



Appeal Decision

Site visit made on 23 August 2022

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2022

Appeal Ref: APP/D1265/W/21/3285425

**Sturminster Marshall Golf Club, Moor Lane, Sturminster Marshall
BH21 4BD**

- 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 Sturminster Marshall Golf Club against the decision of Dorset Council.
 - The application Ref 3/20/1427/FUL, dated 12 August 2020, was refused by notice dated 8 October 2021.
 - The development proposed is erection of a 2-storey extension to form an enlarged restaurant on the ground floor, additional headroom in the existing first floor function room, stairwell access and terrace area. Alterations to the existing public highway including junction improvements.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following the submission of the appeal the Council has approved a scheme for the erection of a single storey extension to the clubhouse building and alterations to the highway/junction¹. I have had regard to this in my assessment.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, including the effect on the openness of the Green Belt and the purposes of including land within it;
 - the effect of the proposal on biodiversity; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

¹ Local Planning Authority decision Ref: P/FUL/2021/04248, approved on 25th April 2022.

Reasons

Whether inappropriate development

4. The appeal site lies within the East Dorset Green Belt and comprises a detached clubhouse building together with the access road leading to the Golf Club.
5. The clubhouse is in an open setting close to the facility's car park and a small number of ancillary buildings. Since its construction two single storey store extensions and a porch have been added to its north and east elevations.
6. The National Planning Policy Framework (2021) (the Framework) regards the construction of new buildings as inappropriate development, other than in a number of specified exceptional circumstances. One of those exceptions is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building (paragraph 149(c)). The Framework's glossary defines "*original building*" as "*a building as it existed on 1 July 1948 or, if constructed after 1st July 1948, as it was built originally*". Another exception is the provision of appropriate facilities for outdoor sport, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it (paragraph 149(b)).
7. Saved policy KS3 of the Christchurch and East Dorset Local Plan (adopted April 2014 (the Local Plan) sets out the purposes of the Green Belt and its boundaries but does not otherwise address detailed Green Belt policy in the same way as the more recent Framework. Therefore, I have had regard to it only insofar as it relates to the purposes described.
8. There is some dispute between the parties in terms of the floor area created over and above the original building. The Council's figure, for the original floor area, of 155m² contrasts with the appellant's 224.9m² which has included accommodation within the building's roof space. Despite the Council contesting the use of that space, it is nevertheless within the envelope of the original building as I have understood it. The Council indicate that following the proposed extensions the building's new floor area will be 363m². The appellant's figure of 329.7m² is less.
9. Notwithstanding those different positions, I recognise that assessing proportionality is primarily an objective test based on size, and that floorspace is not the only possible measure of the degree of change. It is instructive to compare any changes to the original footprint, volume, physical size and scale of a building, including the degree of bulk or mass that might be added.
10. The original footprint dimension of the building is, according, to the Council 155m². Together with the previous extensions to the building, they indicate that, the proposed development would result in the building's footprint increasing in area to 289m². In volumetric terms, the figures indicated would be 852m³ for the original building, increasing to 1312m³ (including the enclosed terrace volume), when including the additions. Those figures have not been disputed with reference to any substantive evidence to the contrary, therefore I am content to rely on them. Accordingly, the figures presented would not represent modest additions to the building, but very large increases to its volume and footprint.

