



Appeal Decision

Inquiry held on 19–21, 26–29 September and 27 and 28 November 2023

Site visit made on 19 September 2023

by Helen Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th January 2024

Appeal Ref: APP/E3715/W/23/3322013

Coventry Stadium, Rugby Road, Coventry, CV8 3GP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Brandon Estates Limited against the decision of Rugby Borough Council.
 - The application Ref R18/0186, dated 16 January 2018, was refused by notice dated 16 November 2022.
 - The development proposed is the demolition of existing buildings and outline planning application (with matters of access, layout, scale, and appearance included) for residential development (Use Class C3) including means of access into the site from the Rugby Road, provision of open space and associated infrastructure and provision of sports pitch, erection of pavilion and formation of associated car park.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application seeks outline planning permission with only the matter of landscaping reserved for later approval. The submitted Landscape Masterplan is for illustrative purposes only and I have determined the appeal on this basis.
3. Rule 6 party status was granted to Save Coventry Speedway and Stox Campaign Group (SCS). Their representatives presented evidence at the event.
4. The description of development above refers to the site as Coventry Stadium. However, the Stadium is in Brandon and is referred to as Brandon Stadium by SCS and interested parties. For the purposes of this decision, I refer to Coventry Stadium as this is used in the description above.
5. A revised National Planning Policy Framework (the Framework) was published after the close of the Inquiry on 19 December 2023. I sought the views of the main parties on the implications of this revised national policy guidance for their respective cases and have taken these into account in making my decision. The references in my decision to the paragraphs in the Framework relate to this new document.
6. Within an agreed timeframe after the Inquiry, the appellant submitted a final section 106 agreement. This secures the provision of open space and its future management, the improvement of health care facilities, the provision of a 3G pitch with a community use agreement and measures to ensure its management and maintenance, financial contributions to education, public

rights of way in the vicinity of the site, road safety initiatives and traffic calming.

7. The University Hospitals Coventry and Warwickshire NHS Trust requested a financial contribution for additional health care services to meet patient demand arising from the development. This is to address issues with the current NHS funding model, which results in a funding gap when population has increased for example following the construction of new houses. The Council takes the view that this request does not meet the CIL Regulations and is not required to make the development acceptable in planning terms. This matter was the subject of detailed debate at the Inquiry with representatives of the NHS Trust giving oral evidence. Legal submissions were also made by the Trust and the Council.
8. Because I am dismissing this appeal for other reasons, it is not necessary for me to consider the above planning obligations further. I therefore do not assess them against the requirements of the CIL Regulations and the Framework in my decision.

Main Issues

9. The main issues raised by this appeal are as follows:
 - Whether the proposed development forms inappropriate development in the Green Belt, the effect on openness and Green Belt purposes.
 - Whether the stadium is surplus to requirements having regard to national and local planning policies.
 - Whether it is financially viable to reinstate the speedway stadium.
 - Whether there is an identified need for the alternative sports provision proposed.
 - Whether the benefits of the alternative sports provision outweigh the loss of the former speedway use.

Reasons

10. The appeal site lies to the north east of Rugby Road (A428), between Gossett Lane and Speedway Lane to the west of Binley Woods and east of Brandon. It comprises an oval track with several associated buildings including a main grandstand, a smaller grandstand, terraces, pits, dog kennels and car parking areas. The site lies in the Green Belt which separates Coventry and Rugby.

Green Belt

11. Paragraph 154 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. A number of exceptions to this are set out which in part g) includes the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development.
12. There is general agreement between the Council and the appellant that the site forms previously developed land. However, the Rule 6 party, SCS, question

whether all of the site could be described as such, in particular the car parking areas. The Glossary to the Framework describes previously developed land as land which is or was occupied by permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure. Having visited the site, I am of the view that the car park lies within the curtilage of the stadium and has a fixed infrastructure in the form of hardstanding. Accordingly, the site forms previously developed land as defined in the Framework.

