
Appeal Decision

Site visit made on 13 January 2020

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2020

Appeal Ref: APP/N5090/W/19/3239441

Hendon Golf Club, Ashley Walk, Mill Hill, London NW7 1DG

- 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 Mr Pete Dickson against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/1316/FUL, dated 28 February 2019, was refused by notice dated 3 May 2019.
 - The development proposed is described as "Replacement of an existing storage shed to provide improved staff facilities and the provision of additional sand bays with associated landscaping."
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. Whether the proposal is inappropriate development in the Green Belt;
 - ii. If the proposal is inappropriate, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

3. Policy DM15 of the Barnet's Local Plan Development Management Policies 2012 (BLPDMP), Policy CS7 of the Barnet's Local Plan Core Strategy 2012 (BLPCS) and Policy 7.16 of the London Plan 2015 (LP) relate to development within the Green Belt. I consider these policies to be consistent with the National Planning Policy Framework (the Framework) including paragraph 145 which states that the construction of new buildings in the Green Belt should be regarded as inappropriate, unless the development falls within the exceptions list. This list includes the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
4. The appeal site forms part of the Hendon Golf Club (the Club) which facilitates the outdoor sport of golf. The proposal is for a storage shed which has been

indicated is to be for the storage of essential vehicles and equipment used regularly to maintain the golf course. The proposal would therefore be the provision of appropriate facilities, connected with the existing use, for outdoor sport and in line with paragraph 145 of the Framework it needs to be assessed in terms of whether the openness of the Green Belt is preserved.

5. Paragraph 133 of the Framework indicates that openness is an essential characteristic of the Green Belt. The proposal would replace an existing structure with a building that would be significantly larger in volume. By all metrics the proposal would therefore have a greater impact on the openness of the Green Belt in spatial terms.
6. Visual impacts forms part of the concept of openness of the Green Belt, and whilst the site may not be highly visible from wider views, the existing building on the site is prominent when viewed in closer proximity. Existing landscaping provides some screening and it is noted that further landscaping could be secured by planning condition to add to the screening. Nevertheless, the proposed development would be large in scale and be prominent when viewed from the immediate area and the addition of further landscaping would not completely screen the proposal. The proposal may reduce the level of activity, including the movement of machinery, in the maintenance area however, this activity is only temporary and would be replaced by a permanent structure of substantial size. The proposed development would therefore have a greater visual impact within the surrounding area.
7. I have had regard to the appellants statement of case including the Court Judgement¹ which considers impact and harm on the openness of Green Belt. Taking into account the factors above, the proposal would have an inevitable spatial and visual impact that would be harmful to the Green Belt when compared to the existing circumstances.
8. I therefore find that the proposed development is inappropriate development in the Green Belt, and as such conflicts with Policy DM15 of the BLPDMP, Policy CS7 of the BLPCS, Policy 7.16 of the LP and paragraph 145 of the Framework which seeks to protect the Green Belt from inappropriate development.

Other considerations

9. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
10. The Club is a sports facility that is utilised by a large number of people which has made a financial loss in two of the previous five years. It is also recognised that it has been reported that other golf clubs across the UK have been closing in recent years. The Club provides employment opportunities in the area and contributes towards the local economy with the course being an attractive venue for external competitions such as the England Golf South Region Ladies Week and the South East of England Six Man Team.
11. It has been indicated that a key factor in the viability of the Club is providing and maintaining a high quality golf course, which requires particular machinery for its upkeep. This machinery, and planned new machinery to be brought in,

¹ Samuel Smith Old Brewery (Tadcaster) Limited v North Yorkshire CC (Court of Appeal, 16 March 2018)

would be required to be stored in the proposed building. However, no substantial evidence has been provided to convince me that the proposed building and the machinery stored within would increase the quality of the golf course to an extent that would significantly contribute to the viability of the Club or its financial position.

12. The Club has not increased its storage accommodation in over 20 years and its noted that the Club also has a maintenance contract with neighbouring Metro Golf Centre which utilises the machinery from the appeal site. Whilst other locations for the proposed storage building has been explored, there is no evidence to indicate that a building of a different size can adequately accommodate the requirements of machinery storage.
13. The appellant states that maintenance operations on site contribute positively to the local environment, through tree management, introduction of planting, beehives and bat boxes. The appellant has indicated a number of benefits of the proposal including reduction in noise levels, fuel use and emissions, and there would be no harm to the living conditions of occupiers of neighbouring properties.

Conclusion

14. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. In this appeal there would be harm to the openness of the Green Belt and the Framework specifies that substantial weight should be given to any harm to the Green Belt.
15. I accept that the machinery to be kept in the proposed building would contribute to providing and maintaining a high quality golf course at the site which in turn would add to the viability of the Club. There is a lack of evidence to convince me to what extent the proposed building would contribute to the Clubs viability and therefore whilst this would be a benefit, I can only attribute minimal weight to this benefit. A number of other benefits have also been identified with regards to effect on the environment and living conditions of neighbouring occupiers, in which I attribute moderate weight. These benefits however would not clearly outweigh the harm that I have identified above, particularly given the importance the government gives to the protection of the Green Belt as reflected in the Framework.
16. For the reasons outlined above, therefore, other considerations do not clearly outweigh the harm to the Green Belt and any other harm. Consequently, the very special circumstances needed to justify the development do not exist. The development would also fail to comply with Policy DM15 of the BLPDMP, Policy CS7 of the BLPCS, Policy 7.16 of the LP which accord with the Framework in seeking to protect the Green Belt from inappropriate development.
17. I conclude that for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR