
Appeal Decision

Site visit made on 15 February 2017

by Claire Victory BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8th March 2017

Appeal Ref: APP/A3655/W/16/3161629

Clubhouse, Traditions Golf Club, Pyrford Road, Woking, Surrey GU22 8UE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Traditions Golf Club against the decision of Woking Borough Council.
 - The application Ref PLAN/2016/0081, dated 27 January 2016, was refused by notice dated 27 April 2016.
 - The application sought planning permission for the construction of a 18 hole pay and play golf course, alterations and extensions to existing farmhouse to form clubhouse and provision of associated car parking accessed from Pyrford Road, West Byfleet without complying with a condition attached to planning permission Ref PLAN/95/1044, dated 23 June 1997.
 - The condition in dispute is No 15 which states that: *the use of the clubhouse building hereby permitted shall be ancillary to and only used in association with golf course use and shall not be open to customers between 23.00 hours on any day and sunrise the following day and during these hours it shall be clear of all customers and locked.*
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have also dealt with another appeal Ref: APP/A3655/W/16/3161628 on this site. That appeal is the subject of a separate decision.

Main Issues

3. The main issue is the effect of the extended hours of operation on the living conditions of nearby residents.

Reasons

4. The golf course was granted planning permission on appeal in 1997¹. The Inspector determining the appeal did not specify a reason for imposing the condition. However, in her reasoning she clearly referred to the need to safeguard the amenity of surrounding occupiers of residential properties.
5. The operators of the Golf Club now wish to open the Clubhouse up to non-members for events on not more than 28 days within any calendar year, in

¹ Ref T/APP/A3655/A/96/272396/P2 dated 23 June 1997

order to diversify the business and increase revenue. Whilst the Council is concerned that the proposed use of the clubhouse for independent functions would not be ancillary to the golf course use. However, the identity of those using the clubhouse would make no difference in terms of the impact on those living nearby. Furthermore, there would be no harm to the Green Belt from limited activities taking place which are unconnected with the Golf Club. No national or local Green Belt policies have been referred to that indicate that this should be prevented as a matter of principle.

6. However, it is also proposed to allow an extension of the opening hours until midnight every day. The appeal site is located within a quiet, residential area and is surrounded by houses directly opposite and to the south of the car park, with the nearest residential properties about 25 metres from the site. There is a separate condition restricting the use of amplified music after 2300 hours, and the appellant does not seek to vary this. Nevertheless, patrons leaving the premises after midnight would be likely to generate noise and disturbance including talking and shouting, the starting up of car engines and manoeuvring of vehicles, and car doors opening and shutting. Given the low background noise in the locality, residents would be more sensitive to any increase in noise levels in the vicinity and this has the potential to cause significant disturbance to the living conditions of surrounding residential occupiers.
7. Paragraph 123 of the National Planning Policy Framework states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Moreover, Policy DM7 of the Development Management Policies (DMP) DPD (2016) requires that proposals that would affect noise sensitive uses to be accompanied by a statement detailing potential noise generation levels and any mitigation measures proposed to ensure that all noise is reduced to an acceptable level. In the absence of any Noise Impact Assessment or noise mitigation submitted in support of the proposal I cannot be certain whether or not unacceptable impacts on the living conditions of surrounding occupiers would arise by reason of noise and disturbance.
8. In seeking this extension the appellant asserts that there is a lack of restriction on other golf clubs in the area regarding opening hours and that the permission was granted before the relaxation of the licensing laws which allow for later opening, but I have limited details before me of the operation of other clubs and of their local context, and therefore am unable to directly compare these to the present appeal. Furthermore, longer opening hours remain subject to considerations regarding residential amenity and I have taken this into account in reaching my decision.
9. For the reasons set out above, I conclude that the proposal would be contrary to DMP Policies DM3 and DM7, which, amongst other things, seek to ensure development does not generate unacceptable activity or give rise to loss of residential amenity from noise or other general disturbance. Accordingly, Condition 15 of planning permission PLAN/95/1044 should not be varied and the appeal is dismissed.

Claire Victory

INSPECTOR