11. The proposal would dramatically alter the scale of the clubhouse by significantly elongating the ground floor of its north elevation. Together with the large roof addition, extending almost entirely across the north roof plane, as well as the partially enclosed outdoor terrace at first floor, the proposal would add significant mass and bulk to the clubhouse. When seen in context with the existing extensions flanking the building, its original form, would appreciably change to become a much larger building with multiple additions.
12. As a result of the proposed development the extensions to the property would represent a substantial uplift to the building's footprint and, also having regard to their cumulative scale and massing, in my view, would comprise disproportionate additions over and above the size of the original building. Therefore, the proposal would not meet the criteria in paragraph 149(c).
13. I have been referred to various appeal decisions² that deal with the matter of proportionality. However, in the case of Beech Lane it was allowed on very special circumstances, associated with a genuine fallback position, that outweighed the disproportionate additions identified by the Inspector. In respect of the Meriden decision, the proposed first floor, unlike this scheme, did not extend across the building's whole footprint, given the presence of an open terrace, which weighed in the Inspector's reasoning. The decisions at The Chase, The White Cottage and Bedford Gate Cottage, all relate to local authority areas further afield where development plan policies may differ or were determined under the Framework's other Green Belt exceptions. Moreover, I do not have the full details of those cases. Consequently, none of the cases are sufficiently comparable to the scheme before me to alter my conclusion that the appeal proposal would be disproportionate.
14. In terms of the exception outlined in paragraph 149(b) of the Framework, I have not been provided with any compelling evidence that the facilities would address an existing shortage of amenities or space associated with the outdoor sport element of the site. Moreover, there is some doubt that the proposed extensions would amount to an appropriate facility for an outdoor sport, given the intention to use the additional space for events or functions disassociated with the golf club use. However, I do acknowledge that the golf club's members would likely use the new facilities in conjunction with other visitors.
15. The important test in paragraph 149(b) requires an assessment of whether a development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
16. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that openness is an essential characteristic of the Green Belt. Openness, or an absence of development, is the counterpart of urban sprawl, as referred to in the recent Supreme Court decision to which I have been directed³. Openness can have spatial and visual aspects.

² Appeal Decision Refs: APP/U1240/D/19/3228676, allowed on 10 September 2019 at 7 Beech Lane, St Leonards, Ringwood BH24 2QD; APP/V1260/D/21/3276504, allowed on 7 December 2021 at Meriden, Melerly Park Road, Ashington, Dorset BH21 3DD; APP/R0660/D/16/3152865, allowed on 24th March 2017, at The Chase, Truthall Lane, Plumley WA16 9RZ; APP/Y3615/A/12/2168295, at the "The White Cottage in Surrey"; APP/Y3615/D/13/2190816, allowed at "Bedford Gate Cottage in Woking".

³ R (on the Application of Samuel Smith Old Brewery (Tadcaster) & others) (Respondents) v North Yorkshire County Council (Appellant) [2020] UKSC 3.

17. During my site visit I observed, to the immediate north of the clubhouse, an open terrace area with outdoor seating placed on a raised concrete slab. Although the attendant seating and associated activity currently reduces the degree of openness around the building, the area is free from structures and enclosures. Consequently, and notwithstanding the relatively limited size of the site and the presence of other golf club buildings nearby, in its existing form the appeal site, contributes in part to a sense of openness and, consequently, to the fundamental aim of the Green Belt to keep land permanently open, thus preventing urban sprawl.
18. In contrast the proposed ground floor extension and upper floor terrace would result in a large addition with attendant seating. The roof extensions to the building's north elevation would noticeably project outwards from the roof. When combined, the footprint, mass and height of the extensions along with the associated seating areas would inevitably have a significantly greater impact on the openness of the Green Belt compared to the existing development on the appeal site, and that impact would be visible from the surrounding golf course land, car park and public footpath that runs through the site.
19. On this basis, the proposal would fail to preserve the openness of the Green Belt and would therefore not meet the criteria in Paragraph 145 b) of the Framework. Furthermore, the development would not keep the land permanently open and, having regard to the Supreme Court judgement and the circumstances of the appeal site, I conclude that the development proposed would also conflict with the fundamental aim of Green Belt policy as set out above.
20. Consequently, for the reasons given, the proposed development would be inappropriate development in the Green Belt having regard to the Framework and Local Plan Policy KS3 as set out above. Inappropriate development is, according to the Framework, harmful to the Green Belt by definition, and should not be approved except in very special circumstances.

