



Appeal Decision

Site visit made on 5 July 2022

by David Nicholson RIBA IHBC

an Inspector appointed by the Secretary of State

Decision date: 14 July 2022

Appeal Ref: APP/W2465/W/21/3283919

Land within the South West part of the Leicestershire Golf Course off Evington Lane, Leicester LE5 6DJ

- 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 The Leicestershire Golf Club against the decision of Leicester City Council.
 - The application Ref 20201230, dated 7 July 2020, was refused by notice dated 30 March 2021.
 - The development is for a scheme of proposed drainage and landscaping works on land within the south west part of the Leicestershire Golf Course.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by The Leicestershire Golf Club against Leicester City Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effects of the proposals on: the ecological value of the site, archaeological evidence of ridge and furrow, the opportunity to reduce the likelihood of flooding, and the character and appearance of the area.

Reasons

4. The Leicestershire Golf Club is a well-established course on the edge of Leicester. The appeal site lies in the corner of the grounds and is mostly grassland. Over the years, a wide variety of flora has developed, or survived, around the course and in between the fairways in particular. There has also been extensive tree planting by the Club. The twin objectives of the works are to improve the quality and competitiveness of the course while conserving and enhancing the natural environment. They would also solve a localised problem of flooding which impairs and inhibits the playing experience on this part of the course. The scheme would entail lowering two areas of land and using the soil removed to raise another area.
5. The Appellant's botanical assessments conclude that the area is Semi Improved Grassland, which may be suitable for restoration to a higher quality grassland and should not qualify as Lowland Meadow. It has proposed mitigation through reinstatement of the grassland, using seeding or translocation as required, and

- by providing an opportunity to create a wet grassland through occasional inundation. It has claimed that there would be a biodiversity net gain. The Council has pointed to the loss of areas of, albeit lower, ecological value and argued that the site could be restored to grassland Priority Habitat, and its ecological importance enhanced, with a change in management regime alone.
6. Even in early July, I saw that there was a range of biodiversity, and evidence of wildflowers in particular across the meadow, albeit that, coarser grasses dominate. In my judgement, the risks to flora that the works would entail, mean that they are more likely to benefit from being left alone, and/or from improved management, than from translocation and artificial enhancement. While I accept that there is scope for mitigating some of the harm that could be caused, and this could be controlled by conditions, on balance there is more likely to be harm to biodiversity overall and this weighs against the scheme.
 7. Most of the course shows evidence of medieval ridge and furrow cultivation and this is particularly prominent along the fairways. Historical records show that this continues onto parts of the appeal site, even if here it is much less well defined and may have already been compromised. Indeed, on my visit there was little evidence of this pattern to the long grass, but this does not diminish its importance. Such remains may not be especially rare, and only of local significance, but nevertheless they represent a finite, and irreplaceable historical resource and any loss is regrettable. While mitigation could include geo-physical survey, excavation, 3D modelling and recording, there would be some adverse effect. This also weighs against the proposals.
 8. While the scheme would reduce the likelihood of flooding locally, it would not take the opportunity to reduce it more widely. On the other hand, there is no policy requirement, in Core Strategy (CS) Policy 2 or otherwise, to improve matters or go beyond mitigation, and in any event the flood risk assessment shows a possible increase in flood storage capacity. Subject to conditions, I consider that the character and appearance of the area could remain unharmed. It therefore give no weight to either of these objections.
 9. I acknowledge that the works would make the course more competitive and that this would be an advantage to the Club and its members. However, in essence, the gains from the works would be limited to the Club's members. I give only limited weight to the public benefits of making the course more competitive. For the above reasons, I do not accept that the works would be likely to improve biodiversity.
 10. On balance, the potential harm to biodiversity, and to archaeological evidence of human activity, would outweigh the benefits to Club members, and any other benefits. The proposals would conflict with paragraphs 174 and 189 of the National Planning Policy Framework (NPPF), which aim to protect sites of biodiversity value and to conserve heritage assets for future generations. The scheme would be contrary to CS policies 17 and 18 which echo NPPF policy.
 11. For the reasons given above, and having regard to all other matters raised, including the format of the Council's evidence, I conclude that the appeal should be dismissed.

David Nicholson

INSPECTOR