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## Appeal Decision

Site visit made on 5 December 2019

**by N Holdsworth MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 April 2020**

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**Appeal Ref: APP/Y9507/W/19/3235127**

**Blacknest Golf and Country Club, Frith End Road, Blacknest, Alton, GU34 4QL**

- 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 Greenbanks Golf Ltd against the decision of South Downs National Park Authority.
  - The application Ref SDNP/18/03009/FUL, dated 31 May 2018, was refused by notice dated 10 April 2019.
  - The development proposed is erection of 3 linked tipis, associated facilities building and pavilion, change of use and conversion of first floor gym, function room and multi-use rooms in clubhouse to 7 hotel rooms, alterations to first floor gym changing room to form open plan gym, conversion of first floor offices over pro-shop into security staff flat associated with proposed hotel rooms, change of use and conversion of part of driving range to 3 hotel rooms (2 x Part M compliant) with associated raised access path.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of 3 linked tipis, associated facilities building and pavilion; change of use and conversion of first floor gym, function room and multi-use rooms in clubhouse to 7 hotel rooms, alterations to first floor gym changing room to form open plan gym, conversion of first floor offices over pro-shop into security staff flat associated with proposed hotel rooms, change of use and conversion of part of driving range to 3 hotel rooms (2 x Part M compliant) with associated raised access path, at Blacknest Golf and Country Club, Frith End Road, Blacknest, Alton, GU34 4QL, in accordance with the application Ref SDNP/18/03009/FUL, dated 31 May 2018, but subject to the attached schedule of conditions.

### Background and Procedural Matters

2. The contested matters in this appeal include concern about the effects of noise arising from events taking place in the proposed tipis. Similar structures have previously been erected on the site on a temporary basis without planning permission. Approval is now sought to erect a permanent set of tipis, along with an associated facility building. This is to enable events such as weddings to be carried out on this part of the golf course.
3. Additional details were provided in November 2018 confirming that the proposed system of amplification would be based on a directional zone array within the tipis. This information was accepted, and assessed, by the authority and is discussed in the officer delegated report. It forms part of the evidence on which my decision must be based.

4. In assessing the proposal, the authority raised concerns over the noise report provided. Following the refusal of planning permission, the appellant commissioned a further independent noise survey. This does not fundamentally amend the proposal but sets out the findings of testing carried out on the zone array, when it was installed within the temporary structures currently at the site. It also includes a draft noise management plan, which describes how the equipment would be operated to comply with noise limits which would be the subject of future agreement with the local planning authority.
5. This is technical evidence relating to the impact of the scheme. It does not materially change the nature of the proposed development, which remains consistent with the scheme that underwent public consultation whilst it was under consideration by the local planning authority. It can be taken in-to account without prejudicing the interests of any parties.
6. The South Downs Local Plan (2014-2033) was adopted on 2 July 2019 ("adopted local plan"). Following this, the policies cited in the East Hampshire Joint Core Strategy are no longer part of the development plan and have no weight. The authority confirm that policies SD4, SD5, SD7 and SD8 of the adopted local plan are the policies most relevant to the main issues in this appeal. The appellant has had the opportunity of commenting on this adopted plan in the appeal process.

## **Main Issues**

7. The effect of the proposal on:
  - i) The character and appearance of the area, including the landscape character of the South Downs National Park and its dark skies; and
  - ii) The living conditions of neighbouring residents and the tranquillity of the surrounding rural area, with particular regard to noise.

## **Reasons**

### *Character and Appearance*

8. The site forms part of a longstanding golf course. This has an artificial, cultivated appearance largely comprising long strips of grass interspersed with bunkers. This can be clearly distinguished from the surrounding countryside, which is composed of irregularly shaped fields and woodland. It falls within the South Downs National Park, where there is a statutory duty to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
9. The proposal would increase the spread of built form across this golf course, which is currently concentrated around the clubhouse and associated parking area. However, the proposed tipis, facilities building and pavilion are of a modest size, rising only to a single storey in height. They would be set well away from the external boundaries of this golf course, and in a setting which is heavily screened by mature trees.
10. This would limit the visual impact of the proposal on the landscape, to the extent that the only significant views of the new structure would be from within the golf course itself. Whilst they would not be directly used in connection with golfing, the function of the proposed tipis would be consistent with the existing longstanding use of this land as an area for recreation and leisure. The

appearance of this part of the development would be similar to that of a marquee, a feature often found within the English countryside. Consequently, the proposal would complement this landscape. It would not detract from its character.

