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## Appeal Decision

Site Visit made on 19 October 2021

**by F Wilkinson BSc (Hons), MRTPI**

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

**Decision date: 22 November 2021**

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**Appeal Ref: APP/R2520/W/21/3278803**

**Lincoln Golf Centre, Moor Lane, Thorpe On The Hill, Lincoln LN6 9BW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Brian Logan of Lincoln Golf Centre against the decision of North Kesteven District Council.
  - The application Ref 20/1511/VARCON, dated 4 November 2020, was refused by notice dated 9 April 2021.
  - The application sought planning permission for change of use of unutilised D2 land to form Holiday Golf Retreat to include stationing of lodges and associated access tracks and services without complying with conditions attached to planning permission Ref 17/0620/FUL, dated 12 October 2017.
  - The conditions in dispute are Nos 2, 8 and 12 which state that:  
Condition 2 - The permission hereby granted shall relate to the siting of up to 19 lodges in accordance with the proposed block plan USKD-SA-08-0003 AO4 dated 12.9.2017 unless otherwise agreed in writing.  
Condition 8 - The arrangements shown on the approved plan UKD-SA-08-0003 AO4 dated September 2017 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the site in use.  
Condition 12 - The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans, listed below on this decision notice.
  - The reasons given for the conditions are:  
Condition 2 - To define the terms of the planning permission.  
Condition 8 - To enable calling vehicles to wait clear of the carriageway of Moor Lane and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety to accord with LP13 of the Central Lincolnshire Local Plan (Adopted 2017).  
Condition 12 - To ensure that the development takes place in accordance with the approved details.
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### Decision

1. The appeal is dismissed.

### Background and Main Issues

2. The conditions in dispute relate to a planning permission granted for holiday lodges. The submitted information sets out that the approved plans show the provision of 19 holiday lodges with turning circle to the eastern end of the site, and access to the lodges taken from Moor Lane through the existing golf centre car park to the west. The first lodge has been constructed at the site. The appellant now wishes to create a separate access for the holiday lodges and amend the layout of the site to provide for 16 lodges. The proposed new access

and site layout would require a variation to the approved drawings as set out in conditions 2 and 12 as well as to the parking, turning, manoeuvring, loading and unloading arrangements as set out in condition 8.

3. The main issues are the effect that varying the conditions would have on the relationship between the holiday lodges and existing golf centre and on the character and appearance of the area.

## **Reasons**

### *Relationship with the Golf Centre*

4. Policy LP7 of the Central Lincolnshire Local Plan, adopted 2017 (the Local Plan) is supportive of development and activities that will deliver high quality sustainable visitor facilities. It seeks to locate such development within existing settlements or as part of planned urban extensions. There are two exceptions to this, one of which is where the development relates to an existing visitor facility which is seeking redevelopment or expansion.
5. From the evidence presented, a link between the golf centre and the lodges was made to help justify the original lodge development and demonstrate conformity with Policy LP7. Indeed, the description of the original development includes reference to the formation of a "Holiday Golf Retreat". This link was reinforced by the shared access arrangements. Removing the shared access and creating a separate stand-alone access to the lodges would break that physical link between the two uses and would enable the lodges to operate as a separate and stand-alone enterprise which would be contrary to the strategy for visitor facilities set out in Policy LP7. Whilst a pedestrian link would be maintained, this would not reinforce the physical link between the two uses to the same extent as a shared vehicle access road would.
6. Whilst a separate access serving the lodges may be desirable from a marketing perspective, no evidence has been submitted to substantiate the claim that without such an arrangement the scheme would be unlikely to be fully developed. Accordingly, I am unable to conclude that the lodges would not be developed without a separate, dedicated access.
7. I note the security concerns relating to the golf centre and the related retail uses. However, it has not been demonstrated that appropriate security could not be achieved using secure compounds. I therefore give this consideration limited weight.
8. The access to the lodges through the golf centre would generate additional traffic. However, there would be sufficient intervisibility for both drivers of vehicles and pedestrians using the site. Vehicle speeds are also likely to be slow, with drivers using some caution, given that the area is used as a car park. I am therefore satisfied that an acceptable route through the existing site can be implemented that would not lead to a conflict with vehicles and pedestrians. I am also mindful that the Highway Authority raised no concerns in this regard on the original proposal.
9. Irrespective of whether the access is taken through the golf centre or at the point now proposed, a number of the lodges would have cars passing by. The amenity enjoyed by residents of the lodges would not therefore be materially different if the access was retained through the golf centre.

