wide and joins Castle Hill between Nos 4 and 6.

15. The local road network from Castle Hill to the town centre does not appear to have any serious highway design deficiency except for a bottleneck under the railway bridge, where the carriageway is not wide enough for 2-way traffic and there is a narrow footway on one side only, and there are the limitations one expects on roads in an old town centre.

16. The Berkhamsted Sports Ground Association have owned a 4½ acre site at Lower Kings Road, Berkhamsted since 1924. The use of this ground is now shared between the Berkhamsted Football and Cricket Clubs, apart from some tennis courts used by the adjacent Tennis Club.

17. On the eastern side of this ground there are spectator terraces, a stand with changing rooms underneath and a war-time building serving as a clubhouse. These buildings, used by the Football Club, are in poor condition.

18. On the western side of the ground a new pavilion has recently been built to replace the original one.

19. The playing areas of the football pitch and cricket field overlap as do the football and cricket seasons. This restricts the activities of both clubs and results in difficulties over ground maintenance.

20. The Football Club has some 40 senior and 20 junior players. They compete in the Spartan League but aspire to higher leagues. The requirements of higher leagues include an enclosed ground, floodlighting, and a ground available throughout the football season.

21. The Cricket Club has some 50 senior and 75 junior players. They run 3 elevens at weekends throughout the season and 4 elevens from June to August inclusive. At present 2 or 3 elevens have to play away every weekend and the third and fourth teams never play on the home ground.

22. Berkhamsted population now exceeds 16,500. Apart from the Association's ground, the Wellcome Foundation's private ground and those of schools, the town has no public cricket ground.

23. Cricket pitches have been obtained in recent years on the Berkhamsted Hockey Club grounds at Cow Roast, Tring. This is 2½ miles away from the Cricket Club ground and results in difficulty in preparing and maintaining satisfactory wickets.

24. A possible alternative Cricket Club ground was found on a 5 ha site at Shootersway, about 1½ miles from the town centre, and planning permission obtained for cricket use.

25. Negotiations for a lease of this land from the Berkhamsted Brick Company were not completed because (a) the company wish to retain a strip of this land for possible future development, and (b) the published Preferred Route of the A41 Berkhamsted By-pass runs through the site. It was considered that this would not leave sufficient suitable land for 2 cricket fields, pavilion and car parking.

26. Commitments to replace the old cricket pavilion at Lower Kings Road were made before it was known that the application site might be available.

27. The Sports Ground Association now has an option to purchase the application site, with a covenant prohibiting playing of association football, flood-lighting of the sports area and erection of any permanent building except within 150 ft of the south-eastern boundary.

28. The development scheme now proposed is in 2 parts:-

a. The Football Club to move their football pitch to the western half of the Lower Kings Road ground and take over the new pavilion; the buildings on the eastern side of the ground to be demolished and the eastern half sold for residential development; and the access to the existing road repositioned.

b. With money from the part-sale of the Lower Kings Road ground the application site to be purchased and the proposed development of this site for the Cricket Club carried out.

29. Planning permission for part a. of the scheme was granted by the District Council on 19 March 1981 and includes permission for the erection of up to 40 flats. This permission would only be implemented in conjunction with part b.

30. The scheme is considered to overcome those limitations which at present prevent both the Football and Cricket Clubs from achieving their full potential, as well as providing for additional housing in the town.

31. The Sports Ground Association would accept a condition confining use of the application site to cricket, and a condition making the permission personal to the Association, together with subsequent approval of landscaping and other reserved matters.

32. In the approved County Structure Plan and the deposited, but not yet adopted, Dacorum District Plan the application site is shown as within an extension of the Metropolitan Green Belt, within the Chilterns Area of Outstanding Natural Beauty and within an Agricultural Priority Area. Part of the site is also within an Area of Archaeological Importance.

33. The District Plan shows the boundary between the Agricultural Priority Area and Amenity Corridor running between the application site and the Wellcome Foundation Sports Ground.

34. At the public local inquiry arranged to hear objections to the District Plan, a proposal to modify the boundary so as to include the application site within the Amenity Corridor, and objections to the modification, were presented. The Inspector concluded in his report that the Plan boundary was a reasonable reflection of the present local position, with justification for including the site within the Agricultural Priority Area, and so recommended no change. The Council have not yet had the opportunity to consider the recommendation.

35. The Ministry of Agriculture, Fisheries and Food have surveyed and taken samples of soil from the application site, and as a result of their analysis classify the land as Grade 3a. The applicants dispute this grading based on tests carried out on their behalf, indicating a high proportion of stones in the soil, and on the past history of use and classification of the land.

36. The District Council's Development Control Committee first considered the application on 19 March 1981 and unanimously concluded that planning permission should be granted.

37. On 18 June 1981 the Committee reconsidered the application after receiving the observations of the County Council and the Ministry of Agriculture, Fisheries and Food and concluded by a majority of 15 to 2 that permission should be granted.

38. The Berkhamsted Town Council raised no objections to the proposal and welcomed the provision of additional sporting facilities at no cost to the ratepayers.

