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## **OPEN SPACE ASSESSMENT**

### **Proposed Sand Arena**

Ham Polo Club, Petersham Road, Petersham, Richmond, TW10 7AH

This assessment is to accompany a planning application for a new sand arena at Ham Polo Club, as detailed on the accompanying drawings and reports.

Richmond Council published a series of reports relating to Metropolitan Open Land (MOL) within the Borough. The Green Belt, MOL, LGS and OOLTI Review Final Report (the Final Report) summarises the findings of the recent MOL review within the Borough. Section 2.1 Policy, Guidance and Experience Elsewhere Context sets out the approach to Green Belt assessment and parallels with MOL. Section 2.1.1 states:

- “Various planning appeals have highlighted important considerations around the interpretation and importance of ‘openness of the Green Belt’ and therefore how this is applied in a Green Belt assessment (or a MOL review)(6)
  - Openness is generally considered to be ‘land free from built development’, which should be assessed on an individual area basis as well as in terms of the cumulative impact on adjacent areas(7) .
  - Openness should be considered not only in terms of a ‘volumetric approach’ (i.e. physical coverage of built form) but also in terms of ‘visual elements’ (for example, visual linkages between settlements in relation to purpose 2, or functional character and linkages to the wider Green Belt in relation to purpose 3)(8) .
  - Recent Independent Examinations(9) have highlighted: the importance of assessing openness as opposed to landscape; the need for assessments to consider local circumstances when determining essential areas to retain; and the need for assessments to focus on assessing Green Belt against the NPPF”
- 1.1 Emphasis added. Footnotes 6 to 8 of the Final Report summarise the relevant Appeals and legal precedence cited in the statements above.
- 1.2 Section 2.2.2 Implications for MOL Review states:

- “Overarching MOL policy is established through the London Plan, which requires boroughs to designate the extent of MOL in their Local Plans with any changes to the existing boundaries to be undertaken through the plan-led process.
- The London Plan further states that MOL and Green Belt should be accorded equal status and that the principles of national Green Belt policy should apply to MOL.
- There is no Government defined methodology for carrying out a MOL review and local authorities have therefore taken a variety of approaches to-date.(12)
- Assessing MOL against the designation criteria set out in the London Plan appears to be an acceptable approach, (in a similar vein to the way that Green Belt should be assessed against the purposes set out in the NPPF) and, if any criteria is to be excluded, there must be a robust rationale. Any methodology must clearly set out how the criteria have been interpreted and should respect the local context.(13)
- Openness and permanence are key considerations in terms of features of MOL; and are therefore integral to the assessment of MOL across all criteria. Therefore, the implications identified above for Green Belt with regards to openness, equally apply to MOL.
- Changes to the boundaries or extent of MOL are not supported by the London Plan. Any proposed changes will need to be supported by a robust case, which is fully justified and evidenced. The MOL review will only provide the starting point and it will be necessary for the Council to develop the exceptional circumstances case as part of the wider Local Plan process. An argument for exceptional circumstances cannot rest on the poor-quality nature of designated land.(14)
- Improvements to the quality of MOL are supported. A MOL review offers an opportunity to identify where such improvements are required.(15)”

1.3 Emphasis added.

1.4 The Council’s evidence base is clear that MOL should be considered against the criteria defined in the London Plan. Criterion 2 identifies that outdoor recreation and sport forms part of the MOL and it part of its purpose and function. Ham Polo Club is an outdoor sports club that responds directly to this criterion and therefore new facilities for sports provided within the framework of this existing land-use should not represent inappropriate development.

1.5 Moreover, the Final Report is supported by the Metropolitan Open Land Review Annex Report (the Annex Report) that provides a detailed summary of the land parcels considered in the review.

1.6 The Annex Report identifies the Application Site as being within Parcel 8. Within its summary of the parcel, the report states:

“Other parts of the parcel include recreation, leisure and sports opportunities varying from neighbourhood to borough level importance, including: several private sports clubs and pitches, school sports pitches, tennis courts, BMX park, local playgrounds, allotments. Minor parts of the parcel are private residences and therefore offer no recreational value

Whilst a small part of the parcel contains a national cultural and recreational destination, the majority of the parcel has open-air facilities of neighbourhood to borough value, providing an overall average score of moderate-strong (4) for criterion 2”

1.7 Emphasis added. It is clear that when assessing this criterion the Council consider the existing recreational facilities within Ham Polo Club contribute to the parcel having a moderate-strong score for this purpose. Similar facilities are widely represented in the local context of the MOL near the Site, including play fields, football clubs and tennis courts.