13. The Government attaches great importance to Green Belts. The essential characteristics of Green Belts is their openness and their permanence. It is accepted that there are spatial and visual aspects to openness.
14. With regard to spatial matters, there is disagreement between the appellant and SCS on the overall footprint of the existing stadium and whether the proposed development would occupy less or more of the developed area of the site. The appellant has prepared a Comparative Coverage Plan¹ which demonstrates that approximately 4.35 hectares of the site is currently occupied by built form, infrastructure and hardstanding. It is estimated that the proposed scheme would cover just less than that, at around 4.1 hectares. SCS estimate that the new building footprint would be approximately 20% greater than the existing, and the site coverage (excluding estate roads) would result in a 25% increase. The differences lie in the method of calculation, whether building footprint or overall site coverage is considered and the extent to which circulation and hardstanding areas, and the proposed 3G pitch and pavilion, are included in the assessment.
15. The appeal scheme proposes to redistribute built form over the site. Whilst residential development would extend into the main car park area, an area to the north of the track and in the eastern corner of the site, would not be developed. Whilst neither party has provided a volume calculation to compare existing and proposed built development, I take account of the fact that the existing grandstand has a height of around 11.5 metres. The proposed dwellings would be lower, with a ridge height of approximately 10 metres, in keeping with existing development in the locality. Overall, my assessment is that the appeal proposal would not occupy a greater developed area than the existing site.
16. Turning to visual matters, the site is bounded by existing residential development to the south along Speedway Lane. Occasional glimpses into the site can be achieved in gaps in the existing boundary vegetation, though in the main, views are restricted by existing boundary fencing. At the north western boundary of the site, lies an area of woodland which encompasses Gossett Lane. I observed on my site visit that this mature woodland effectively restricts views into the site from the north and north west.
17. Along the eastern site boundary lies a public right of way and an area of mature boundary trees and hedgerows. Again, very limited views into the site can be achieved from this boundary. From the main site frontage with Rugby Road, views into the site could be obtained from the two existing access points, now fenced off for security reasons. It is evident that the site has strong well-defined boundaries and that views into the site are restricted to glimpsed views between boundary vegetation and the site access points.

¹ CD01.7

18. The appellant has prepared a Landscape and Visual Assessment² (LVIA) which concludes that the site has visual enclosure and physical containment from the immediate, local and wider setting. I agree with these overall conclusions.
19. From Rugby Road, a ribbon of existing dwellings extends across approximately half of the site frontage and restricts views into the site. Views can be obtained however from the two existing accesses, which before the security fencing was put in place, allowed open views across the main car park, with the stadium building set back about 180 metres. The proposed development would be sited around 80 metres from the site frontage and would potentially be more visible from Rugby Road.
20. The removal of protected trees on the Rugby Road frontage to facilitate the site access, would open up views at this point, but I see no reason why the curvature of the proposed access road together with appropriate landscaping could not provide adequate mitigation.
21. At the Inquiry, SCS referred to the impact of floodlighting and four-metre-high mesh fencing around the 3G pitch on the openness of the Green Belt. I have considered the location of the 3G pitch in the site, the ability to provide landscaping to filter views, the generally well contained nature of the site and the design of mesh type fencing which would allow views through. Given these factors, I am not persuaded that these features would impact negatively on openness.
22. In summary, the appeal site forms previously developed brownfield land and would not extend built development to a greater area than that covered by structures and hardstanding on the existing site. Furthermore, the development would be of a smaller domestic scale. I acknowledge that there would be a change in visual experience from the site frontage and on other routes close to the site boundaries. However, the impact of the development on openness, bearing in mind the current restricted views into the site and its enclosed nature, would be limited. Accordingly, I take the view that the development would not have any greater impact on the openness of the Green Belt in this location, than existing development on the appeal site.
23. The Framework sets out five Green Belt purposes. A Joint Green Belt Study³ to support the Local Plan was completed in 2015. The appeal site was located in Broad Area 2 and assessed as contributing to Green Belt purposes. A Green Belt Review was completed by the appellant as part of the LVIA, assessing the impact of the appeal site in terms of its contribution to the Green Belt.
24. The appeal site forms a small part of the overall area of Green Belt between Coventry and Rugby. Its development would not contribute to the spawl of these two existing urban areas or result in neighbouring towns merging with one another. The site is previously developed, and its redevelopment would not result in any encroachment into the countryside. The Green Belt in this location does not have a role in preserving the setting and special character of historic towns so that the appeal proposal would not conflict with this Green Belt purpose. Finally, the appeal scheme would involve the regeneration of a brownfield site and would contribute positively towards the purpose of assisting regeneration and assisting the recycling of derelict and other urban land in the

² CD02.38 page 94

³ CD08.9

West Midlands. In summary, the appeal scheme would therefore not offend any of the Green Belt purposes.

25. I have found that the proposed development would not form inappropriate development in the Green Belt, would not have a greater impact on openness than the existing development on the site and would not conflict with any of the Green Belt purposes. Accordingly, the proposal complies with section 13 of the Framework which seeks to protect the Green Belt.

