



Appeal Decision

Site visit made on 23 September 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2022

Appeal Ref: APP/X0360/W/22/3298449

Castle Royle Golf Club, Bath Road, Hare Hatch RG10 9XA

- 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 Rob Watts against the decision of Wokingham Borough Council.
 - The application Ref 213829, dated 17 November 2021, was refused by notice dated 17 January 2022.
 - The development proposed is the erection of single-storey three bay golf studio
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the development on the character and appearance of the area;
 - If inappropriate development, whether the harm to the Green Belt by reasons 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 development.

Reasons

Whether Inappropriate Development

3. The site lies within the Green Belt, where new development is strictly controlled. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
4. Policy CP12 of the Wokingham Borough Core Strategy Development Plan Document (2010) (Core Strategy) and Policy TB01 of the Wokingham Borough Adopted Managing Development Delivery Local Plan (2014) (the Local Plan) oppose inappropriate development in the Green Belt. Both policies pre-date the latest version of the Framework. Therefore, whilst both policies broadly align with the policies contained within Section 13 of the Framework there is some

inconsistency, particularly as to what constitutes inappropriate development in the Green Belt.

5. Consequently, whilst the development plan remains the starting point for the determination of the appeal, the updated Framework is an important material consideration. Given the Framework provides the more up-to-date policy intentions for Green Belt, I give it significant weight in my determination of this appeal.
6. Exceptions to inappropriate development within the Green Belt are listed at Paragraphs 149 and 150 of the Framework. Of relevance to the appeal proposal is Paragraph 149b), which amongst other things, provides an exception for the provision of appropriate facilities (in connection with the existing use of land or a change of use) 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.
7. The proposed development would provide a facility to allow for golf tuition including video and biometric analysis. The building would comprise of three covered driving range bays as well as a putting room and analysis room.
8. The Council argue that the proposed development would not provide appropriate facilities for outdoor sport as all activities would be taking place within the golf studio for coaching and training purposes. However, I consider this to be an excessively literal interpretation of the proposal and the relevant exception in the Framework.
9. The proposed facility would be intrinsically linked to outdoor sport. This is because it would involve users physically striking golf balls onto the outdoor driving range, but moreover it's use would encourage existing and new golfers to participate in the sport more widely. The wording for Paragraph 149b) sets out that it relates to the provision of 'appropriate' facilities for outdoor sport. To my mind, this suggest that facilities should be suitable connected to outdoor sport uses, which I find is the case in this instance.
10. However, Paragraph 149b) also requires there to be an assessment of the impact of openness of the Green Belt. The proposed development would introduce a building onto an area of land that is presently free of buildings. The proposal would also be relatively large, with a footprint of approximately 161sqm and maximum height of 3.2m.
11. The area where the proposed building would be sited is well screened by existing vegetation, whilst its mono-pitch roof design would somewhat limit its overall height. It would therefore not be highly visible from public vantage points and its overall impact in purely visual terms would be limited. Nevertheless, the concept of openness has a spatial element which does not relate directly to visibility or visual harm but to the absence of building and development. It therefore follows that openness can be harmed even when development is not readily visible from the public domain.
12. Given the scale of the proposed building and its position, it would result in a spatial loss of openness to the Green Belt. This loss of openness would be relatively modest, given the site's context and the intended use of the development. Nevertheless, as it would not preserve the openness of the Green Belt, the proposal does not comply with the exception at Paragraph 149b) of

the Framework. In coming to this view, I have taken account of the nature of the appeal proposal and that it needs to be sited on the driving range in order to fulfil its purpose.

13. The appellant highlights that the proposal would enable the removal of an existing timber covered single bay range structure. However, this structure is in another area of the site, whilst its overall scale is much smaller than the appeal building. Consequently, this would not offset the development's impact nor preserve the openness of the Green Belt.
14. The appellant contends that, following the line of reasoning within the Lee Valley Region Park Authority judgement¹, the appeal development can be considered as not inappropriate on openness grounds. That judgement found that if development is found not to be inappropriate applying paragraphs 89 and 90 of the 2012 Framework² it should not be considered as harmful to either the openness of the Green Belt or the purposes of including land within it. However, this does not prevent the effects of openness from being an integral aspect of an assessment of inappropriateness.
15. The situation in Lee Valley concerned a building exempt by the Framework under a different category of development that did not require an assessment of openness. The Framework is clear that for a proposal under paragraph 149b) to not be inappropriate, it must preserve the openness of the Green Belt. As indicated, despite its surrounding context, in this instance the proposal is of a scale that is not deemed to preserve openness. That there can be differences in approach is recognised by *Europa Oil and Gas Limited v SSCLG* [2013] EWHC 2643 (Admin).
16. Reference is also provided to an appeal decision in Edgeware that concerned golf related development in the Green Belt. The appellant suggest that the appeal decision supports the need for a broad interpretation in terms of the preservation of openness. Neither a copy of the decision nor its reference has been provided. Nevertheless, from the information available to me, it appears that the appeal decision (at least in part) related to the development of a golf clubhouse. It seems that the Inspector, in considering that scheme's impact on openness, gave weight to its particular function. Similarly, I have considered the proposal's intended use and its specific context, and although the Framework includes the qualified provision of appropriate facilities for outdoor sport as an exception, I have found that the proposal would result in some loss of openness to the Green Belt.
17. The appellant also alleges that the development proposed would not conflict with the purposes of including land within the Green Belt. Be that as it may, the proposal does not preserve the openness of the Green Belt, as required by the second limb of Paragraph 149b), it therefore is deemed inappropriate development.
18. For the reasons identified above, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with Core Strategy Policy CP12 and Policy TB01 of the Local Plan, and the associated aims of the Framework.

