
Appeal Decision

Site visit made on 27 October 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2021

Appeal Ref: APP/M5450/W/21/3279248

Bankfield Cottages, 1 - 2 Ass House Lane, Harrow, HA3 6SJ

- 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 Grims Dyke Golf Club c/o Mr Julian Harding against the decision of London Borough of Harrow.
 - The application Ref P/3983/20, dated 2 November 2020, was refused by notice dated 21 January 2021.
 - The development proposed is two two-storey semi-detached houses with parking to replace original cottages.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Grims Dyke Golf Club C/O Mr Julian Harding against the London Borough of Harrow. This application is the subject of a separate decision.

Main Issues

3. The main issues are;
 - whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies, and
 - whether or not it has been demonstrated that the proposal would be compatible with the use of the adjoining golf course with specific regard to player distraction and safety for future occupiers.

Reasons

Whether inappropriate development

4. Although not a reason for refusal, as the appeal site lies within the Green Belt, I must consider whether the proposal would be inappropriate development.
5. I have had regard to the planning history of the site and the clearly well-established and accepted fall-back position on this site. Whilst there is another extant permission for a pair of replacement dwellings nearby, both the application and appeal were accompanied by a draft planning obligation which sought to ensure that the appeal proposal would be implemented as an alternative to and not in addition to the extant permission.

6. As that planning obligation has now been signed, I consider that the proposal would, as a pair of replacement dwellings, not be inappropriate development in the Green Belt. This position is consistent with that of the Council and the appellant.

Compatibility with adjoining golf course

7. As noted above, the appeal site and immediate surroundings have a long planning history, with an implemented, but not completed permission for two dwellings nearby, and a series of now-expired permissions on the appeal site for substantially the same proposal as that before me. The principle of the proposal before me is clearly well-established and acknowledged, if not accepted, by all parties. I also note that evidence appears to point to the permission on the alternative site having been implemented.
8. The appeal site, like the adjacent greenkeepers' shed and surroundings would be reasonably well visually screened from the fourth tee in particular, by the trees immediately around the site and along the side of the course. In longer views across the course, particularly up the hill, the proposal would be visible, but I do not consider that this would be so stark or incongruous as to distract users of the golf course, particularly as there are other houses, structures and uses which take place alongside, and outside, but visible from the course which do not appear to be so distracting as to cause any harm.
9. I turn now to the compatibility of the proposal with the adjoining golf course with specific regard to safety for future occupiers. This is a legitimate concern on the basis of the relationship of the site to the course, representations received by the Council and the Planning Inspectorate and indeed the mitigations suggested within the proposal and in response to the appeal. In effect, these confirm that the concerns have merit.
10. It is clear from the evidence before me that the golf club is aware of its safety responsibilities towards dwellings around and adjoining the course. Similarly, it is clear from the submissions of third parties that the golf club has in the past carried out detailed studies assessing the safety of particular holes, including analysis of typical shot direction and relevant safety distances.
11. Whilst I accept there is also support for the proposal from third parties and in relation to the economic benefits that the proposal would deliver to the golf club, the Council is clear in its decision that it is the lack of information regarding safety, and mitigation of potential harm which it sees as fatal to the proposal.
12. Despite all of this, I have not been presented with any clear evidence which demonstrates that safety concerns can be satisfactorily mitigated.
13. In the face of the lack of any such specific evidence to the contrary, and on the basis of the evidence with which I have been provided by various parties, I cannot conclude otherwise than the appellant has not demonstrated that measures are in place to mitigate the safety concerns around the compatibility of the proposal with the adjoining golf club with specific regard to the safety of future occupiers.
14. In reaching this conclusion, I note that as a result of the relationship of the site to the fourth tee, the existing trees could screen the site to a greater degree than both the greenkeepers' shed and the site of the extant permission. I also

- note that the appellant has suggested a number of conditions, notably for appropriate netting to protect the proposal from the use(rs) of the course. However, as I consider that such netting would be fundamental to the proposal, and as its scale, appearance and effect could be substantial, I do not consider it would be appropriate for this matter to be dealt with by condition.
15. I note the comparisons drawn between the proposal and the extant permission with regard to safety. Whilst it may be that the appeal proposal is better sited in terms of its relationship to the fourth tee, that does not in itself address the issue of the safety of the proposal itself.
16. I acknowledge that there is a tension between me reaching a finding on distraction but not safety; one is a matter of judgement which I am satisfied that I am able to appropriately make on the basis of the evidence before me and my observations on site. However, the other is more involved, and has effects beyond those on the users of the golf course. In addition, it is clear from the evidence before me that further, more detailed analysis of the safety of a proposal such as this is possible but has not been done. In light of that, I am not satisfied that I have sufficient evidence before me to make that safety-related judgement.
17. I acknowledge that Policy D13 of the London Plan 2021, and indeed, the National Planning Policy Framework (the Framework) seek to ensure that new development can be integrated effectively with existing sports facilities and that the responsibility for any mitigation required falls on the proposal. However, as I have set out above, this has not been satisfactorily demonstrated in this case.
18. It is important to be clear that I have not found that the proposal would not be compatible with the use of the adjoining golf club with specific regard to safety for future occupiers, only that it has not been adequately demonstrated that it could be. Therefore, despite the other factors weighing in favour of the proposal, including the economic benefits to the club and the fall-back position, I find that it has not been demonstrated that the proposal would be compatible with the adjoining golf course with specific regard to safety for future occupiers.
19. This would be contrary to overarching policy CS1 of the Harrow Core Strategy 2012 which seeks, amongst other things to ensure that development is well-designed, safe and responds appropriately to its context. For the same reasons, the proposal would also conflict with guidance in the Framework on achieving well-designed places which deliver a high standard of amenity and quality of life.

Planning obligation

20. I have been provided with a certified copy of a signed and executed planning obligation, in which the appellant undertakes not to continue the development of the extant planning permission on the nearby site. This would be necessary to ensure that the development of dwellings in the area would not conflict with Green Belt policies and has been agreed as appropriate by the Council and apparently used in previous permissions on this site.
21. I am satisfied that insofar as it relates to the appeal proposal being implemented as an alternative to and not in addition to the extant planning

permission, the obligation would be necessary to make the development acceptable in planning terms, directly relates to the development and is fairly related in scale and kind to the development.

22. The obligation also includes provisions relating to the delivery of ball-stop netting, ground-floor canopies and toughened glass at the proposed dwellings. These elements could more properly be addressed by condition.
23. The obligation also includes provisions around access to retrieve balls, club membership for future occupiers and the provision of plaques, 'setting in stone' the genesis of the dwellings and membership rights. Whilst these elements would, it appears, be attractive, I do not consider that they necessarily meet the tests in Regulation 122 of the Community Infrastructure Regulations 2010, being necessary to make the development acceptable in planning terms, directly relates to the development and is fairly related in scale and kind to the development. That would not preclude those actions being carried out independently of the planning permission.

Conclusion

24. For the reasons given above I conclude that the proposal conflicts with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it. The appeal should therefore be dismissed.

S Dean

INSPECTOR