1.8 When considering Criterion 1 within the parcel, the Annex Report also states:

“Built development is largely absent from the parcel, apart from a small number of minor roads, car parks and buildings/ structures within the north eastern section and on Eel Pie Island. These are standalone and largely ancillary to its recreational, leisure and cultural uses and therefore do not have an urbanising influence. Ancillary buildings include: schools, farm stables, sports clubs.”

1.9 Emphasis added. The Council’s published evidence base confirms that ancillary structures associated with sports clubs do not represent an urbanising influence within the MOL.

1.10 Planning history for the Site includes a series of applications granted planting permission within the MOL for facilities associated with the Polo Club. Those most relevant are summarised below:

12/0926/FUL	All weather polo facility, to include 2m high timber enclosure, within existing practice facility.
19/0051/FUL	Retention of 12 existing stables and construction of 17 proposed stables, 1 tack room and 1 food store.
20/3676/FUL	Erection of ball stop netting and posts.
21/3248/FUL	Retrospective application for replacement equestrian track.

1.11 When considering the design and impact on the character and appearance of the MOL, Thames Policy Area and Ham House Conservation Area, the Officer report for application 12/0926/FUL states:

“The enclosure would comprise an inclined timber structure, untreated, to an overall height of 2m above ground level. A sample of the surface material has been submitted which has the appearance of sand and is a mid brown colour. Given the appearance of the enclosure itself would be similar to that of an ordinary fence in terms of material and height and that the surface material is of a natural finish which is an earthy colour it is considered the proposal would now result in no unacceptable impact on the openness or character of the area. It would not introduce into the key designated views/vista from Marble Hill, the Star and Garter, Richmond Hill, Radnor Gardens and the Twickenham Embankment.”

1.12 Emphasis added. The boundary treatment and surfacing of this consented proposal are identical to those proposed within the application scheme.

1.13 The Officer report for application 19/0051/FUL states:

“The design of the proposed stables is similar to the existing adjacent stable block and the impact on openness is mitigated by being seen in context with existing buildings and some screening.

The scheme is linked to the functional use of the MOL, there do not appear to be any more appropriate locations for the stables outside the MOL as the whole site is designated MOL. In addition, the stables and tack room would preserve the character and openness of designated MOL, and the proposal can therefore be considered as acceptable.”

1.14 Emphasis added. The Council accepts that buildings within the MOL represent an appropriate use and would not affect openness.

1.15 The Officer report for application 20/3676/FUL states:

“In context with the surroundings therefore, the proposals would successfully blend in with the robust degree of foliage adjacent to a degree that would not be considered to harm the openness of the MOL and would preserve it”

1.16 The Officer report for application 21/3248/FUL STATES:

“The proposed track will be sited within MOL.

The NPPF sets out at paragraph 149 that construction of new buildings shall be considered inappropriate and sets out some exceptions to this rule. In this instance, 149.b) is relevant which states: the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

In this instance, the proposal seeks to form a replacement track which is a facility in connection with an existing use for outdoor sport and recreation. Further to this, the track will preserve the openness of the land given it is a low-level feature which replaces a previous track on the land.

The proposed timber boards forming the edging of the track are also low level and so do not conflict with the five purposes of MOL set out in paragraph 138 of the NPPF.

Therefore, the scheme is considered to be appropriate within the MOL as it falls within one of the exceptions for development while preserving openness and without conflicting with the five purposes of the Mol set out in the NPPF. As such, no objection is raised to the proposal in regard to its siting within and impact on Metropolitan Open Land.”

1.17 In the context of policy LP13, it is clear the proposed sand arena represents an appropriate use. The key issue is therefore whether the scheme would adversely impact the openness and character of the MOL, and whether it can be considered to represent an improvement or enhancement.

1.18 In terms of openness, it is important to note the assessment of openness is distinct from assessments of landscape and visual harm. Openness is considered principally as a quantitative or volumetric assessment based on the loss of open land to built development within the MOL (or comparatively the Green Belt). It must firstly therefore be noted that the proposed sand arena does not include the erection of any buildings that would represent a loss of open land. Its proposal is limited strictly to a change in surface treatment, and erection of the proposed arena fence.