11. It is envisioned that the tipis would be used to host events at the golf club, including weddings. The conditions suggested by the authority would ensure that the new buildings remain ancillary to the golf course and do not become a destination or attraction in its own right. As such, the proposal would not lead to the sub-division of this golf course. Nor would it represent a significant intensification of the overall use of this rural enterprise.
12. The tipis and associated facilities building are enclosed structures with vertical openings, which mean that artificial light would not project towards the sky. Consequently, there would be little leakage of artificial light. Further details of internal and external lighting could be required by planning condition. This would ensure that the level of artificial light is limited to that which is necessary and does not detract from the darkness of the sky at night.
13. In conclusion, the proposal would be acceptable in terms of its effect on the character and appearance of the area, including the landscape character of the South Downs National Park and its dark skies. In this respect the proposal complies with policies SD4, SD5 and SD8 of the adopted local plan which seek amongst other things, to ensure that development proposals conserve and enhance landscape character, represent sensitive design and take all opportunities to reduce light pollution. The proposal also complies with the relevant parts of the National Planning Policy Framework ("the Framework"), which share similar objectives.

#### *Noise*

14. The results of the noise testing submitted with the appeal indicate that, under the proposed zone array, music could be played in the tipis at workable commercial levels whilst having a limited impact on the surrounding residential properties. This position has been broadly accepted by the environmental health officer within the authority, who does not object to the principle of development, subject to conditions.
15. The planning authority continue to express concern about the practicality of the proposed zone array, noting that it might not be appropriate for all potential events. Clearly the nature of entertainment uses mean that there would be pressure to use alternative sound systems in the future. Dependent on the type of event there is also likely to be pressure to increase noise levels, above that associated with the zone array.
16. It follows that, for this proposal to be acceptable, the noise arising from it would need to be carefully controlled. To this end, a technical solution is proposed. The noise emitted from the system would be limited to a fixed setting. A noise management plan, agreed with the authority in response to a planning condition, would set out noise limits, together with measures to ensure these limits are adhered to.

#### Living conditions of neighbouring residents

17. There are several residential properties around the golf course which have reported noise disturbance previously from similar, temporary structures on the

site. However, if the appeal fails, it is likely that the temporary structures would continue to be erected at the site, and the noise disturbance which forms the basis of many objections to this scheme will continue.

18. The zone array that would be installed within the venue directs music from the ceiling to the dancefloor, rather than conventional amplification systems which are less directional. As discussed above, it would be subject to strict noise limits, enforced through a noise management plan. The exact noise limits for different times of the day would be subject to the agreement of the Authority, this will ensure that noise does not unreasonably impact on neighbouring residents.
19. Whilst this is a permanent form of development, the arrangement described above is likely to represent a significant improvement over the existing situation in terms of the local noise environment, at the times when the venue is in use.
20. Overall, the evidence before me indicates that noise can be limited to acceptable levels through the use of planning conditions. Subject to this, the effect of the development on the living conditions of neighbouring residential occupants would be acceptable.

#### Tranquillity

21. Whilst the golf course sits within a predominantly rural area, its proximity to housing and traffic along the Frith End Road mean that it is not a completely tranquil environment. There are other existing sources of noise, including a nearby pub. The existing level of tranquillity can be reasonably described as medium.
22. Whilst there would be an increase in noise above existing background levels arising from amplified sound, under the conditions agreed in the course of this appeal, this would cease entirely at midnight. Each event would be subject to management measures set out in a noise management plan.
23. There would potentially be noise other than amplified sound generated by events, for instance from people talking to each other in the open air. However, such activities would be unlikely to be of a volume that results in significant additional levels of noise disturbance, and the tranquillity of the surrounding area would not be materially harmed in this respect.
24. There are concerns that the approval of a permanent structure could result in regular events occurring at the site. This would have the potential to lead to an urbanising effect on the prevailing quiet, rural character of this part of the National Park. In response to this, the appellant has not objected to a condition which would limit the use of amplified sound at the venue to 30 days within each calendar year. Subject to this limitation, additional noise arising from the tipis would occur on such an infrequent basis that it would not materially affect the prevailing relative tranquillity of this area.

#### Noise – overall conclusion

25. The risk of harm through noise pollution, both in terms of the living conditions of neighbouring residents and the tranquillity of the South Downs National Park can be managed and mitigated effectively through the use of planning conditions. Subject to this, there is no conflict with policies SD5 and SD7 of the

adopted local plan which require, amongst other things, that development avoids harmful impacts on surrounding uses and amenities, and conserves and enhances relative tranquillity. There is no conflict with the relevant parts of the Framework, which share similar objectives.