Whether the stadium is surplus to requirements

26. Paragraph 103 of the Framework sets out that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless one of three criteria are met. Paragraph 103a requires an assessment to be undertaken to clearly show that the open space, buildings, or land is surplus to requirements. Criterion b requires the loss of a facility to be replaced by equivalent or better provision. This is not relevant to this case. Criterion c requires an alternative sports and recreational provision, the benefits of which should clearly outweigh the loss of the current or former use. In this section I address paragraph 103a, whether the site is surplus to requirements.
27. Rugby Local Plan Policy HS4 reflects national policy as stated above. Policy LF1 of the Brandon and Bretford Neighbourhood Plan (adopted June 2019) refers to the site as Brandon Stadium and considers it to form a community facility. It requires that proposals which remove a community facility should be required to demonstrate they are no longer needed or viable and that there is no realistic prospect of viability being improved with either the current or other community uses.
28. The appellant argues that the need for a facility cannot be separated from the issue of viability. I disagree. Whilst they are related, they are in my view distinct matters. Whilst there may be a need for a particular facility, it does not mean that it is viable. I address viability separately in this decision.
29. There is disagreement between the parties on the methodology that should be used to assess whether Coventry Stadium is surplus to requirements. During the application process, the Council commissioned an Independent Review⁴ of the sports planning case for the Stadium submitted by the appellant. This was prepared in line with Sport England's recommended framework for undertaking a needs assessment, the Assessing Needs and Opportunities Guide (ANOG). This follows a staged approach. Stage B considers supply and demand under four headings, quantity, quality, accessibility, and availability.
30. The appellant argues that the ANOG Framework is not suitable to assess sports like speedway or stock car racing, which are predominantly spectator sports with few participants. I recognise the limitations of this approach. It is notable that the Independent Review itself alludes to these difficulties⁵.
31. However, I have not been directed to any alternative methodology. Sport England have indicated that ANOG was appropriate in assessing this case. Furthermore, the appellant conceded in cross examination that the ANOG approach was acceptable in the absence of any other specific 'spectator sport'

⁴ CD15.1.2 Coventry Stadium, Brandon, Independent Review by WYG, Sept 2019

⁵ CD 15.1.2 Page 3 Section 3, second paragraph

- assessment model. I therefore consider it to form a suitable methodology in this case.
32. Taking the four ANOG considerations in turn, all parties recognise the difficulty in assessing speedway and stock car in quantitative terms. There is little data available to show how participation and attendance have changed over time, not just for the sports themselves but also for Coventry Stadium when it was operational. It is however clear that speedway and stock car popularity and spectator numbers are down from the heyday of the 1960s and 70s.
33. The number of motorsports facilities is declining nationally. A number of tracks are under threat. Swindon has closed, though there are efforts being made to replace it with a new facility. Speedway at Wolverhampton is set to end after the 2023 season as their tenancy is not being renewed, and I am advised that Birmingham Speedway may also close. Whilst eight clubs have folded since 2006, only three clubs have gone into administration. Four clubs have closed as the owners have seen an opportunity to realise their asset through redevelopment proposals. This does not indicate a sport in severe decline, rather it reinforces the need for existing stadiums to be retained.
34. Since Coventry Stadium closed, motorsport has moved to other tracks and reduced the number of events. I acknowledge that there is no evidence that a speedway rider or stock car driver has been unable to participate due to the closure of Coventry Stadium. The nature of the sport is such that professional speedway riders can take part in more than one league and for more than one club and can also participate in Europe. Stock car drivers are prepared to travel some distance to race.
35. There are currently 18 speedway tracks in the UK. The stadium at Oxford has reopened and a new track in Workington has been established, both of which I understand are being successful.
36. I heard from representatives of the Speedway and UK Stock Car Racing Governing Bodies about the steps being taken to ensure the future success of the sports. In 2021 Warner Brothers Discovery Channel were successful in their bid for the promotion and broadcast rights for the Speedway Grand Prix series and other major international events until 2031. Together with the British Speedway Network and Eurosport, I understand that 72 speedway meetings were broadcast in 2023, around three meetings a week. This provides an indication of the level of interest in the sport in the UK and globally.
37. In terms of quality, the track at Coventry was fit for purpose at the time the stadium closed. It was one of 13 venues accredited to host British Stock Car Association (BriSCA) F1 racing and had a long history of holding major events such as the Stock Car World Championships. It was clearly more than just a local or regional track. There were no qualitative issues to support its closure. In fact, the reason the stadium did close in 2016, was due to the financial problems of the previous owner, with loans secured against the stadium which when called in, forced the sale of the site.
38. Turning to accessibility, Coventry Stadium is well located in a central position with good access to the motorway network. Other stadiums in the region offer different facilities; some are not suitable for stock car for example Perry Bar in Birmingham and Leicester, and others have restrictions on race times, number of events etc, for example Hednesford Hill, Cannock. It cannot therefore be

demonstrated that more accessible locations are available. With the closure of Wolverhampton and the current threat to the continued operation at Birmingham Speedway, the permanent closure of Coventry would lead to a gap in the West Midlands for both speedway and stock car racing.

