

High Peak Borough Council

FAO: Rachael Simpkin

By email only

Date: 20th June 2025

**Town & Country Planning (Development Management Procedure) (England)
Order 2015**

Application Reference: HPK/2024/0481

Site: Glossopdale School, Talbot Road, SK13 7DR

Proposal: Outline planning application for the construction of up to 110 dwellings, with all matters reserved (except principal points of access) including all associated ancillary works and engineering operations.

Sport England Reference: PA/25/EM/HI/70888

Thank you for consulting Sport England on the above application.

Sport England – Non-Statutory consultee role and policy

It is considered that the proposal would affect playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595).

As the playing field appears not to have been used for at least five years, the consultation with Sport England has been considered as non-statutory.

Notwithstanding the non-statutory status of the consultation, we have assessed the proposal in light of the National Planning Policy Framework (NPPF), in particular paragraph 104, and Sport England's Playing Fields Policy, which is presented within our 'Playing Fields Policy and Guidance Document':

www.sportengland.org/playingfieldspolicy

Sport England applies its policy to any land in use as playing field or last used as playing field and which remains undeveloped, irrespective of whether that use ceased more than five years ago.

A lack of use of a playing field, or part of, should not be taken as necessarily indicating an absence of need in an area. The lawful planning use of a disused

playing field site is still that of a playing field until such time as there is a formal change of use or development occurs. Such land can retain the potential to provide playing pitches to meet current or future needs. It should also be noted that a playing field does not have to be available for community use to fall within the definition of playing field. Neither the DMPO, NPPF or Sport England Policy make any distinction between private and publicly owned or used nor is there a positive obligation (under planning law) for any playing field to be actively used as such. Both policies are applied equally, irrespective of the ownership.

The above stance has been confirmed by Planning Inspectors and I have attached an appeal decision (ref: APP/Q3115/W/22/3292619) which considered evidence on the existing lawful use of an inactive playing field site for your attention. It is considered that the Inspector's findings in paragraphs 20 and 21 are similar to this development proposal.

Furthermore, Sport England note paragraphs 5.35 – 5.38 of the Planning Statement regarding whether or not we should be consulted. There is often debate as to the implication of the 5 year period mentioned within the Order and its implications for the weight that should be afforded to the response that Sport England makes on planning applications.

The duty to consult with Sport England on proposals affecting playing field was first established in 1996. The letter to Chief Planning Officers advising them of the impending change notes that the Order that was going before Parliament replaced the phrase *'development on land last used as a playing field'* with *'development which....is on land which has been used as playing field at any time in the 5 years before the relevant application and which remains undeveloped'*. The letter explains that the change was in response to concerns that *'land last used as a playing field'* might not cover land which was being used for temporary purposes, such as grazing.

It is clear from the above that the government intended to afford Sport England a strong role in the protection of playing field and it introduced the 5 year rule to close what might have been a *'loophole'* to that protective role. Unfortunately experience suggests to Sport England that the 5 year rule is being used as *'loophole'* in its own right. Land owners who wish to see their playing field developed for alternative uses will stop maintaining the site so that it becomes unusable to sports teams and then wait for 5 years to elapse in anticipation that Sport England will not be a statutory consultee when their proposals are considered.

Sport England's advice to Local Planning Authorities on this matter is that the 5 year rule is not intended to act as guillotine to statutory consultation with Sport England. In instances where the use of a site has ceased due to the actions of its owners (rather than through lack of demand for playing pitches) then we

encourage Local Authorities to still attach great and considerable weight to Sport England comments.

The proposal and impact on playing field

The proposal consists of a residential proposal that would result in the loss of the whole of the playing field land as shown in the below 2018 and 2020 Google Earth aerial images. However, it should be noted that the Google Earth evidence provides only snapshots in time and the playing field may have been used after that time. This playing field land exceeds some 2.6 hectares of land.

The High Peak Playing Pitch Strategy (PPS) explains that the site is due to close in 2017/2018 and that whilst the site does not have any formal playing pitches it does have playing field land and an old redgra surface. The recommended actions for the site in the PPS are to ensure that any developments on the site adhere to NPPF 74 (now paragraph 104) and local planning policy.



2018 Google Aerial Image clearly showing pitch markings



2020 Google Aerial Image showing faint pitch markings

Assessment against Sport England's Playing Fields Policy and NPPF

Playing field policy is a restrictive policy based on a presumption against any development which results in the loss of playing field (in whole or part) or prejudices its use. As such, for development not to encounter an objection from Sport England it must be shown to be of a form covered by one of the exceptions (to the presumption against) set out in the Annex.

Sport England note the matters raised to justify the loss of playing field in paragraphs 5.26 – 5.45 of the applicant's Planning Statement. According to our records, Sport England have provided numerous pre application responses in email correspondence dated 9/2/2023, 8/9/2023, 20/12/2023 to similar development proposals on this site, where it appears that the agent put forward the same reasons to justify the loss of playing field.

The loss of this playing field needs to be considered against the exceptions in Sport England's policy which accord with the specified justifications included in paragraph 104 of the NPPF and Development Plan Policy CF 4 which all seek to protect playing fields from development.

Of Sport England's Playing fields policy's five exceptions, policy exception 1 and policy exception 4 are considered the most relevant to this development proposal.

Policy Exception 1:

Policy exception 1 allows the loss of playing field where a robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is

an excess of playing field provision in the catchment, which would remain the case should the development be permitted.

The PPS confirms that there is little spare capacity for existing and the growth of football in the area and that there is an identified shortfall of youth grass pitches and full size 3G pitches across the High Peak area. A shortfall in rugby union pitches is also identified.