10. The appellant is willing to agree to the inclusion of a suitably worded planning condition to ensure that the lodges cannot be sold as a separate business venture to the golf centre. However, given that permission generally runs with the land, such a condition would not be reasonable, nor would it be enforceable as it would be practically impossible for the Council to detect whether a change of ownership has occurred. Such a condition would not therefore meet the tests for conditions set out in the National Planning Policy Framework 2021 (the Framework). No other mechanism has been identified to achieve this aim.
11. Consequently, the proposed variation of the disputed conditions would significantly weaken the link with the golf centre which was an important point on which the acceptability of the principle of the lodges was based and would enable the lodges to operate separately to an existing visitor facility. As such, the variation of the disputed conditions would conflict with Policy LP7 of the Local Plan, the aims of which have been summarised above.

### *Character and Appearance*

12. The proposed access would be off Moor Lane. The lane has a very rural appearance given the lack of a pavement and the relatively wide grass verges with a hedgerow on both sides running along a substantial part of its length. The surrounding area is similar in character, with the wide verges and lines of roadside trees and hedgerows being an important and distinctive feature of the area. A detailed 'Hedgerow Survey and Assessment' dated November 2018 was submitted by the appellant. This appears to have been undertaken to support a previous proposal for the creation of a new access that was dismissed on appeal<sup>1</sup>. The survey states that the hedgerow along the northern boundary of the appeal site is species diverse and considered to be of high landscape value using the criteria within the Hedgerows Regulations 1997. As such, the hedgerow along Moor Lane contributes positively to the character and appearance of the area.
13. Although the access point that was the subject of the previous appeal was in a different location, the two schemes raise very similar issues in terms of effect on the hedgerow. The previous Inspector expressed concerns that the creation of a gap in the hedgerow would allow views into the appeal site and the neighbouring golf centre which would have a significant urbanising influence. The Inspector concluded that even in the long term, when the proposed landscaping has matured, the access would still result in an obvious breach in the boundary, with unavoidable views through to the development beyond. This would also be the case with the current proposal. Whilst noting that no hedgerow trees would need to be removed, introducing an access in this stretch of verge and hedgerow would disrupt its pleasant appearance as well as the balance between natural and man-made features, thereby exacerbating the urbanising effect.
14. The Highway Authority requirement for the previous scheme and also for the current appeal scheme is that the frontage hedgerow would need to be cut back to 0.6 metres in height at a distance of two metres beyond the rear of the highway verge. The previous Inspector stated that this would reduce the screening effect of the hedgerow, adding further weight to her findings about the effect on the character and appearance of the area. I observed that a strip of verge adjacent to the lane is already clear of vegetation. Whilst cutting back

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<sup>1</sup> Appeal reference APP/R2520/W/18/3219123

the hedgerow to 0.6 metres in height at a distance of two metres beyond the rear of the highway verge would reduce its screening effect, a reasonable amount of vegetation cover would remain. However, the conclusion of the previous Inspector about the effect on the character and appearance of the area did not turn on this matter.

15. Measures are proposed for mitigation and biodiversity net gain. Whilst this would address the impact on biodiversity arising from the loss of a length of important hedgerow, it would not adequately mitigate the harm to the character and appearance of the area.
16. In conclusion, the hedgerow through which the proposed access would be created is an example of one of the key characteristics of this area and it makes a positive contribution to its character and appearance. From the evidence presented, it has not been demonstrated that the benefits of the proposed access would outweigh the harm caused by the loss of a length of this important landscape feature.
17. The proposal would therefore be contrary to Policy LP17 of the Local Plan, which requires proposals to have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area including trees and woodland and hedgerows. It would also be contrary to Policy LP26 of the Local Plan which, amongst other matters, requires development to achieve high quality design that contributes positively to local character, take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and incorporate and retain as far as possible existing natural features such as hedgerows.

### **Other Matters**

18. Permission was granted for a similar access, which lapsed in 2016<sup>2</sup>. This related to a proposal for touring caravans. There was a different development plan in place during the consideration of this proposal. Furthermore, it was for a different use that may have raised different issues that justified the granting of permission. There are other access points on Moor Lane, and I note the example of another access point given by the appellant, but I do not have their background details. Consequently, I cannot be sure that the circumstances in these other cases are the same or very similar to the current proposal for me to draw any direct comparison. I therefore give these matters limited weight.
19. The golf centre has undertaken a number of schemes that support the local community including one aimed at people with dementia. The development of the lodges may help support such initiatives as well as the potential for developing new ones. However, whilst recognising the advantages to health and wellbeing that such initiatives can bring, in my judgement, this benefit would not outweigh the totality of the harm that I have identified.
20. There may be a number of Framework principles and objectives and policies in the Thorpe on the Hill Neighbourhood Plan that the proposal is in accordance with. However, this does not overcome the harm that I have identified to the relationship between the holiday lodges and golf centre and the character and

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<sup>2</sup> Planning permission reference 13/0443/FULEXT

appearance of the area, and the resulting conflict with Local Plan Policies LP7, LP17 and LP26.

### **Conclusion**

21. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should not succeed.

*F Wilkinson*

INSPECTOR