39. With regard to availability, I am aware that SCS and its supporters have tried to buy the stadium from the current owner with no success. It could therefore be argued that the site is not available. However, the situation could change in the future. Should the appeal be dismissed, the appellant will of course consider the options for the way forward.
40. Bringing all the above together, I am not persuaded that there is a clear case that the site is surplus to requirements or is no longer needed. Whilst the sport of speedway has declined, to the extent that it is now a minority sport, I do not consider it is dying. The same is true for stock car racing. There is demand for Coventry Stadium demonstrated by SCS and supporters in the racing community. Should the stadium reopen, speedway and stock car racing events could increase, expanding the current sporting calendars.
41. I therefore conclude that Coventry Stadium is not surplus to requirements. The appeal proposal gains no support from paragraph 103a) of the Framework. The appeal scheme also conflicts with Policy HS4 of the Rugby Local Plan and Policy LF1 of the Brandon and Bretford Neighbourhood Plan which collectively seek to protect facilities for community, sport and recreation uses.

Viability of Reinstatement

42. As I have mentioned above, Policy LF1 of the Neighbourhood Plan requires a demonstration that a community facility is no longer needed but also that it is unviable and has no realistic prospect of viability being improved.
43. The main parties have put forward different estimates for reinstatement.
44. SCS put forward a proposal which came to be known at the Inquiry as the 'jumpers for goalposts' scheme. This proposes fencing off the main grandstand for safety reasons, refurbishment of the terraces to provide a capacity up to 6000 spectators, reinstatement of the track, provision of a portable office/security building, repair to perimeter fence and replacement of the safety fence, provision of air fence and Armco Barrier, restoration of pits, medical room, changing rooms, toilets, electric supply, water, address system and new floodlighting. This was estimated to cost around £736,575. It is hoped that the reinstatement of the main grandstand could follow as a later phase. This basic facility approach follows that taken at other venues including Workington and Oxford.
45. The appellant's scheme assumes the stadium would be refurbished to the level it was at when it closed. This would involve the provision of a new Main Stand accommodating 1000 spectators with hospitality, club shop, kitchen and lounge, refurbishment of the smaller stand, new surfacing to the track, repair of hardstanding, new kennels and ticket entrance turnstiles. The report estimates the total cost to be in the region of £13.7 million.
46. This estimate is based on a structural survey which in turn supports a detailed cost report. SCS challenge the findings of the survey and therefore the resultant cost estimate. For example, it is queried whether the main grandstand does need to be demolished in its entirety or whether parts can be

- restored. The need to relay the speedway track and the type of surfacing for the stock car track are also questioned. However, I have no other evidence before me, as SCS have not been able to provide a comparable assessment.
47. It is very difficult to compare the two costings as they are proposing very different schemes and making different assumptions. The SCS proposal is based on some direct quotes but also advice from others who have undertaken similar work at other venues such as at Oxford. It cannot be assumed that such estimates are comparable, as it is unclear if they directly relate to the work required at Coventry. In any event, costs will have increased since the work at Oxford was undertaken. Another difference is that the SCS estimate takes account of offers of sponsorship to fund different elements of the works and assumes that some tasks could be undertaken by volunteers.
48. I appreciate that in undertaking this exercise, SCS have been disadvantaged in that they have not been able to access the stadium and have no structural survey to assist them. Additionally, the estimate has not been provided by a quantity surveyor or independently verified and no health and safety advice has been obtained to understand the works needed. Consequently, it is my view that the cost of the works is likely to be underestimated, despite a 15% contingency being included in the estimate.
49. The scheme put forward by the appellant is at the other end of the scale. Whilst it may be desirable to provide a high-quality facility, it is not necessary for the stadium to be reopened on a viable and sustainable basis. A less costly proposal and /or a phased approach, would in all likelihood be achievable.
50. The cost of purchasing the site from the current owner is not factored into the above assessments. Whilst the Council resolved on 14 December 2022 to 'explore options available to bring Brandon Stadium back into use' this has not been acted upon. There is no evidence before me that the Council would consider compulsory purchase. At the Inquiry I heard from a supporter of SCS, that he was prepared to purchase the site and fund the necessary works to secure its reinstatement. He was also proposing to act as promotor for stock car racing at the stadium. Whilst this is very positive, the actual costs of reopening the stadium are uncertain, as is the level of other sponsorship and how much financial risk would be involved.
51. Turning to operational costs, the appellant provided evidence in a Notional Profit and Loss account⁶, that speedway in isolation would not be viable. This assessment of course is dependent on the number of spectators assumed to be in attendance. The calculation assumes 600 adults attending a Championship meeting. As I have previously stated, it is very difficult to obtain any such data as it is not systematically collected, and estimates made by various witnesses at the Inquiry seem to be based on experience at different events. Nevertheless, SCS suggested that the figure should be much higher, based on the average of 1700 spectators at Coventry at speedway events in 2016. Clearly higher gate receipts would improve overall viability.
52. The appellant's analysis also makes various assumptions about food and beverage income, merchandising and sponsorship. Based on the evidence submitted by SCS for Poole Stadium, this could be much higher.