CONCLUSIONS

Bearing in mind the above facts:-

66. It seems to me that the main issues are whether the proposed development would be in serious conflict with Structure and District Plan policies; what impact the proposal would have on the rural character and natural beauty of the area; whether there would be significant loss of good agricultural land; whether there are alternative sites available and more suitable than the one proposed; and, finally, whether the need for and merits of the proposed development outweigh all the objections.

67. The extent of the conflict with planning policies would appear to depend upon the intensity of activity arising from the proposed use of the site, including traffic generation, and the scale of facilities necessary to support these activities. So long as the playing activities are confined to cricket and the traffic generation limited to the transporting of cricket teams, officials and the numbers of spectators to be expected at small town cricket, I consider that the activities can be regarded as of low intensity and not in serious conflict with any policy. Similarly, so long as the cricket pavilion, car park and other facilities are limited to what is necessary for playing club cricket and maintenance of the ground, the scale of development would seem to me acceptable within the policy constraints applicable to the area.

68. The impact of the proposal upon the local environment depends upon similar considerations and, again, I consider that the character of the area, its tranquillity and natural beauty would not be appreciably harmed so long as the activities and facilities do not go beyond what is normal for small town cricket.

69. Although the land is Grade 3a according to the tests and analysis carried out by the Ministry of Agriculture, Fisheries and Food, other evidence indicates that the land has limited potential for use other than as pasture and that this has been recognised by its use over many years. The presence of the archaeological remains would inhibit ploughing over part of the site. If, as seems likely, the northern corner of the application site is not required as part of the cricket

ground, the area of the ground would be slightly less than 10 acres, and the ground might continue to be used to some extent for pasture and not permanently lost to agriculture. I do not consider, therefore, that the proposal would result in a significant loss of good agricultural land from farming.

70. Alternative sites only come into the reckoning, in my opinion, if they are shown to be suitable and available, or likely to become available in the near future. In this category the only possibility appears to be the Shootersway site. This site is close to an Agricultural Priority Area but just within the boundary of an Amenity Corridor, and the evidence is that it is better agricultural land than the application site. Up to the present it has been in arable use. As regards availability, it is not a good prospect for more than one cricket field because of the proposed by-pass road and other restrictions imposed by the owner of the land. I inspected this site, as well as other sites referred to at the inquiry, and do not consider it realistic to expect other land to be restored by the Brick Company and become suitable and available for use as a cricket field in the near future.

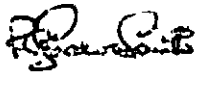
71. The objections of the Berkhamsted Citizens Association, The Chiltern Society and Castle Hill Association have force, in my opinion, only if the level of intensity of use of the proposed cricket ground, scale of its facilities and ground levelling exceed what the applicants state as their intention. It seems to me that it is the fear of what the proposal might lead to, rather than the proposal itself, which inspires much of the opposition. With appropriate control over the future development of the application site, the existing ground and adjacent land, I see no reason to accept as the inevitable consequence of permission for the cricket ground the kind of scenario painted by the Citizens Association.

72. Taking account of the substantial benefits of the proposed scheme to the Football and Cricket Clubs and to the leisure interests of the town community, particularly its youth, plus the housing gain, I conclude that the need for and merits of the scheme outweigh the planning policy and other objections. However, in my opinion, this favourable balance depends upon the intensity of activity and scale of facilities being kept within the reasonable requirements of a small town cricket club. The Council are clearly aware of the need to exercise control over subsequent development and have suggested conditions of planning permission (at paragraph 47). In addition to accepting these conditions the applicants would accept a personal condition. I doubt whether the latter is a necessary and proper condition applied to the Sports Ground Association Ltd, and it seems to me that the other matters might be treated as reserved for subsequent approval by the Council when detailed development plans are submitted.

RECOMMENDATION

73. I recommend that planning permission for the proposed development be granted, subject to subsequent approval by the Council of detailed plans of the development.

I have the honour to be
Sir
Your obedient Servant



R A GORDON-SMITH
Inspector

JDS

D.C.7A

4/0145/81

Town Planning
Ref. No. 4/1523/84

TOWN & COUNTRY PLANNING ACT 1971

DACORUM DISTRICT COUNCIL

To: D. Wilson, Esq.,
24 Cedar Road,
Berkhamsted,
Herts.

Single storey pavilion. Submission of details of landscaping, re. condition 4 of 4/0145/81. Berkhamsted Cricket Ground, Kitcheners Field, Castle Hill, Berkhamsted, Herts.	Brief description and location of proposed development

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder the Council hereby gives approval to the details which were reserved for subsequent approval in planning permission no 4/0145/81

granted on 10th June 1982 at the above-mentioned location in accordance with the details submitted by you, with your application dated 22nd November 1984, subject to the condition set out overleaf.

Dated 3rd day of January 19 85

Signed Colin Barnard

Designation Chief Planning Officer

NOTE: This is not a separate planning permission, but must be read in conjunction with any conditions attached to the permission indicated above.

PD.70

1. The landscaping details hereby approved shall be implemented not later than the first planting season after the cricket ground is brought into use.

Reason

1. In the interests of visual amenity.