
Appeal Decision

Site visit made on 2 September 2020

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2021

Appeal Ref: APP/J0350/C/17/3189567

**Land at Former Golf Driving Range, Galleymead Road, Colnbrook, Slough
SL3 0EN**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Douglas Hepsworth of Lanz Group against an enforcement notice issued by Slough Borough Council.
- The enforcement notice, numbered 2017/00189/ENF, was issued on 19 October 2017.
- The breach of planning control as alleged in the notice is:
 - i. Without planning permission, the unauthorised material change of use of the Land from use as a golf driving range (D2) to use as a (B8) storage area and as a sui generis commercial car park.
 - ii. Without planning permission, the unauthorised development comprising the laying of hardstanding (approximately located and shaded green on the Plan).
- The requirements of the notice are:
 - (i) Cease the use of the Land as a commercial car park.
 - (ii) Remove the vehicles associated with the commercial car park from the Land
 - (iii) Cease the use of the Land for the storage of waste containers.
 - (iv) Remove the waste containers from the Land
 - (v) Remove the hardstanding from the Land
 - (vi) Remove the fences erected to facilitate the use of the Land for storage of waste containers and parking of vehicles (approximately marked blue on the Plan).
- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fee has been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act also falls to be considered.

Summary Decision: The appeal is dismissed and the enforcement notice is upheld with a variation in the terms set out below in the Formal Decision.

Preliminary Matters

1. I note that the site is no longer used for the storage of waste containers, such that the enforcement notice may have been complied with in this regard. No waste containers were on the site at the time of my visit. Nevertheless, these were stored on the site when the notice was issued so I need to take them into account in coming to my decision.
2. The National Planning Policy Framework (the Framework) was published during the course of the appeal. The Council and appellant had the opportunity to comment and I have taken its contents into account in coming to my decision.

The Appeal on Ground (a) and the Deemed Planning Application

Background and Main issues

3. The Former Golf Driving Range, Galleymead Road, Colnbrook is located within the Green Belt and the appellant and Council agree that the proposed development would be inappropriate development within the Green Belt. As such, it would conflict with Policy CG9 of the Slough Local Plan (LP) and the Framework that seek to protect the strategic Green Belt gap between the Slough urban area and Greater London. I see no reason to disagree with their conclusions in this regard.
4. Consequently, the main issues are:
 - The effect of the development on the openness of the Green Belt;
 - The effect of the development on the intrinsic character and beauty of the landscape and access to recreation;
 - The effect of the development on flood risk;
 - The effect of the development on the safe and efficient operation of the highway network in the vicinity of the appeal site;
 - The effect of the development on air quality;
 - The effect of the development on ecology and biodiversity;
 - Whether there are other considerations weighing in favour of the development; and
 - Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, does this amount to the very special circumstances required to justify the proposal.

Reasons

Openness

5. The former golf driving range comprised a car parking area adjacent to Galleymead Road with buildings to the rear extending across much of the width of the land. Behind those buildings was a large grass area. The grass over the northern part of that area has been replaced with hardstanding that has since been used for storage of waste containers and as a commercial car park.
6. Galleymead Road forms the access through an industrial estate, with substantial buildings and hardstanding to the north and west of the golf driving range. Over Bath Road to the south is residential development and woodland. To the east is the M25 motorway.
7. The development has resulted in the covering of much of the previous golf driving range with a substantial amount of hardstanding. This is visible through the trees from Bath Road on the approach to the bridge over the M25 and from the bridge itself. This results in further hardstanding within the substantial developed area in the vicinity of the site. This adds to the visual effect of built development on the site and reduces the amount of planting that would otherwise relieve the harsh appearance of surrounding built development.

8. Albeit of a somewhat transient nature, the uses for storage of waste containers and parking of vehicles on this hardstanding further results in harm to the openness of the Green Belt in spatial terms, over and above the visual effect of the hardstanding.
9. For these reasons, I conclude that the additional hardstanding along with its use for waste storage and commercial parking harms the openness of the Green Belt. As such, it is contrary to Core Policy 2 of the Slough Local Development Framework Core Strategy (CS) and the Framework that seek to preserve and enhance private and public open spaces and keep land within the Green Belt permanently open.