⁶ CD 15.5.57

53. Importantly the Profit and Loss Account relates only to speedway and does not include revenue from stock car events. It seems reasonable to assume that a facility that incorporates other uses, not just speedway, as proposed by SCS, would be likely to be on a firmer financial footing.
54. SCS have not provided a business plan in support of their scheme, this being part of further stages of developing their proposal. However, without it, it is difficult to assess if their scheme would result in an appropriate return on the investment. I accept that SCS and its financial backer may accept much lower net profits and the investor may accept a return in the longer term.
55. The modest phased approach proposed by SCS reflects that undertaken at Oxford with much of the work undertaken by volunteers and skilled tradesman. I note that the Oxford Stadium was closed for some 15 years before reopening; longer than Coventry but that it hadn't suffered the same level of vandalism and fire damage. I understand that Oxford has achieved higher numbers of spectators than anticipated in its first season, 2022. An initial 'boost' in the year of opening is to be expected, though I have not been advised if this has been continued in the second season.
56. In summary, whilst I recognise the difficulties that SCS have had in assessing the works required, I consider the costs to be underestimated. Whilst an investor has been secured, if costs increase significantly when a structural survey has been undertaken, additional funding may need to be sought. I note that an offer to set up a consortium with the potential investor has been made by another party and there is also the possibility of grant funding.
57. SCS have not prepared a detailed business plan taking account of the costs of physical works, operational costs of hosting an event, likely income and level of return anticipated and over what period. I cannot therefore be assured that the proposal before me is viable.
58. It is acknowledged that due to vandalism, trespass and a fire, the physical condition of the stadium has declined significantly. I am aware of the criminal convictions against the appellant resulting from the neglect and lack of security on the site. This has contributed to the works required, the cost and therefore viability of any restoration scheme. Whilst this is noted, this matter is not relevant to the weight to be given to any conclusion I may make regarding viability. In coming to a planning judgment, I have considered viability as the site stands today. Based on the evidence before me, I am not persuaded that the reinstatement of the site is viable.
59. However, I note that the phased approach taken at Oxford Stadium has been successful, a similar approach to that proposed here by SCS. Based on the support for the reopening of Coventry from the racing community and the Governing Bodies, it is reasonable to assume that once reopened, events would be supported, receive sponsorship, and generate broadcaster interest. It is also clear from SCS evidence that there is financial backing for the scheme, parties have expressed interest in establishing a consortium if required and there is general support from the Council and the Mayor of West Midlands. On this basis, I therefore take the view that there is a realistic prospect of viability being improved. The appeal scheme would therefore not meet the requirements of Neighbourhood Plan Policy LF1.

Need for alternative sports provision.

60. To comply with paragraph 103c) of the Framework, which seeks the provision of an alternative sports or recreational use, the benefits of which clearly outweigh the loss of the current or former use; the appellant proposes a full size 3G pitch with clubhouse/pavilion and car parking.
61. Sport England in their comments to the planning application ⁷ suggest there has been a misapplication of paragraph 103c, (paragraph 99c at the time of the response). This is because the proposed development is not for alternative sporting or recreational provision alone, instead it forms a residential led scheme which includes some sports provision.
62. I have been directed to no other appeal decisions or legal precedents which address the interpretation of this paragraph. The wording does not exclude a mixed-use scheme. Depending on the nature of an existing sports facility, it could be possible that the benefits of an alternative facility would outweigh the loss. I therefore conclude that paragraph 99c) is relevant to my consideration of this appeal.
63. The appellant has provided a 3G Pitch Feasibility Study⁸. Taking account of the findings of the Council's 2015 Playing Pitch Strategy⁹, there is a need for at least one 3G pitch in Rugby. It is further calculated that there is a potential current shortfall of 2.25 full size pitches in the Borough and 3.75 pitches in Coventry. This is agreed by the parties, and I have no reason to take a different view.
64. The Feasibility Study goes on to assess if there would be need for a new 3G pitch in the Brandon area. Five interested clubs were identified which together represent a total of 103 teams. These teams are of course currently playing elsewhere and would need to move to the appeal site. There is a risk that, for whatever reason, such as proximity or the availability of preferred days/session times, that they choose to stay where they are. Nevertheless, it demonstrates the potential demand.
65. I acknowledge that the appeal site is not in a central location. It is not in the urban area of Coventry or Rugby where the demand for sports pitches arises. It is noted that the Football Foundation and Birmingham FA have raised concerns that the proposed pitch may be in too rural a location. There is also an issue with the lack of a youth demographic in Brandon and no existing clubs in the immediate area. However, whilst Brandon may not be a preferred location, in the absence of other options, it is likely that potential users of the proposed pitch would travel. I accept that the facility would benefit from an association with an anchor club, there are no other grass pitches proposed or nearby to create a hub and the facility would not be associated with a school where daytime use would be assured. However, there is no evidence before me that the above factors are essential to its viability.
66. I am aware that proposals for 3G pitch provision are being considered at St Finbarr's FC, Woodlands Sports Complex, Cardinal Newman School and Coundon Court School. These schemes are in their infancy, are still subject to discussion and there is no indication that funding is available. In contrast the

⁷ Comments dated 20 October 2022, CD09.31

⁸ CD03.1 July 2023 update

⁹ CD08.13

appeal scheme is a firm proposal, would be funded and a potential management organisation has been identified.

