
Appeal Decision

Site visit made on 22 October 2019

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 November 2019

Appeal Ref: APP/W0340/W/19/3234389

Theale Golf Club, North Street, Theale RG7 5EX

- 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 Theale Golf Club against the decision of West Berkshire Council.
 - The application Ref 18/02203/COMIND, dated 27 July 2018, was refused by notice dated 31 January 2019.
 - The development proposed is described as 'replacing existing 6 bay driving range with new 18 bay driving range, 1 no teaching bay, 1 no indoor video room, ballwash, entrance floodlighting + ball stop fencing'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has submitted a revised scheme for lighting as part of the appeal. Annex M of the Procedural Guide Planning Appeals – England¹ states that the appeal process should not be used to evolve a scheme and it is important that what is considered by the inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. The revisions are substantial and relate to three of the Councils' refusal reasons. The lighting proposal submitted as part of the original application was at ground level, whereas the revised scheme proposes lighting at a height of 4.2 metres. With reference to the Wheatcroft Principles² I am of the view that the proposal is so changed by the revised plans that if I were to take the plans into account it would deprive those who should have been consulted on the changed development of the opportunity of such consultation. Therefore, I will base my assessment of the proposal on the plans originally submitted to the Council.

Main Issues

3. The effect of the proposal on:
 - a) the character and appearance of the area, including the adjacent North Wessex Downs Area of Outstanding Natural Beauty (AONB),
 - b) the living conditions of the occupiers of nearby dwellings, with particular regard to outlook, lighting and noise, and

¹ Paragraph M.2.1

² Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

- c) protected species and their habitats.

Reasons

Character and appearance

4. The appeal site is at the far eastern edge of area WH4 of the West Berkshire Landscape Character Assessment 2019 (LCA), which is referred to as the Cold Ash Woodland and Heathland Mosaic. It is in an area of flat plateau with views from the site towards the sloping ground and woodland to the east and northeast. It has a rather tranquil rural character, despite its proximity to the M4 to the east. The site is just outside the urban edge of Theale, which forms the site's southern boundary. Despite the countryside location of the site, the nature of the proposal and its proximity to the AONB, no formal landscape assessment has been submitted.
5. The site is already used as a driving range, with a small six bay building facing out over the site in an easterly direction. Although the proposed structure would be of a similar height to the existing structure it would occupy a much larger area, extending to the south towards the village edge and would have the effect of linking built form from the tight urban edge of the village towards the club house. This would result in a substantial increase in built form at the site. The long open fronted elevation of the building would be easily viewed through gaps in vegetation from the footpath to the east of the site. The effect of the proposal would likely be felt from higher ground to the east and northeast of the site, which is within the AONB.
6. The appellant refers to the re-establishment of the tree planting scheme to the southern edge of the site on the existing bank, which could have a positive mitigating effect. However the submissions do not include a site layout plan to demonstrate how the existing planting or any proposed areas of planting would integrate with the siting of the building or mitigate against the urbanising effects of the proposal. Instead, the footprint of the building is overlaid in a rather simplistic manner onto the topographical plan. At its southern end this would extend into the rough grassland area and cut into the existing bank. The bank and rough grassland area would be further decreased by the area of stone track shown on the 1:100 plan, which would run around the southern end of the building.
7. The proposal includes a lighting scheme, although the scheme originally submitted to the Council has limited detail. Lighting would be located at ground level behind mounds arranged at intervals over the site area. No drawings have been submitted to show the location or number of the proposed mounds, or what they would look like. The lighting would face away from the driving range towards the closest part of the AONB to the east and northeast. The dark night skies and night lighting map for area WH4 of the LCA demonstrates that the site is beyond the illuminated areas of Theale and the motorway junction. Erecting an array of low level lighting over the area of the site, with the intention of illuminating large areas of the site would have the effect of extending the level of urban illumination into an area of darker skies. The Council refers to the North Wessex Downs AONB Management Plan 2014 – 2019, which identifies the particularly harmful impact of high-powered external lighting on dark skies and tranquillity.

8. The appellant suggests that external lighting would be limited to evenings and would therefore not have an effect on light levels during the main part of the night. Whilst I accept that this weighs in favour of the proposal it cannot be used to justify a scheme that is lacking in detail and without adequate mitigation. The site is close to a significant array of lighting columns associated with Theale Green School to the southwest. However, this site is separated from the appeal site by areas of undeveloped land. The appeal proposal would result in a further area of external lighting beyond the urban edge of the settlement, that would have an additional and isolated impact on the area's dark skies.
9. I am therefore not satisfied that the submitted scheme demonstrates a carefully considered response to the characteristics of the site. I am also not convinced that the scheme has been developed on the basis of a thorough understanding of the character and appearance of the area, including the adjacent AONB, and its potential effect on that area. The plans do not show a properly integrated scheme of landscaping that could be considered sufficient to mitigate against the urbanising effects of the proposed building, and details of the lighting scheme are limited and without adequate mitigation. The proposal is therefore contrary to Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006 – 2026 Development Plan Document adopted 2012 (DPD), and the National Planning Policy Framework (the Framework), which together seek to ensure that proposals are of a high quality that conserve and enhance the special landscape qualities of the AONB.