Additionally, paragraph 46 of our Playing Fields Policy and Guidance document explains that School plans and assessments showing an excess of playing field provision for the purposes of Section 77 of the School Standards and Framework Act 1998 or Schedule 1 of the Academies Act 2010 (or their replacements), and with regard to the Department for Education's advice on the disposal or change of use of playing field and school land, do not meet the requirements of this exception. These assessments focus on the needs of the school, nearby schools and any existing community users of the site. They do not assess the wider sporting and community need for playing fields. Furthermore, it should be noted that consent under Section 77 of the Schools Standards and Framework Act does not necessarily mean subsequent planning approval will be granted.

The PPS does not show a surplus of playing field provision in the area. No robust assessment to the satisfaction of Sport England has been provided to demonstrate that the proposal would meet policy exception 1 of Sport England's Playing Fields Policy or paragraph 104 a) of the NPPF.

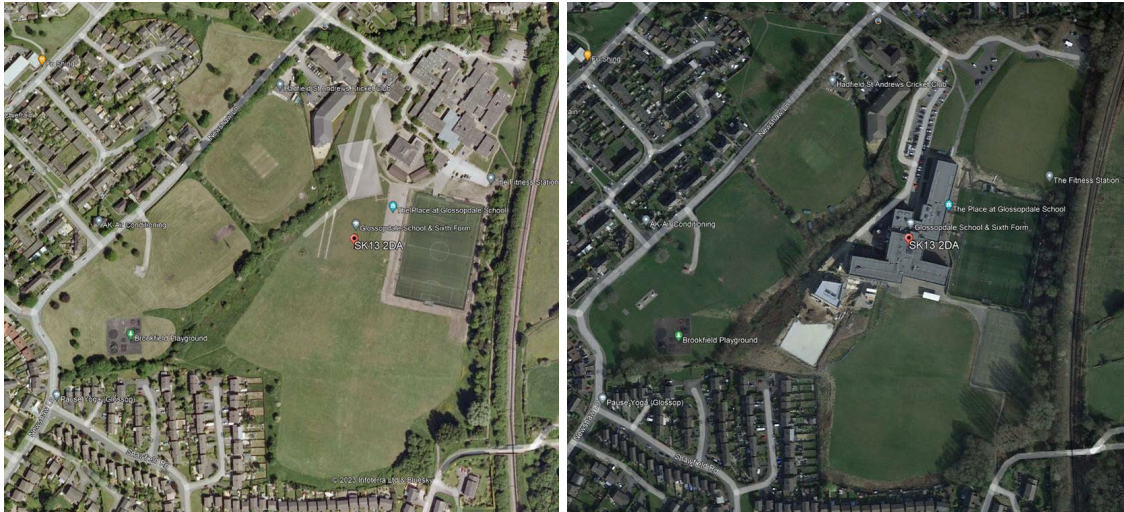
Policy Exception 4

To meet policy exception 4, a minimum of 2.6ha of playing field land of equivalent or better quality needs to be replaced within the locality. The new area of playing field should be delivered prior to the commencement of the housing development and subject to equivalent or better accessibility and management arrangements.

Replacement must represent a genuine replacement i.e. creation of a new playing field. Improvements to existing playing field do not represent a genuine replacement because the quantity element of the exception has not been addressed only the quality element.

Sport England note that the Planning Statement makes reference to planning permission granted under ref: CD1/0216/137 for the construction of a replacement community college and sports facilities and the demolition of existing school buildings at Glossopdale Community College, Newshaw Lane, Glossop. The Google Earth aerial images from 2009 (to the left) and 2022 (right) demonstrate that the new school buildings were constructed on existing playing field land. It is understood that the quantum of playing field land lost was subsequently replaced on the site of the existing school buildings. Therefore, the proposal did not involve

the creation of additional playing field land to compensate for any future loss of the Talbot Road site.



Google Aerial Images showing no creation of additional playing field land

Furthermore, Sport England's Playing Fields Policy at paragraph 69 provides the explanation as to why providing replacement provision on an existing playing field cannot meet this exception. This is because it would not provide a new area of playing field (quantity) and may also cause deterioration in the quality of existing playing fields.

Therefore, from the information submitted with the planning application there is no reference to the playing field being replaced that would accord with policy exception 4 of the Sport England's Playing Fields Policy and paragraph 104 b) of the NPPF.

Sport England's position

Given the above, Sport England raises an **objection** to the application because it is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 104 of the NPPF.

Potential to overcome the objection

Sport England would be pleased to review the objection with a view to considering potentially withdrawing it if the applicant can provide the following:

- Information that clearly demonstrates how the proposal will accord with policy exception 4 of our Playing Fields Policy. The applicant should refer to [Section 6.4 and Annex B](#), as well as the [Equivalent Quality Assessment of Natural Turf Playing Field briefing note](#) as to what is required. The applicant should work with a suitably qualified and experienced sports turf consultant to provide the necessary details of the replacement playing field.

Determining the application

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s).

Please note that this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.

Sport England would be pleased to comment on further details that address the above comments.

In providing any further information, Sport England would ask that the applicant submits this to the Local Planning Authority and not to Sport England directly. That way it forms part of the application submission and its associated audit trail. The Local Planning Authority can then consult Sport England on receipt of this information. Sport England request that the Local Planning Authority send any additional information to Planning.Central@sportengland.org and not the Planning Manager directly.

Yours sincerely,

Christopher Carroll

Planning Manager

Annex

The Five Exceptions to Sport England's Playing Fields Policy

Exception 1

A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.

Exception 2

The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.

Exception 3

The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.

Exception 4

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

Exception 5

The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

The full 'Playing Fields Policy and Guidance Document' is available to view at:
www.sportengland.org/playingfieldspolicy