67. Concern has been expressed by the Council and SCS of the long-term viability of the pitch, especially if users choose to move to new facilities in more convenient urban locations. The revised section 106 agreement addresses this so that any financial risk falls to the appellant and the future operator.
68. Wolston Leisure and Community Centre, which has an existing 3G pitch, lies approximately 1.6 miles from the appeal site. Concern has been expressed by interested parties that the proposed 3G pitch at the appeal site could impact on its viability. However, I understand that the existing pitch at Wolston is not full size and therefore smaller than the one proposed in this appeal. This would likely reduce the potential impact on this facility.
69. Given the above, I conclude that there is a need for a 3G pitch and whilst the location at Brandon may not be preferred, based on the evidence before me, it has the potential to be a viable proposition.

Whether the benefits of alternative provision outweigh the loss of Coventry Stadium

70. In line with paragraph 103c) of the Framework, I must now consider whether the benefits of the 3G pitch outweigh the loss of Coventry Stadium. This is not a straightforward task because they are very different activities.
71. A 3G pitch could be used by up to 1200 people a week, this equates to 40-50,000 people a year. This would support Sport England's objectives of increasing participation and improving health and wellbeing. In contrast speedway and stock car racing are mainly spectator sports. The actual number of participants are low in comparison. A speedway match between two teams would involve 14 riders. A stock car event may involve up to 150 competitors.
72. There is little evidence of spectator numbers as this is generally not quantified by the stadia. However, witnesses estimated that speedway could attract between 1,200-3,000 spectators and stock car similar numbers, depending on the nature of the event. Championship or world title events would of course attract numbers at the higher end of the scale. In its last year of operation, Coventry Stadium held 37 Speedway meetings and 9 BriSCA F1 (including the World Final) and 7 other stock car events. SCS estimate that in total this would have amounted to approximately 73,800 participants and spectators¹⁰.
73. It is notable that in the West Midlands the number of 3G pitches is around 443 ¹¹. In contrast there are 18 speedway stadiums in the UK of which 2 others are in the West Midlands, Wolverhampton, and Birmingham Perry Barr. As I have already stated, it has been confirmed that Wolverhampton is to close, and Birmingham is under threat. This raises the importance of Coventry Stadium to the sport in the West Midlands region and nationally.
74. I also note that paragraph 97 of the Framework requires planning decisions and planning policies to provide social, recreational, and cultural facilities and services the community needs, and they should plan positively for the provision of community facilities including amongst other things, sports venues. This

¹⁰ Appendix to SCS Closing submissions CD18.26

¹¹ Sport England Active Places Database

section of the Framework seeks to promote healthy and safe communities. Paragraph 96a promotes social interaction, which spectator sports such as speedway or stock car racing achieve. Spectator sports provide social benefits to those that attend and contribute to health and wellbeing.

75. I acknowledge that the provision of a 3G pitch would be of significant local benefit. However, Coventry Stadium was not just a local facility but was a stadium hosting local, regional, national, and international events. The value of a 3G pitch, cannot compare to a facility, of which there are relatively few in the country, which can hold events generating such wide interest, with the social and wellbeing benefits for those that attend. I therefore conclude that the benefits of the alternative provision do not outweigh the loss of Coventry Stadium. Accordingly, the appeal scheme fails to comply with paragraph 103c) of the Framework and Policy HS4c) of the Rugby Local Plan.

Other Matters

76. Policy H2 of the Rugby Local Plan deals with affordable housing provision and requires that the tenure and mix of affordable housing units should be in compliance with the latest Strategic Housing Market Assessment (SHMA) guidance. The Council's Housing and Economic Development Needs Assessment¹² (HEDNA) suggests that the housing mix should comprise 70% one- and two-bedroom properties. The appeal scheme, however, provides no single bed dwellings. The Council has stated that the proposed mix is acceptable based on the needs in this part of the Borough. I have no reason to disagree.
77. Residents have raised concern about the likely increased traffic as a result of the proposal. The appellant's Transport Assessment concludes that the scheme would have no material adverse impact on the safety or operation of the adjacent highway network and no mitigation measures are required. No objections have been made by the Highway Authority. The proposed new access to the site from Rugby Road raises no highway safety issues. Therefore, a safe and suitable access can be provided to the scheme. A 70-space car park to serve the 3G pitch and pavilion is proposed with cycle parking, electric vehicle charging bays and motorcycle parking. This provision is adequate to serve the development proposed.
78. In terms of health provision, the increased population as a result of the development would impact on local services. The section 106 requires a contribution towards the improvement and extension of Wolston Surgery. Similarly in terms of education provision, the section 106 includes a contribution towards early years, primary, secondary, special needs and post 16 provision. The impact on local infrastructure would therefore be mitigated and the scheme would be acceptable in this regard.
79. SCS have suggested that the stadium should be considered as Non-Designated Heritage Asset (NDHA) bearing in mind its history and sporting heritage. It is usually the case that an NDHA is identified by the local planning authority through the plan making process, through conservation area appraisals and reviews or through the planning application process and then included on a Local List. In this case, I understand that the Council does not keep such a list. In any event, clear evidence would be required of the significance of the asset