¹ Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

² Subsequently replaced by paragraphs 149 and 150 of the latest version of the Framework (July 2021)

Character and Appearance

19. The appeal site is located within the countryside for policy purposes and falls within the Wargrave-Twyford Arable Chalk Lowlands Landscape Character Area (LCA). The LCA is identified by the Council as being characterised by a system of large working arable fields with sporadic, infrequent boundaries of degraded condition. Key characteristics of the LCA are also stated as including its sense of remoteness due to the largely undeveloped character, a strong sense of openness and homogeneity, and open views across the flat landscape.
20. Policy CP11 of the Core Strategy outlines a restrictive approach to new development in the countryside, in order to protect the separate identity of settlements and maintain the quality of the environment. The policy provides specific limited exceptions whereby development in the countryside will be supported, including if it does not lead to excessive encroachment or expansion of development away from original buildings.
21. The proposed development would be located approximately 250m from the main clubhouse/leisure club buildings at the wider Golf Club site. It would also introduce a relatively sizeable new building. Consequently, it would not meet the exceptions outlined in Policy CP11. However, in terms of its siting the appellant has outlined it is necessary to locate the proposal alongside the existing driving range. Given the building's proposed function, this appears reasonable and justified.
22. The driving range itself is contained within the grounds of the wider golf course. The site and wider golf course have a highly manufactured appearance. This includes the presence of bunkers, man-made ponds, containment mounding, planting of various species of trees that line fairways, as well as its maintenance practices (e.g. various mown areas). Therefore, in my view, the appeal site does not strongly reflect or contribute to the characteristics of the LCA, but instead has the character and appearance of a managed golf course.
23. The proposed building would be significantly screened by trees and views of the building would largely be limited to people utilising the driving range or golf course. Although there is a public bridleway that cuts through the golf course, it is a considerable distance from the appeal proposal. Due to dense vegetation alongside the bridleway, further vegetation on the course, and slight changes in topography, the proposal is also unlikely to be particularly perceptible from the bridleway, or indeed other public vantage points.
24. In any case, the design of the building and its proposed use of weatherboarding has a general rural character and would not be inherently out of place in the setting of a golf club. It would therefore not harm the character and appearance of the site or surrounding landscape.
25. Accordingly, the proposal would accord with Core Strategy Policies CP1, CP3 and Local Plan Policy TB21. These policies together, amongst other matters, seek for development to maintain or enhance the high quality of the environment and retain or enhance the condition, character and features that contribute to the landscape. Whilst not in accordance with the exceptions criteria under Core Strategy Policy CP11, for the reasons above, the proposal does not conflict with its overall aim of protecting the identity of settlements or maintaining the quality of the environment. Likewise, the proposal would not conflict with the Borough Design Guide Supplementary Planning Document

(2012) or relevant sections of the Framework in respect of protecting the character of the rural landscape.

26. The Council has also referenced Local Plan Policy CC03 (Green Infrastructure, Trees and Landscaping), in its reason for refusal. However, I have not found this to be directly relevant to the development proposal.

Other Considerations

27. It has been put to me that covered ranges are also a common feature of many other courses, including in the Green Belt. In seeking to justify the proposed development, the appellant also identifies that the current practice facilities are not commensurate with the standing of the golf club or its teaching professional. Be that as it may, there is no indication that the viability of the golf club is being jeopardised due to the absence of such facilities. I therefore give limited weight to these matters.
28. The appellant also highlights that there is various local and national planning policy support for development that promotes economic growth, rural land-based businesses, leisure developments, enhancing sports and community facilities, and promote physical activity and enjoyment of the countryside. No precise quantification of these benefits has been outlined by the appellant. Nevertheless, based on the overall scale and nature of the development and that the Framework promotes positive planning to enhance the Green Belt's beneficial use and opportunities to provide access, sports and recreation, I find the benefits related to these aspects attract modest weight.

Other Matters

29. I note that the appellant's comments regarding feedback received from the Council during the original application, including in relation to the general principle of development and possible amendments. However, the appeal has been determined on its own merits, based on the development proposed and the available evidence.

Green Belt Balance

30. Although I have found that the appeal proposal would provide an appropriate facility for outdoor sport and would not harm the character and appearance of the surrounding area, the proposal is inappropriate development in the Green Belt because it would not preserve the openness of the Green Belt. The inappropriateness and the harm to openness, albeit modest, carry substantial weight and the Framework establishes that development should therefore not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
31. Overall, I find that the other considerations in this case do not clearly outweigh the harm I have identified. Consequently, the very special circumstances that are needed to justify the development do not exist. It therefore follows that the proposal is also contrary to Core Strategy Policy CC01 which relates to a presumption in favour of sustainable development, whilst the various matters in support of the proposal also do not justify taking a decision other than in accordance with the adopted development plan.

Conclusion

32. For the reasons outlined above, the appeal is dismissed.

Lewis Condé

INSPECTOR