



Appeal Decision

Site visit made on 19 July 2022

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th August 2022

Appeal Ref: APP/J0405/W/21/3288308

Thame Mead Farm, Thame Road, Long Crendon OX9 3SG

- 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 Mr M Vellacott against the decision of Buckinghamshire Council.
 - The application Ref 21/01580/APP, dated 14 April 2021, was refused by notice dated 9 June 2021.
 - The development is padel tennis court (private).
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Decision

1. The appeal is allowed and planning permission is granted for padel tennis court (private) at Thame Mead Farm, Thame Road, Long Crendon OX9 3SG in accordance with the terms of the application, Ref 21/01580/APP, dated 14 April 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The padel tennis court is already in situ and therefore I have determined the appeal on the basis that permission is being sought retrospectively for its construction. The submitted plans show four lighting columns. Photographs indicate that the lighting was installed, but it has since been removed. I shall consider the merits of the proposed lighting later in my decision.
3. Since issuing its decision, the Council has adopted the Vale of Aylesbury Local Plan 2013-2033 (VALP). This supersedes those policies of the Aylesbury Vale District Local Plan which are listed on the decision notice. My determination of this appeal is made against the VALP and Long Crendon Neighbourhood Plan.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area, having particular regard to the site's location in the Brill-Winchendon Hills Area of Attractive Landscape.

Reasons

5. The appeal site forms part of a triangular shaped parcel of land which is sandwiched between the B4011 Thame Road and the Old Crendon Road. This area is occupied by a large agricultural building, telecommunications mast and a series of tarmac roadways and hardstandings. To the south, and also within the appellant's ownership, is an extensive conservation lake which has been landscaped with trees. The lake is overlooked by a new bird hide building.

6. The padel tennis court has been constructed adjacent to the boundary with Old Crendon Road and immediately opposite Thame Mead Farmhouse. It occupies a footprint of approximately 10 m by 20 m and is enclosed by 3 m high black mesh fencing. The fencing is a metre higher at the ends of the court with transparent panels at lower level. The playing surface is synthetic grass and green in colour.
7. The Council describes the locality as open countryside, but it does not have the same rural character as the fields to the west of Old Crendon Road. The land is well-contained in landscape and visual terms, with a dense screen of trees and hedging along the boundary with the B4011. The court fencing is visible above the established hedging on Old Crendon Road, and through a gap in the hedge which provides access. However, these are localised impacts, and the development is viewed in the context of the farmhouse and converted barns on the opposite side of the road. As such, it does not read as an encroachment into the countryside. I do not consider the tennis court to be unduly prominent.
8. The application proposes additional tree and hedge planting on land within the appellant's ownership and control. This landscaping would assist in screening or filtering views of the court fencing from outside of the site. As such, it would contribute to making the scheme acceptable.
9. I acknowledge that the site is located in the Brill-Winchendon Hills Area of Attractive Landscape (AAL). According to the evidence base which was prepared to support the designation, this area comprises undulating hills and ridges west of Aylesbury and is significant for its magnificent panoramic views across the strongly scenic and rural landscape. These qualities are clearly evident to the west of Old Crendon Road but they are not a feature of the appeal site which is part of a narrow sliver of land which has been 'trapped' by the re-routing of the B4011 and the construction of the A418 Thame bypass. This area has a lower sensitivity to change relative to other parts of the AAL.
10. The submitted plans show a series of four, 6 m high lighting columns at the edges of the court. These columns would be substantially taller than the perimeter fencing and they would draw attention to the development during daylight hours. This is an intrinsically dark location, notwithstanding the lighting on other sites¹ in the wider area, and the proposal has the potential to impact negatively on the character and appearance of the area. The application does not provide any specifications for the luminaires or any technical analysis of light spill. This lends weight to my overall finding that the proposed lighting is unacceptable. The appellant has indicated that he would accept a condition precluding the installation of lighting without a further grant of permission. In my opinion, such a condition is reasonable and necessary in order to make the development acceptable.
11. I conclude that the padel tennis court has not resulted in material harm to the character or appearance of the area. There is no conflict with Policies BE2 and NE4 of the VALP or Policies LC1 and LC9 of the Long Crendon Neighbourhood Plan, insofar as these seek to ensure that all new development proposals respect the physical characteristics of the site and its surroundings and protect landscape character and locally important landscape.

¹ The appellant has cited a golf driving range, football club, service station and roundabout to an industrial estate

Conditions

12. I have considered the Council's suggested conditions against the tests set out in paragraph 56 of the National Planning Policy Framework. I have attached a condition specifying the approved plans to provide certainty. This references an amended plan which omits the lighting columns. To protect the character and appearance of the area, conditions are necessary to secure the submission and implementation of a landscaping scheme and to prevent the installation of lighting without a further grant of permission.
13. The Council has suggested a condition to restrict the use of the tennis court to domestic use and for purposes ancillary to Thame Mead Farm. This may present difficulties in allowing friends, family and neighbours to use the facility. Such use would be unlikely to cause harm to planning interests. The appellant has put forward an alternative wording for a condition which in my view would be more suitable by restricting use for commercial or business purposes.
14. A number of other conditions have been suggested to secure details of a long-term management and maintenance strategy, parking provision and noise attenuation. Such matters are more relevant to a new community sports facility which in my view this is not. I have not attached the conditions as they do not pass the tests of reasonableness or necessity.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Robert Parker

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) This permission shall only relate to the development as carried out and shown on the approved drawing numbers 02-100, 02-101 and 03-101 Rev A.
- 2) Within 2 months of the date of this permission, full details of soft landscape works shall be submitted to and approved in writing by the local planning authority. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. These works shall be carried out as approved within the first planting season following the approval of the landscaping details.
- 3) Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.
- 4) Notwithstanding the plans submitted with the application, no external lighting shall be provided to serve the development, unless a separate grant of planning permission has been issued by the local planning authority.
- 5) The development hereby permitted shall be used for the playing of padel tennis and no other use whatsoever. At no time shall it be used for commercial purposes or business purposes.

*** END ***