Landscape and recreation

10. The former golf driving range is located within Colne Valley Park and comprised an open green space to the rear of the buildings fronting Galleymead Road. Development on Galleymead Road otherwise comprises industrial and commercial buildings typical of an industrial estate. To the rear of the site is the M25 motorway with a strip of countryside between that and Heathrow airport. There is residential and industrial development to the opposite side of Bath Road to the side of the site, with treed open space closest to the M25 over which Bath Road crosses. Given the developed nature of Colnbrook and Heathrow airport, the site materially contributed to the landscape character within the limited strip of countryside separating these developments both in terms of its green appearance and its recreation use.
11. The development introduced hardstanding and open storage onto the land that extends commercial development into the green space adjacent to the urban area of Colnbrook. It extended the built commercial development of the industrial estate. Although hidden to some extent by the bund adjacent to the parking and open storage, this harms the landscape character of this area and reduces its contribution to the strip of countryside between Colnbrook and Heathrow airport.
12. I note that a landscaping condition could be applied to require further screening to the development. However, any planting would take some time to establish and it is unlikely to fully disguise the development such that some harm to the surrounding landscape would remain.
13. The land was previously used as a golf driving range. That use ceased prior to the use for car parking and outside storage having commenced. Nevertheless, these uses reduce the likelihood of the land returning to a recreational use, whether as a golf driving range or another open recreational use.
14. For these reasons, I conclude that the hardstanding and uses for storage of waste containers and parking of vehicles harm the intrinsic character and beauty of the landscape and reduces access to recreation. As such, this is contrary to Policy CG1 of the LP and the Framework that seek to maintain and enhance the landscape of the Colne Valley Park, resist urbanisation of areas of countryside and provide opportunities for countryside recreation.

Flood risk

15. The majority of the hardstanding and uses for storage of waste containers and parking of vehicles is located within flood zone 3 where there is a high probability of flooding. The formation of hardstanding on the land will have

altered the flood characteristics of the site. Storage of containers and parking of cars will remove capacity from the floodplain.

16. Taking these factors into account, the hardstanding and uses of the land has reduced the capacity of the floodplain, which will increase the flood risk in the area and downstream.
17. For these reasons, I conclude that the development has increased flood risk contrary to Core Policy 8 of the CS and the Framework that seek to ensure development is safe, where it will not increase the risk of flooding elsewhere or reduce the capacity of the floodplain.

Highway

18. The access to the storage area for waste containers and car parking uses a previous access to the site. However, the use for storage and parking of cars has increased the intensity of use, with more vehicles coming and going to the facility and using the surrounding road network. The parking is related to Heathrow airport and adds capacity and choice for travellers using the airport.
19. The access to the site is close to the junction of the access to this and neighbouring industrial premises with Galleymead Road that could lead to conflict between vehicles using these junctions. However, it is unclear how much additional traffic is using the access compared to the previous use. Given the proximity of those junctions, it is likely that any increase in traffic has resulted in some harm to highway safety and convenience.
20. The car parking is located a short distance from the airport, such that it results in additional vehicle journeys. It would not reduce the need to travel and, given its location away from the airport, it would not be in the most accessible location.
21. I accept that it would provide additional choice of parking for users of the airport and may contribute to the need for airport parking, taking account of the potential expansion of Heathrow in the future.
22. Taking account of the above, on balance I conclude that the hardstanding and uses for storage of waste containers and parking of vehicles would have an adverse effect on the safe and efficient operation of the highway network in the vicinity of the appeal site. As such, it conflicts with Core Policy 7 of the CS that seeks development to be sustainable and located in the most accessible locations thereby reducing the need to travel.

Ecology and biodiversity

23. The Framework states that development should minimise impacts on and provide net gains for biodiversity. Whilst no specific harms have been identified to ecology and biodiversity, neither have I had my attention drawn to any net gains. Consequently, on balance, I conclude that the development does not comply with the requirements of the Framework in relation to ecology and biodiversity.