- 1.19 The composition of boundary treatments and vegetation cover within the local context of the MOL have therefore been reviewed.
- 1.20 A variety of boundary treatments and vegetation cover are present throughout the MOL. Fences enclose sports facilities, education facilities, allotments and play areas. Opaque treatments including walls and fences enclose land ownership boundaries and properties. Hedgerows, tree belts and scrub again define boundaries throughout the area, including the wider boundaries of Ham Polo Club. This type of vegetation cover is entirely characteristic of the MOL.
- 1.21 The proposed arena fencing will be approximately 1.5m in height, with slight variations on overall height relative to proposed ground modelling required to facilitate the arena construction. The scale of the fence would be entirely in keeping with existing boundary treatment and vegetation cover in the MOL. Moreover, fencing is a linear feature. It does not represent a volumetric form of built development, or buildings, that would result in a material loss of open land within the MOL.
- 1.22 In terms of surface treatment, it is clear this would not affect openness, as established in previous planning decisions by the Council. This is further supported by Appeal Decision APP/D1265/W/21/3266411 (Horton Farm, Sand Lane, Three Legged Cross) in which the Inspector concludes a proposal for a sand school would not conflict with the purposes of Green Belt and would not be inappropriate development. Paragraph 7 of the Appeal Decision states:

“The change in surface treatment of the sand school, which would be wholly at ground level, would not harm openness. The sand school would be partially on the site of the existing one and so I find that any fencing in this case would have no greater effect on openness than that which is currently there. While the car parking area would be fairly large, there is no substantive evidence as to why it would harm openness.”

- 1.23 Paragraph 9 states:

“While there would be development of land which is currently a field, the proposal is a land based activity that would typically be found in the countryside. It would be sited alongside a group of existing buildings. As Framework Paragraph 141 suggests that opportunities for outdoor sport and recreation can be planned for within Green Belts and there would be no harm to openness, I find that the proposal would not amount to encroachment and the purposes of the Green Belt would not be harmed.”

- 1.24 The parallels between this decision and the proposed sand arena are of significant relevance. The proposal is for a land based activity directly associated with the existing land-use of the wider Ham Polo Club. Based on the application of Green Belt policy by the Inspectorate, the proposals cannot be considered to affect the comparative openness of the MOL.
- 1.25 An application for a similar sized sand arena was recently refused and then dismissed at appeal. The site for this refused application was to the western edge of the site, and was within the grade II listed Registered Park and Garden (RPG), and in the curtilage of Ham House.
- 1.26 The appeal reference was **APP/L5810/W/23/3327811**, and the original planning application reference was **21/2454/FUL**. The appeal was dismissed based on the

harm caused to local heritage assets, but the Inspector accepted the development was not inappropriate in the MOL, and that there was no conflict with national Green Belt policy or any other policy which sought to protect the MOL from inappropriate development. Emphasis added. This current scheme is almost identical to the previously refused scheme, just in a location which no longer affects the heritage assets. The inspector concluded that:

“10. In this instance, aside from the fencing, the sand arena extension would be devoid of built form or volume with the changes taking place at ground level. Hence, it would remain open. My approach on this is broadly consistent with that of the Inspector for the construction of a sand school in Dorset that has been brought to my attention.

11. In terms of the enclosure fencing, it is explained that it must be close boarded and be of the minimum height required to provide suitable facilities for arena polo, as the ball is bounced off the fence during play. Effectively the fencing comprises part of the playing surface for this outdoor sport. On that basis, I am satisfied that the fencing would comprise an appropriate facility for outdoor sport. Seen in combination with the flat arena area, there would be a marginal change to the prevailing open spatial qualities of the land.

12. In visual terms, there would be an impact owing to the displacement of natural vegetation by a manufactured riding surface and the introduction of a timber fence. The Council considers that this would result in a noticeable change in character. Be that as it may, the effect on the character of the area is something I shall consider further as part of the second main issue. In terms of visual openness, the land would remain predominantly open in nature and the restricted height of the perimeter fencing would allow for views over it. To an extent the landscaping proposals would also assist in softening the visual impact of the development. Hence, whilst there would be visual changes to the land because of the proposal, the attribute of visual openness would be largely preserved.

13. Assessing the development holistically, it would result in some spatial and visual changes, but they are ones that I judge would ultimately preserve the openness of the MOL. “

1.27 In summary, the proposals represent an appropriate use within the MOL consistent with the exceptions at paragraph 149 (b) of the NPPF and LP13(A) of the Local Plan. The proposed surface and boundary treatments are appropriate to the existing recreational use and activity of the site and would not affect openness.

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