
Appeal Decision

Site visit made on 1 December 2021

by David Wallis BSc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 DECEMBER 2021

Appeal Ref: APP/J1535/W/21/3267420

Stapleford Abbots Golf Club, Tysea Hill, Stapleford Abbots, Romford RM4 1JU

- 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 Stapleford Abbots Golf Club against the decision of Epping Forest District Council.
 - The application Ref EPF/0109/20, dated 15 January 2020, was refused by notice dated 21 July 2020.
 - The development proposed is demolition of existing building and erection of 40 mobile homes in the southwest corner of the golf course to work as ancillary leisure structures for the club.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development as it appears on the decision notice differs from that on the application form insofar as it references demolition of an existing building. Since the proposal would entail this, I do not consider either party would be prejudiced by me using the Council's description in this case.

Main Issues

3. The main issues for the appeal are:
 - whether the proposal is inappropriate development for the purposes of development plan policy and the National Planning Policy Framework (the Framework);
 - whether the proposal is in an accessible location;
 - the effect of the development upon the character and appearance of the area;
 - the effect of the development upon highway safety;
 - whether the proposal provides suitable means for the disposal of surface water run-off;
 - if the development is inappropriate, whether the harm by reason on inappropriateness, and any other harm, is clearly outweighed by other

considerations, so as to amount to very special circumstances necessary to justify the development; and

- the effect of the development upon the Epping Forest Special Area of Conservation (SAC).

Reasons

Whether the proposal is inappropriate development

4. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. New buildings are inappropriate in the Green Belt, save for a few exceptions listed in paragraph 149 of the Framework. In this instance the appeal site is within the Green Belt on land that is already in recreational use associated with the golf club and occupied by development. The proposal is sought as redevelopment of this brownfield land in order to provide a facility to support outdoor recreation and therefore I consider both 149(b) and (g) could be applicable in this instance.
5. The appeal site constitutes a yard area formed with aggregate inside a gated and fenced perimeter, containing a single storey building clad in profiled metal sheeting. Also within the yard is a mobile home used for security purposes and a small number of dark green metal containers as well as a fenced bay for storing of sand and shingle needed for golf course maintenance. However, the appeal site also extends beyond this yard to include some of the open lawned area forming part of the golf course grounds.
6. Whilst single storey, the proposed 40 mobile homes and their accompanying infrastructure would occupy a far greater footprint than the existing extent of previously developed land, thus sprawling development into the countryside setting. In addition, the density of development would be of a much greater intensity than the current yard, representing a distinct and stark urbanisation of the locality, and over a far greater area.
7. A requisite of the Framework is that development would not have an adverse impact on the openness of the Green Belt. In this instance, I can conclude the proposal would have a significant visual and spatial impact on the openness of the Green Belt, well over and above that of the existing yard area, causing significant harm as a result.
8. On this basis the proposal would not qualify for an exception under paragraph 149 of the Framework and would be contrary to policies GB2a and GB7a of the adopted Epping Forest Local Plan and Alterations 2006 (LP) and policies SP6 and DM4 of the Epping Forest Local Plan Submission Version 2017 (LPSV). The policies, taken together, seek to preserve the openness of the Green Belt.

Whether the proposal is in an accessible location

9. From my site visit, I observed that the golf club sits within a rural locality that is not well served by public transport. There are no footways on the immediate road network and, given the speed and width of the local highways, the area is very unattractive for cycling or walking. It is highly likely that all trips to and from the appeal site would be made by motor vehicles only.

10. I acknowledge that there is a clubhouse with a bar, gymnasium, and a restaurant adjacent to the appeal site and that the mobile homes are intended to provide accommodation for golfers. However, in the absence of proposals to control or otherwise limit the use of the mobile homes, it would be difficult to restrict occupation solely to those involved with activities at the club. There are no other facilities in the locality, and it is a reasonable expectation that those visiting the appeal site for leisure purposes would want to access services beyond those on the golf course.
11. In such circumstances, any movement to and from the appeal site would be by private car that, given the number of vehicles likely to be yielded from the proposed development, would be against the environmental objectives of sustainability. The proposal would therefore be contrary to policies CP1, CP6 and CP9 of the LP and policies SP1, E4 and T1 of the LPSV, which seek to achieve sustainable development.

Character and appearance

12. Within the rural area are examples of industrial development, private residences, and caravans with varying degrees of prominence. The Stapleford Abbots Golf Club itself is an exposed feature within the landscape along Tysea Hill, with the car park and central buildings clearly visible from the highway.
13. From the entrance to the golf course the appeal site is clearly visible, although I acknowledge visibility does decrease with travel further west along Tysea Hill due to an earth embankment in the southwest corner of the land. However, the appeal site and its access drive remain visible due to the deciduous tree and hedgerow cover to both the south and west. The current activity on the appeal site, including the building and other infrastructure, do not contribute positively to the character and appearance of the area.
14. It is unclear from the proposals whether existing vegetation would be retained and if any new planting would take place. Nonetheless, the spread of mobile homes across the appeal site would increase the likelihood of public views and decrease the open aspect of the countryside location. The mobile homes would extend beyond the existing confines of the yard, visually disrupting the quiet and spacious ambience associated with the golf course and appearing both cluttered and urban in appearance. This would have a far greater visual impact than the existing yard, to the detrimental of the local area.
15. Whilst I do not consider that noise and disturbance arising from the use of the land for leisure activities would be significant, given other noise generating sources in the vicinity, the development would be visually intrusive to the rural environment and thus detrimental to the character of the area.
16. I conclude that the development's unmitigated visual impact would be harmful to the character and appearance of the area including the local landscape character enjoyed by the golf course. This would be contrary to policies GB2a, LL1, LL2 and LL10 of the LP, and policies SP7, DM3 and DM4 of the LPSV, that seek to protect or enhance landscape character.

Highways Safety

17. There is an existing and established access into the appeal site off Tysea Hill, with an internal lane-split to keep traffic entering and exiting separate. I note that the access services both the large car park for the golf course and the

residence known as Skips Corner Farm. Directly opposite that access is a drive to a dwelling and outbuilding labelled Bear Lodge.

18. From my site visit, I observed that Tysea Hill and the surrounding roads have narrow carriageways just allowing two-way traffic, with frequent large vehicles struggling to pass each other comfortably. There is a taper in the road to the west of the golf course entrance, which does impair visibility when leaving the appeal site, and with a 60mph speed limit there is potential for cars to confront each other in dangerous circumstances.
19. Whilst there are no details on the submitted plans, the appellant has indicated each mobile home would have its own parking space. Notwithstanding that it is unclear how or where these spaces would be provided, the proposal would generate a potential 40 cars with associated movements to and from the appeal site. Coupled with the number of cars already able to park at the golf course, this would represent a significant intensification in the use of the existing access into the site. Given the deficiencies in terms of visibility and the condition of Tysea Hill as a thoroughfare, this intensification would likely increase the probability of confrontations and the chances of an accident occurring.
20. In view of the layout plan, I do not see where parking for 40 cars could be satisfactorily accommodated within the appeal site. The result may be vehicles attending the mobile homes parking within the golf course car park, reducing the amount of parking available for golfers or other users of the facilities. This may cause issues of vehicles seeking alternative parking either within or outside of the appeal site, compounding the hazard to highway safety in the vicinity of the entrance.
21. On the basis of the above, the proposal would cause an unacceptable degree of hazard to highway safety. This would be contrary to policies ST4 and ST6 of the LP and policy T1 of the LPSV that seek to ensure the safety of the highway for all users.

Surface Water

22. The proposed 40 mobile homes, with accompanying access, would lead to an increase in impermeable surfaces on the appeal site, including the loss of a large area currently laid to grass. There would be a proportionate increase in the amount of surface water arising from the development that would subsequently need to be managed and disposed of, without giving rise to the risk of flooding elsewhere.
23. The surface water strategy (the strategy) submitted with the appeal admits that infiltration testing and ground investigations were not undertaken, and that full surveying of existing drainage features could not be done. There is then an assumption made that additional surface water run-off could be stored in a 'crate' system underneath each mobile home and then disposed of into an existing watercourse.
24. It is unclear, from the information before me, whether the existing drainage system could cope with the increased requirements arising from the development and I have no evidence to reassure me of its capability. I observed standing water and boggy ground at the time of my site visit, which does support the assumption that the underlying geology includes clayey

superficial deposits. It is therefore a concern that the strategy recommends infiltration testing be undertaken at a later date to support the model of surface water drainage proposed at this time.

25. In the absence of sufficient detail, I cannot be assured that the strategy would robustly manage, handle and dispose of surface water. The risk of flooding from surface water is therefore real particularly in storm event conditions, and that risk could be to life as well as property. On this basis the proposal would be contrary to policies U3B of the LP and DM16 of the LPSV that seek to limit the risk of flooding.

Other Considerations

26. The appeal development would contribute towards the viability of the established golf club use and would be subject to the same management. It is also suggested that wide-scale tree planting amounting to 10,000 trees would take place as part of a detailed landscape design.
27. I acknowledge the ambitions with regard landscaping. However, the submitted site plan edged in red provides no room for planting and no identification of other land within control of the appellant. Therefore, there is no mechanism to secure landscaping for the appeal site itself let alone the wider golf course grounds.
28. In terms of economic benefits, the proposal would support a prosperous rural economy and the increased tourism may also benefit other businesses in the wider region. There would also be an additional income stream to support the viability and vitality of the golf course.
29. Taken as a whole though, the economic benefits would not offset or outweigh the substantive harm to the openness of the Green Belt nor justify the other harms identified earlier in my decision. Therefore, there are no other considerations that would amount to very special circumstances in this instance to warrant a departure from Green Belt policy.

Effect on the Epping Forest SAC

30. In 2018 the Court of Justice of the European Union ruled that the decision maker, when considering the effect that a proposal may have on a European Site¹, must consider mitigation within the Framework of an Appropriate Assessment rather than at the screening stage. This responsibility now falls to me within this appeal.
31. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of European sites.
32. The appeal site falls within 6km of a SAC. The site is designated at European level for the diverse species range of flora, fauna, and habitats within the Epping Forest. The forest is a large ancient wood-pasture with habitats of high nature conservation value including ancient semi-natural woodland, old grassland plains, wet and dry heathland and scattered wetland.
33. The SAC and its qualifying features are at risk from increases in nitrogen oxide, ammonia and nitrogen deposition, largely emitted by vehicular traffic. Proposals for development are likely to generate such traffic and are therefore,

¹ Now the National Site Network following withdrawal from the EU

either alone or in combination with other schemes, likely to have a significant effect on the quality features of interest of the identified European sites. In such instances, it is incumbent upon me to undertake an Appropriate Assessment.

34. The appellant has not provided any information in respect of the potential air quality effects of the appeal proposal on the SAC nor any mitigation measures arising to tackle such effects. There is an expressed willingness from the appellant to enter into a legal agreement to make mitigation payments, though no mechanism to secure this has been provided to the appeal.
35. Since I am dismissing on other grounds, I do not need to undergo the task of Appropriate Assessment in this instance. Nonetheless, on the evidence before me I can only conclude that, in the absence of necessary mitigation, the proposal would have an adverse effect on the integrity of the designated site contrary to policies CP1 and CP6 of the LP and policies DM2 and DM22 of the LPSV, that give the highest level of protection for internationally designated sites of biodiversity interest.

Other Matters

36. I acknowledge that there may be improvements to the area in terms of removing the existing yard and any contaminated land thereunder. This carries limited weight however given the inappropriateness of the replacement development proposed, especially since the yard would need to be relocated elsewhere on the course further eroding the openness of the Green Belt.
37. My attention is drawn to a number of conditions to overcome the other harms I have identified above, to which I have given consideration. However, I am not satisfied that sufficient scope exists within the context of the appeal proposal to enable conditions to work effectively.

Conclusion

38. For the reasons given above, the appeal is dismissed.

David Wallis

INSPECTOR