
Appeal Decision

Site visit made on 21 March 2017

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 11 April 2017

Appeal Ref: APP/N1920/W/16/3164487

A1 Golf Driving Range, Rowley Lane, Barnet EN5 3HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Adventure Experience Ltd against the decision of Hertsmere Borough Council.
 - The application Ref 16/0038/FUL, dated 8 January 2016, was refused by notice dated 26 August 2016.
 - The development proposed is erection of Sky Trail High ropes adventure course.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Whilst the appeal was submitted in the name of Mr Scott Sinclair it has been confirmed that it should proceed in the name of the applicant, Adventure Experience Ltd.
3. The Council has confirmed that, following its decision on the application, it has adopted the Site Allocations and Development Management Policies Plan (SADMPP) 2016 and that the policies of the Hertsmere Local Plan 2003 which are cited in the reason for refusal are no longer in force. The development plan, with which my decision must accord unless material considerations indicate otherwise, therefore comprises the Hertsmere Core Strategy (HCS) 2013 and the SADMPP.
4. Policy SADM31 of the SADMPP, which was in draft form when the Council determined the application, has been superseded by Policy SADM30 of the adopted Plan. I refer to the latest versions of all policies in my decision. I have also taken into account an executed planning obligation which was submitted by the appellant after the Council made its decision.

Main Issues

5. The main issues are:
 - (a) Whether or not the proposed development would constitute inappropriate development in the Green Belt taking into account its effect on openness;
 - (b) The effect of the proposed development on the character and appearance of the site and the surrounding area; and
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- (c) If the proposal would be inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

6. Paragraph 89 of the National Planning Policy Framework (the 'Framework') establishes that the construction of new buildings is inappropriate in Green Belt unless one of a number of exceptions apply. The exceptions include, under bullet point 2, the provision of '*...appropriate facilities for outdoor sport or outdoor recreation...*' as long as it '*...preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*'.
7. The appeal site forms part of an area containing a golf driving range and dinosaur themed adventure golf facility. The proposed ropes course would add a further visitor attraction to the site and would constitute a facility for outdoor recreation in the context of paragraph 89.
8. The ropes course would be located on a mounded area close to the entrance to the site off Rowley Lane and comprise a series of steel lattice elements with interconnecting platforms, with a height of about 10 metres and covering a fairly extensive ground area. Whilst the ground level below the ropes course would be reduced by about 1 metre, this would only slightly reduce its perceived height and scale. The structure would also be surrounded by a new 2.4 metre high mesh fence.
9. Whilst the proposal would allow for views through and between its different parts, these would be interrupted to a substantial degree by the proposed staircase and other elements. Due to a combination of its size, height, form and location it would be readily seen from the site entrance and car park, Rowley Lane and a hotel car park and slip road onto the A1 to the west. Although some tall structures already exist around the site, such as the netting to the golf driving range, the appeal proposal would further reduce openness. The proposed landscaping would not mitigate this effect.
10. Whilst other local authorities may have found that similar proposals have not been inappropriate, limited details of these cases have been provided and the appeal proposal must in any event be assessed on its own merits.
11. I conclude that the proposal would not preserve the openness of the Green Belt, and is therefore excluded from the exception to 'inappropriate development' set by bullet point 2 of paragraph 89. It would also not fall within any of the other exceptions in this paragraph and would therefore constitute inappropriate development in the Green Belt as defined in the Framework. Relevant policies of the HCS and SADMPP do not define inappropriate development in any alternative way which would impact upon this finding.
12. Under paragraph 87 of the Framework, inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Character and appearance

13. In addition to its effects on openness, the proposal would, in combination with existing structures, cause this part of the site to have a rather cluttered appearance when viewed from within the site and its immediate environs. The proposed improvements to the landscaping of the site would only partially offset this effect.
14. The proposal would therefore cause limited harm to the character and appearance of the site and the surrounding area. Its approval would conflict to this extent with relevant provisions in Policies SP1 and CS22 of the HCS, Policies SADM27 and SADM30 of the SADMPP and the Framework.

Other Considerations

15. The proposal would enable an adventurous activity to be undertaken at the site which would increase the confidence of users. It would also diversify the leisure uses within the site and provide what could be a popular and engaging activity for different age groups, particularly young people, in a location which is easily accessible from the other facilities at the site. The submitted planning obligation would ensure that it would be available free of charge from 0900 until 1630 on Mondays to Fridays to students at all schools in Hertsmere, the youth sports service and registered youth and community groups.
16. I agree that these would be notable benefits and that the proposed use could not operate successfully without a high structure being provided. However, only limited information has been provided about the availability or otherwise of other similar facilities in the area, or of whether any other sites for a similar development may be available which would cause less harm to the Green Belt.
17. Whilst the proposed improvements to landscaping could enhance biodiversity it is not clear that any such enhancement would be substantial.

The planning balance and conclusion

18. I have found that the proposal would constitute inappropriate development in, and therefore be harmful to, the Green Belt. Under paragraph 88 of the Framework I must attribute substantial weight to this harm. I have also found that the proposal would cause limited harm to the character and appearance of the site and the surrounding area.
19. In support of the proposal it would introduce an exciting and confidence building activity which would diversify the use of the site for outdoor recreation in the manner that I have described. However, whilst its benefits would be notable they would not collectively clearly outweigh the harm that it would cause. I therefore conclude that the very special circumstances needed to justify inappropriate development in the Green Belt do not exist in this case. The proposal would as a result conflict with Policy CS13 of the HCS and would not constitute sustainable development as referred to in the Framework.
20. For the reasons given above I conclude that the appeal should be dismissed.

Jonathan Clarke

INSPECTOR