Biodiversity

21. The Council's ecological advisers indicate that the development has the potential to impact on biodiversity, including specific protected species. The appellant has not assessed those possible features within the building, or along the area of the proposed highway improvements.
22. The appellant's counter argument is that the survey requirements in the Local Plan and Dorset Biodiversity Appraisal Protocol are not listed in the Council's Planning Application Requirements checklist (dated 1 April 2019).
23. The Planning Practice Guidance indicates that an ecological survey will be necessary in advance of a planning application if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate. In this case, and having regard to the Council's advice, without any survey of the relevant features it is simply not known if ecological features are present and, if there are, whether mitigation measures would be appropriate. There is a further question concerning the implementation of any such measures. The appellant would accept a planning condition relating to the submission of further surveys along with mitigation measures. However, given the degree of uncertainty relating to

the findings of those surveys, the use of a condition would not be reasonable in this case.

24. The absence of sufficient information means I cannot rule out potentially significant harm to biodiversity. As such, the proposal would be contrary to Policy ME1 of the Local Plan and Dorset Biodiversity Appraisal Protocol where they require schemes to demonstrate that development would not result in adverse impacts to biodiversity, as well as aims that protect, maintain and enhance habitats and species. The proposal would also fail to comply with the provisions of paragraph 174(d) of the Framework, which require proposals to minimise impacts on and provide net gains for biodiversity.

Other considerations

25. The proposed extensions to the clubhouse would add greater space and much improved facilities. This would allow it to attract more members, improve facilities for those wishing to hire the building for events and increase the size of the restaurant and bar area. Those factors would help to improve the economic viability of the club. However, I have not been given any details of the additional number of jobs created or any economic forecasts of how the expansion would improve the club's viability. Moreover, there is nothing to suggest that the future vitality of the club is dependent on the proposed enlargements. In the absence of that information, the improved economic benefits attract moderate weight.
26. The road widening proposed along the approach road to the Golf Club would have significant highway safety benefits, in terms of improving visibility and traffic flow. However, there are no details, of any arboricultural surveys or ecological reports, indicating the effects of tree and vegetation loss associated with the road widening. Given that there could be biodiversity impacts this benefit only attracts minor weight.
27. In respect of the site's biodiversity interests the appellant accepts that these would need to be preserved and that mitigation can be secured following the issuing of consent. However, the concept of mitigating is to overcome some form of loss or harm, therefore this would likely weigh neutrally in my assessment of the scheme's benefits. In terms of scheme enhancements that may come about through proposed ecological mitigation, I would have no way of gauging this in the absence of any detailed proposals. Accordingly, these matters attract limited weight.
28. The appellant associates scheme benefits with the potential for the clubhouse being used as a community facility in connection with a future housing allocation. It would also enhance its function as an existing "Asset of Community Value" (ACV). Whilst this would have social benefits that would align with the objectives of the Framework for future occupiers, there are no details of where the housing would be in relation to the clubhouse, or its current status and stage in the preparation of the forthcoming Local Plan. As for the improved ACV, whilst the proposal would offer greater space and opportunities for community activities, there is nothing in the evidence to suggest that existing facilities are currently lacking or that there is a demand for more floorspace. Accordingly, these matters attract minor weight.

Other Matters

29. I have been referred to the scheme the Council consented following the submission of this appeal. It comprises a much smaller addition coming off the clubhouse's north elevation. It is less expansive in terms of its depth, while it does not, unlike the appeal proposal, include any additions to the roof that would otherwise add mass to its upper portions. Given the much-reduced scale of the consented scheme it would not be comparable to the much larger proposal. I have therefore given this matter limited weight as a fallback.

Green Belt Balance

30. The Government attaches great importance to Green Belts, and the Framework establishes that substantial weight should be given to any harm to the Green Belt when considering any proposal for development within it. In this case, I have found harm to the Green Belt by reason of the proposed development's inappropriateness, and harm to the openness to the Green Belt.

31. Balanced against that are the other considerations discussed above. However, for the reasons given, those other considerations in this case, taken cumulatively, do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would be contrary to Policy KE3 and ME1 of the Local Plan, and the provisions of the Framework, as set out above.

Conclusion

32. Therefore, for the reasons given I conclude that the appeal is dismissed.

RE Jones

INSPECTOR