Living conditions

10. The eight dwellings that would be closest to the proposed building are arranged in two parallel rows to face onto a communal grass area, with small front gardens enclosed by low fences. This area is pleasant and quiet and provides occupiers of these dwellings with an outlook over the golf course. The southern end of the proposed building would be close to these dwellings and would be roughly centred on the communal grass area. In this respect the proposal would not relate well to the existing layout of these nearest properties and would dominate the outlook from this area, which would have an adverse impact on the living conditions of the occupiers of these dwellings.
11. The submission refers to a timber fence to be erected at the southern end of the building to provide privacy to the occupiers of No 14 North Walk. No details of this fence are however shown on the drawings to show its length or position, so I must give little weight to the potential for this to address the effect of the proposal on the living conditions of the occupiers of this closest dwelling.
12. A high ball stop fence is proposed towards the site's southern boundary to stop balls from heading towards neighbouring dwellings. This would be a benefit to the occupiers of these dwellings in terms of mitigating against this nuisance. The dwellings closest to the site face the boundary with blank gable ends, however gardens and open areas between the dwellings currently have a pleasant outlook in this direction. The proposed fence would rise well above the height of existing boundaries. The appearance of such a high fence would have a harmful effect on the current outlook enjoyed by the occupiers of these dwellings from areas of garden and open areas between the dwellings.
13. For the reasons set out already, the effect of the proposed lighting on the living conditions of neighbouring occupiers is difficult to properly assess owing to the

lack of detail. I note that this was picked up in a neighbour comment. I cannot be confident that lighting would not spill onto neighbouring areas of garden or towards dwellings to the extent that it would harm the living conditions of the occupiers of these dwellings.

14. I accept that the use of a driving range is a quiet activity. There is no evidence before me to suggest that the gentle click sound heard when the club makes contact with the ball would cause a nuisance to the occupiers of nearby dwellings, and the appellant advises that no noise complaints have been received based on the use of the existing area. I am also not convinced that noise generated from activity in the ball wash room would be problematic. The impact from grass cutting and ball collecting would be similar to the current level of activity at the site. The teaching suite would also be enclosed and there is no evidence before me to suggest that speakers would be used.
15. In summary, I am satisfied that the proposal would not cause harm to the living conditions of neighbouring occupiers in terms of noise. However, I find that the proposal would have a harmful effect on the outlook currently enjoyed by occupiers of neighbouring dwellings, and that I cannot be satisfied that the proposed lighting scheme would not harm the living conditions of the occupiers of neighbouring dwellings. The proposal is therefore contrary to Policies CS14 of the DPD, Saved Policy OVS.5 of the West Berkshire District Local Plan 1991 - 2006 and the Framework, which together seek to ensure that development proposals make a positive contribution to quality of life through good design and secure a high standard of amenity.

Protected species

16. The Council advises that the site is in an area associated with protected species. Although no evidence is before me to support this statement the site is located in a rural area and is largely undeveloped with significant tree cover and large areas of unmown grass and vegetation. On this basis I have no reason to doubt that the site is located in an area associated with protected species, and find that there is a reasonable likelihood that the site could provide a suitable habitat for such species. Taking into account the external lighting and the high ball stop fence, the proposal could have a harmful effect on protected species
17. No ecological survey information or mitigation was submitted as part of the original application. A letter was submitted by the appellant as part of the appeal process from an environmental consultant. However, this is wholly related to the revised lighting proposal, which I am unable to take into account in my determination of this appeal.
18. Circular 06/2005³ establishes that it is essential for the presence or otherwise of protected species, and the extent that they may be affected by a proposal to be established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
19. I am unable to conclude that the proposal would not have a harmful effect on protected species, and cannot therefore be satisfied that the proposal would accord with Policies CS14, CS17 and CS18 of the DPD and the Framework, which together seek to ensure that all new development maximises

³ Government Circular: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system

opportunities to achieve net gains in biodiversity and does not result in the loss of green infrastructure.

Other Matters

20. In support of the proposal the appellant suggests that the existing driving range is no longer fit for purpose and that it is the only driving range facility in the area. It is also suggested that the proposal would support the rural economy and that the sport and activity of the club has significant social benefits. Whilst I accept these matters, they are not sufficient to outweigh the harm I have identified in relation to the main issues of this appeal.
21. In further support of the proposal the appellant refers to the positive pre-application advice received from the Council. However, in determining the appeal I can only have regard to the planning merits of the case before me, so am unable to give any weight to this matter.

Conclusion

22. For the reasons above, the appeal should be dismissed.

Andrew Tucker

INSPECTOR