¹² CD08.17 Nov 2022

to justify its designation. As I do not have this before me, I am unable to consider the stadium to form a non-designated heritage asset.

80. Supporters of the redevelopment of the site for housing have raised the issue of anti-social behaviour, noise, illegal parking and blocking of footpaths when the stadium was in operation. The sporting use of the site is an extant use which in principle could be recommenced at any time, subject to the necessary physical improvement works. Any nuisance issues are matters for the Council and the stadium operator.

The Planning Balance

81. The scheme provides 124 dwellings. Having regard to the revised Framework, the Council is not required to demonstrate a five-year housing land supply as the adopted local plan is less than 5 years old. In fact, the Council has a 6.1-year supply of housing (as of 1 April 2023). The appeal proposal would contribute to boosting the supply of homes in the Borough in line with national planning policy. Accordingly, I attribute moderate weight to this benefit.
82. The proposal would provide 25 affordable homes, in compliance with the 20% requirement set down in Policy H2 of the Local Plan. The Council accepts that the Plan period affordable housing need in the Borough has not been met. Lack of delivery has resulted in a shortfall of 669 homes between 2011/12 and 2021/22. This is in the context of the HEDNA 2022 which identifies a need of 495 dwellings per annum between 2022/23 and 2031/32. This is a significant increase on the 171 affordable homes per year identified in the 2015 assessment of housing need¹³. Market signals also indicate a worsening trend in affordability in the Borough relative to the West Midlands and England as a whole.
83. I note that the number of households on the housing register for houses in Brandon and Bretford on 20th September 2023 was 19 and for Binley Woods, it was 29 households. SCS advised that there are other housing developments proposed in these areas, providing around 35 affordable homes, which would go some way to meet the local need. Nevertheless, in this context of the Borough wide under delivery, I give significant weight to the provision of affordable housing.
84. In terms of economic benefits, I recognise that the construction of new homes would support construction jobs and the local supply chain. However, these benefits would be short term, for the construction phase only. Future residents would support local shops and facilities and would also make a positive contribution to the local economy. Overall, I attribute moderate weight to these benefits. The appellant refers to Council Tax benefits and New Homes Bonus, however these are not needed to make the development acceptable and attract no weight.
85. I acknowledge that there is the potential for the stadium, should it be reinstated, to also contribute to the local economy. However, I have no clear evidence before me in this regard to assess this. I cannot therefore give this matter any weight.
86. The scheme would provide public open space which would be around 370% more than the policy requirement. I recognise that this provision would allow

¹³ CD08.04 Updated assessment of housing need : Coventry and Warwickshire Housing Market Area (HMA)

public access to the site, which is only currently available on race days. Links from the open space to existing rights of way outside the site will also be secured. The weight which I attribute to this benefit must be tempered by the fact that some provision is required to make the development policy compliant. Additionally, there is no evidence before me to demonstrate a shortfall in public open space in the locality. I therefore give this limited weight.

87. The proposal would achieve a habitat net gain of 33.87% and hedgerow net gain of 369.5% with an overall biodiversity net gain of 16.28%. This exceeds the 10% requirement in the Environment Act 2021, to become mandatory in early 2024. Such provision is required for compliance with national and local planning policies, and I afford it limited weight.
88. The site forms brownfield land and its redevelopment would accord with paragraph 123 of the Framework, which seeks to secure the effective use of land. Policy GP3 of the Local Plan and Policy H2 of the Neighbourhood Plan also give support to the reuse of previously developed land. The site is currently degraded, and several buildings are derelict. Redevelopment of the site for housing would provide environmental improvements, though its reinstatement for speedway would achieve the same objective. Accordingly, I attribute limited weight to this factor.
89. In accordance with section 38 (6) of the Planning and Compulsory Purchase Act 2004, the development should be determined in accordance with the development plan unless material considerations indicate otherwise. I have concluded that the scheme would not form inappropriate development in the Green Belt, would not have a greater impact on openness than the existing development on the site and would not conflict with any of the Green Belt purposes. It would also make use of previously developed land in accordance with Local Plan Policy GP3 and Neighbourhood Plan Policy H2.
90. However, I have also found that the proposal would conflict with paragraph 103 of the Framework, Policy HS4 of the Local Plan and Policy LF1 of the Neighbourhood Plan as the stadium is not surplus to requirements and the benefits of the alternative provision do not outweigh the loss of the facility. Accordingly, the proposal would conflict with the development plan taken as a whole. I give significant weight to this policy conflict.
91. The appeal proposal would contribute to the supply of market and affordable housing and provide economic and environmental benefits as set out above. However, collectively, the benefits would not outweigh the loss of the stadium. Insufficient material considerations therefore exist in this case, to indicate that the development should be determined other than in accordance with the development plan.