#### *Other Matters*

26. Interested parties express concern that the proposal would lead to an expansion to the existing use, which is considered inappropriate in this rural area. Similar concerns formed the basis of a dismissal of a historic appeal decision for the extensions to the clubhouse, but that decision was made over 20 years ago, in a different policy context.
27. The evidence provided by the appellant indicates that the provision of a small amount of guest accommodation on the site, together with the events building, is a necessary step to modernise and diversify the business in light of a decline in the popularity of golf club membership. The Framework, introduced initially in 2012, promotes places which enable and support healthy lifestyles, and requires that planning decisions should promote social interaction. The modest works to this existing rural business are likely to support its ongoing viability as a sports venue and community meeting place, thus helping to achieve these national planning policy objectives.
28. The overall extent of the proposed expansion would be on a modest scale. It would not lead to significant additional traffic movements, beyond that which could be reasonably expected to occur within the existing use of the site as a golf course. Such venues commonly provide entertainment and act as a social meeting place, in addition to providing facilities for sport. Any additional traffic generated by the events facility would be acceptable in terms of its effect on the highway network and the character of the area. The authority do not object to the development on these grounds, I agree that the proposal is acceptable in highways and transportation terms.
29. On the evidence before me the road access to the venue is satisfactory and sufficient infrastructure exists to accommodate the proposed development. It is not therefore necessary to secure additional payments towards transport infrastructure to make the proposed development acceptable in planning terms.
30. The planning application was supported by a preliminary ecological appraisal, which comprehensively considered the impacts of the proposed development on protected species. It concludes that the effect on wildlife would be acceptable. The Authority do not object to the proposal on these grounds, and I agree with this position. The ecology appraisal can be listed as an approved plan, with which the development must be carried out in accordance with. Any occasional disturbance to farm animals or other wildlife arising from use of the tipis would not be of a scale that justifies the refusal of planning permission.
31. I have taken in to account all the objections to the proposed development. However, none of these raise issues that would justify withholding planning permission. Any harmful impacts of this development can be mitigated where appropriate through the use of planning conditions. As such, there is no conflict with the statutory duty to conserve and enhance the natural beauty, wildlife and cultural heritage of the South Downs National Park; nor is there any

conflict with the Framework which requires great weight to be given to conserving and enhancing landscape and scenic beauty in such areas.

### **Conditions**

32. Conditions are necessary to ensure the sound being emitted from the proposed tipis are controlled in the interests of protecting the character of the area and the living conditions of existing residents, in line with the discussion in this decision. This involves a 30-day annual limitation and the submission and approval of a noise management plan specifying noise limits for different parts of the day.
33. There is a further condition which requires that the tipis are not used at all at night-time, defined as after midnight on Monday to Saturday and 10pm on Sundays and public holidays. The Council have also requested that they are not used during the day prior to 8pm, limiting its use to a part of the evening; however this would limit the use of the venue to a very narrow time frame. Such a limitation would not be reasonable, particularly in combination with the 30 day per year restriction imposed through other conditions.
34. Condition 2 allows time specific noise limits and sound testing procedures to be formally agreed in response to a management plan. As such, it covers the main issues regarding noise which have been the subject of exchanges and agreement between the main parties, including in the course of this appeal. The Authority can refuse to discharge the condition, if it considers the submitted information would fail to provide satisfactory controls in relation to noise. However, the evidence before me suggests that agreement is likely to be reached over these technical issues, to enable the development to proceed.
35. Conditions are also necessary to prevent the subdivision of the site and prevent any unacceptable intensification which may occur in consequence; to preserve the prevailing character and appearance of the area including trees; to ensure adequate provision is made for drainage and vehicular access to the development; and in the interests of certainty and securing an acceptable standard of development.
36. Other conditions suggested by the Council but not imposed include limitations requiring that the development is temporary, and to require that it is removed completely in the winter. However, as the impact of the development has been found to be acceptable, there is no need for it to be partially dismantled and reconstructed every year. The site the tipis would be built on comprises part of a golf course; there is no significant benefit in exposing the underlying land for part of the year.
37. Whilst parts of it would be dismantlable, the development is clearly intended to be a permanent structure, and it has been found to be acceptable on this basis in terms of the main planning issues in this appeal. Consequently, a temporary planning permission would not be reasonable or justified on this occasion. Any prospective future works to the Golf club would be considered on their planning merits. As the hours of use of the tipis are restricted, it is not necessary to impose separate 'switch off' times for the lighting within it.
38. Overall, the conditions imposed strike a reasonable balance between the commercial requirements of the Golf club and the need to avoid harmful levels

of noise. They accord with the policy on the use of conditions, as set out in the Framework and Planning Practice Guidance.

**Conclusion**

39. The proposal complies with the development plan and there are no other considerations that outweigh this finding. The appeal should be allowed.