Air quality

24. The Council allege in the reasons for issuing the notice that the storage area for waste containers and car parking has contributed to worsening air quality in the area. It is unclear how the uses have contributed or what Local Plan

policies may be relevant. This may relate to the increase in vehicle traffic, although I do not have sufficient evidence to conclude whether the effects are material. On that basis, on balance I conclude that the development has not had a material effect on air quality.

Other considerations

25. I understand that the appeal site falls within the area that would be used for diversion of the M25 as part of the Heathrow Airport third runway proposals and siting of an emergency shaft within the consultation by Network Rail of the Western Rail Access to the airport. However, it is uncertain whether either or both of these proposals will proceed such that I can only give these modest weight in coming to my decision.
26. The site has previously been used as a temporary compound by Network Rail that altered the character of the use for that period. However, that use has ceased. Whilst the land may constitute previously developed land, its appearance reflected the previous golf driving range use. Consequently, this carries limited weight in the balance.
27. I note that the car park at the former golf range is currently used, with planning permission, for parking in relation to the surrounding industrial estate. However, this was an existing parking area such that it does not add more than very limited weight to the factors in favour of the development.
28. The skip storage at this site would form overflow storage when other storage is not available or full. This use supports the increase in recycling rates from the contents of the skips. The appellant owns a large number of skips and I have given this limited weight in coming to my decision.
29. A need for additional parking to serve Heathrow Airport has been suggested to support the provision of this car park. However, no detailed statistics and analysis of the parking needs of the airport have been provided such that the need has not been proven. Consequently, I can only give limited weight to this factor.
30. Reference is made to the use only continuing for a period of three years. However, any harm to the Green Belt or any other harm would continue for that period. Consequently, whilst I have taken the potential for a temporary grant of planning permission into account, this can only carry modest weight in the overall balance.

Conclusion

31. I have concluded that the proposal is inappropriate development that harms the openness of the Green Belt. In addition, I have concluded that the development harms the intrinsic character and beauty of the landscape, the safe and efficient operation of the highway network, ecology and biodiversity, and has resulted in an increased risk of flooding.
32. I note that the appeal site may be developed as part of the Heathrow Airport third runway proposals and/or the Western Rail Access to the airport, that the adjacent car park is in use for parking relating to the surrounding industrial estate, the need for skip storage and contribution to recycling rates, and need for additional parking for Heathrow. I have also considered whether a

temporary grant of planning permission may be appropriate. However, none of these matters attract more than modest weight.

33. Taking all the above into account, I consider that the substantial weight to be given to Green Belt harm and any other harm is not clearly outweighed by other considerations, either individually or cumulatively, sufficient to demonstrate very special circumstances. Therefore, the proposed development is contrary to Core Policy 2 of the CS, Policy CG9 of the LP and the Framework that seek to protect the Green Belt from inappropriate development.
34. On the basis of the above considerations, I conclude that the development does not accord with the development plan. The appeal on ground (a) therefore fails.

The Appeal on Ground (g)

35. An appeal on this ground is that the period specified in the notice for compliance falls short of what should reasonably be allowed.
36. I understand that bookings for the airport parking can be made at least 12 months in advance. These would need to be cancelled were the appeal under ground (g) to fail. The appellant has, therefore, requested the 2 month period specified in the notice for compliance be extended to 12 to 18 months. It is unclear whether the company using the parking area have other facilities elsewhere or could obtain alternative accommodation for the parking. The impact of the coronavirus restrictions on travel and how they have affected the demand for parking are also unclear.
37. In addition, the appellant suggests that it would take some time to remove the hardstanding and fences as required by the enforcement notice. The appellant suggests that earth moving equipment would be required and that it would take at least 6 months to reinstate the land. I accept that, given the substantial size of the site, it would take some time to carry out the works once all the vehicles have been removed. Nevertheless, I consider the period requested is excessive but will amend the enforcement notice to require a period of 4 months.
38. For these reasons, I conclude that the appeal under ground (g) should succeed.

Formal Decision

39. It is directed that the enforcement notice is varied by the deletion of 2 months and the substitution of 4 months as the period of compliance.
40. Subject to the variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

AJ Steen

INSPECTOR