Conclusion

92. For the reasons given above, and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull BA (Hons) B.Pl MRTPI

INSPECTOR

APPEARANCES

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Team Leader Housing Options

FOR SAVE COVENTRY SPEEDWAY AND STOX CAMPAIGN GROUP (SCS): (RULE 6 PARTY)

Richard Humphreys KC

He called:

David Carter MRTPI

Planning Consultant

William Hunter Managing Director Huntapac Produce Ltd

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INTERESTED PARTIES:

Phillip Morris CEO, British Speedway Premiership

Steve Rees Chairman of British Stock Association, BriSCA F1 Management Board and Oval Racing Council International

Councillor Gillias Chair, Rugby BC Planning Committee

Mr Hier Trustee, Wolston Leisure and Community Centre

Mark Sexton Director, Thurrock Hammers Ltd

Christopher Van Straaten Promotor, Wolverhampton Speedway

Russell Bott Nuneaton Speedway Supporters Club

Councillor Slinger Labour Group at the Council

Dr Ashley Bowes** Counsel for University Hospitals Coventry and Warwickshire NHS Trust

Daniel Gilks** Assistant Director of Finance, University Hospitals Coventry and Warwickshire NHS Trust

*** Attended Round Table discussion on Planning Obligations*

DOCUMENTS SUBMITTED DURING THE EVENT

1. Appellant's opening statement (CD18.1)
2. Council's opening statement (CD18.2)
3. SCS opening statement (CD18.3)
4. Link to SCS Planning Application ref R22/0071 (CD18.4)
5. Affordable Housing Statement from the Council 20.09.23 (CD18.5)
6. Witness Statement of Daniel Wilks (NHS Trust) (CD18.6)
7. University Hospitals Coventry and Warwickshire NHS Trust contribution spreadsheet (CD18.7)
8. NHS Speaking Note (CD18.8)
9. Mark Sexton of Thurrock Hammers, Proof of Evidence (CD18.9)
10. Appendix MS1 to CD18.9 (CD18.10)

11. The FA Guide to 3G Football Turf Pitch Design Principles and Layouts (CD18.11)
12. Timeline of the Local Plan and Brandon and Bretford Neighbourhood Plan CD18.12
13. Council updated evidence statement re Housing Land Supply (CD18.13)
14. Council's NHS Witness Statement (CD 18.14)
15. Council's Legal Submissions (CD 18.15)
16. Second Witness Statement from Mr Gilks (NHS Trust) (CD18.16)
17. NHS Legal Submissions (CD18.17)
18. Appeal decision ref APP/T3725/A/14/2221858 Land at Spring Lane, Radford Semele, Leamington Spa R(University Hospitals of Leicester NHS Trust) v Harborough DC (CD18.18)
19. Warwickshire County Council Developers Guide to contributions for education and early years Provision (CD18.9)
20. Appellants response to questions raised at the Inquiry (CD18.20)
21. Statement of distances from Coventry (Brandon) Stadium to football clubs prepared by the appellant. (CD18.21)
22. 3G Pitch Delivery Note from the Council 28.11.23 (CD18.22)
23. Closing submissions from NHS Trust (CD18.23)
24. Hallam Land Management v Secretary of State and Eastleigh Council (CD18.24)
25. NHS population growth spreadsheet (CD 18.25)
26. Turner v. Secretary of State [2017] 2 P. & C.R. 1 (Green Belt) Welwyn Hatfield Council v Secretary of State [2011] 2 A.C. 304 (not profiting from own wrong)
27. R (Samuel Smith Old Brewery) v North Yorkshire CC [2020] 2 P. & C.R. 8 (Green Belt)
28. DB Symmetry Ltd v. Swindon BC [2023] 1 W.L.R. 198 (conditions and planning obligations)
29. Closing submissions from SCS (CD18.26)
30. Closing submissions from the Council (CD18.27)
31. Closing submission from the appellant (CD18.28)

DOCUMENTS SUBMITTED AFTER THE EVENT

1. Final signed and dated Section 106 agreement
2. Comments from Rule 6 Party regarding the Revised Framework
3. Comments from the Council regarding the Revised Framework
4. Comments from the appellant regarding the Revised Framework