*Neil Holdsworth*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

### Noise conditions

- 1) No amplified sound shall be played within the tipis hereby approved, other than within thirty calendar days, within each calendar year. The applicant must keep a written record of each occasion amplified sound is played within the tipis, and make this available to the local planning authority for inspection upon request at any reasonable time.
- 2) No amplified sound shall be played within the tipis hereby approved until a written noise management and mitigation plan has been submitted to and approved in writing by the local planning authority. This shall include the following details:
  - i) The technical specification of the system of sound amplification within the tipis;
  - ii) Noise limits for different parts of the day, and measures to ensure these are tamper resistant;
  - iii) Procedures for sound testing, to ensure the agreed noise limits are adhered to.
  - iv) Management measures, including complaint procedures, to ensure that the noise limits are adhered to.

Amplified sound shall only be played within the tipis in accordance with the written noise management and mitigation plan approved in response to this planning condition. The development hereby approved shall be carried out in accordance with the terms of the written noise management and mitigation plan approved under the terms of this condition.

- 3) Notwithstanding any of the approved documentation, the use of the tipis hereby permitted shall only be carried out within the site between 07:00 to 00:00 (midnight) Monday to Saturday and from 09:00 to 22:00 on Sundays and public holidays.

### Other conditions

- 4) The tipis and associated outbuilding hereby approved shall be used as an ancillary facility to the business and leisure activities taking place on the wider site (Blacknest Golf and Country Club) and shall not at any time be separated from it or used independently of it.
- 5) The guest accommodation hereby permitted shall not be used for any purpose other than as short stay accommodation in connection with and as part of the business and leisure facilities taking place at Blacknest Golf and Country Club, and shall not at any time be separated from it.
- 6) The use of the proposed tipis and associated outbuilding shall not commence until details of all internal and external lighting have been submitted to and agreed in writing by the local planning authority. The lighting shall be installed in accordance with this scheme and retained thereafter. No other lighting shall be installed within a 20 metre radius of the tipis and associated outbuildings at any time.

- 7) The development hereby approved shall not be bought in to use until provision for parking, including disabled parking has been made within the site in accordance with the approved plans. Once installed this parking shall be retained thereafter.
- 8) The tipis and associated outbuilding shall not be bought in to use until details of a scheme for foul and surface water drainage, together with a maintenance and management plan, has been submitted to, and approved in writing by, the Local Planning Authority. Such details should include provision for all surface water drainage from parking areas and areas of hardstanding to prevent surface water from discharging onto the highway and local water courses based on site investigation and percolation tests. The development shall be carried out in accordance with the approved details.
- 9) The development hereby permitted shall be carried out in strict accordance with the approved Arboricultural Method Statement prepared by Bright Green Environmental (dated 24 May 2018, Reference: 17153) and Tree Constraints Plan.
- 10) The development hereby approved shall be carried out in accordance with the following approved plans and documentation:
  - Arboricultural Impact Assessment (Bright Green Environmental, dated 24 May 2018, Reference: 17153)
  - Planning, Design and Access Statement
  - Preliminary Ecology Assessment (Bright Green Environmental, reference 17153, dated 17 April 2018)
  - Transport and Car Parking Assessment
  - Flood Risk Assessment (Lawson Architecture Commercial Limited)
  - Proposed Location Plan (13-1449-PX-00 Rev. A)
  - Proposed Site Plan (13-1449-PX-02)
  - Proposed Site Services Plan (13-1449-PX-01 Rev. D)
  - Proposed Site Services Plan (disabled parking spaces) 13-1449-PP-01 Rev.C
  - Proposed Site Plan Car Parking (13-1449-PX-02 Rev. A)
  - Existing Elevations (drawing number 13-1449-EE-01 Rev. B)
  - Existing Ground Floor Plan (13-1449-EP-01 Rev. B)
  - Existing First Floor Plan (13-1449-EP-02 Rev. A)
  - Existing Roof Plan (13-1449-EP-03 Rev. A)
  - Proposed Elevations (13-1449-PE-01 Rev. D)
  - Proposed Ground Floor Plan (13-1449-PP-01 Rev. C)
  - Proposed First Floor Plan (13-1449-PP-02 Rev. A)
  - Proposed Roof Plan (13-1449-PP-03 Rev. A)
  - Proposed Ground Floor Plan (Tipis and Outbuilding) (13-1449-PT-01 Rev. B)
  - Proposed Roof Plan (Tipis and Outbuilding) (13-1449-PT-02 Rev B)
  - Proposed Elevations (Tipis and Outbuildings) (13-1449-PT-03 Rev. A)
  - Proposed Site Layout

**END OF SCHEDULE**