

Appeal Decision

Hearing held on 29 November 2022

Site visits made on 29 and 30 November 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal Ref: APP/R0660/W/22/3302555

Adlington Golf Centre, London Road, Adlington, Macclesfield, Cheshire SK10 4NG

- 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 Adlington Golf Centre Ltd against the decision of Cheshire East Council.
 - The application Ref 21/2589M, dated 10 May 2021, was refused by notice dated 10 March 2022.
 - The development proposed is the 'Construction of an Adventure Golf Course with associated works'.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of an adventure golf course with associated works at Adlington Golf Centre, London Road, Adlington, Macclesfield, Cheshire SK10 4NG in accordance with the terms of application Ref 21/2589M, dated 10 May 2021, subject to the conditions set out in a schedule attached to this Decision.

Preliminary Matters

2. Since the date of the Council's decision, the Cheshire East Site Allocations and Development Policies Document (SADPD) has completed examination and, subject to Main Modifications, was found to be sound and suitable for adoption. Accordingly, the proposed amended policies within it are entitled to substantial weight. Of the policies within the SADPD, the Council referred me to Policy RUR6 as modified and I have taken this into account in my determination of the appeal.
3. At the Hearing the main parties agreed that saved Policy GC1 of the Macclesfield Local Plan [2011] contains a higher qualifying test in assessing whether or not the provision of buildings for outdoor sport and recreation might be inappropriate in the Green Belt than that specified in the revised National Planning Policy Framework (the Framework). Although its aim of protecting the Green Belt for its purposes remains valid, in accordance with Paragraph 219 of the Framework, the 'essential' test in Policy GC1 is afforded negligible weight in the appeal.
4. During the course of the Council's consideration of the planning application, amended plans were submitted by the appellant in response to concerns raised by the Council. The revisions show a reduced scale of the features on the holes entitled 'Gold Mine' (-3m), 'Ayres Rock' (-0.5m) and 'Sydney Harbour Bridge'

- (-0.25m). Corresponding revisions to representative cross-sections were updated. Some landscaping proposals were also revised.
5. For the purposes of the appeal, the appellant provided CAD versions of 3 previously hand-drawn drawings in the interests of clarity. As they did not alter the proposals, I do not consider my consideration of them would prejudice any party. I have taken them into account with the revisions referred to above. A landscape layout plan reference M3337-PA-02-V2 was not listed on the Council's Decision Notice despite having formed part of the planning application submissions. The Council confirmed that this was an unintended omission.
 6. For the avoidance of doubt, the relevant plans considered in the appeal are: Location Plan; Landscape Layout Plan M3337-PA-02-V2; Planting Plan M3337-PA-03-02; Wider Landscape Proposals M3337-PA-01-V1; Equipment Shack - XXX; Hole Plans – 1 Pinnacles, 2 Wave Rock, 3 Cattle, 4 Sydney Opera House, 5 model of Sydney Harbour Bridge (annotated and showing reduced height), 6 Jolly Jumbag, 7 Snakes, 8 Birds, 9 Spiders and Bats, 10 Boomerangs, 11 King George Falls (2 plans), 12 Dunny, 13 Ute, 14 Didgeridoo, 15 Ayres Rock Model - Detail (Malcolm Tempest Ltd. annotated and showing reduced height), 16 The Gold Mine Hole (2 plans) layout and revised elevation (annotated 'not exceeding 5m'), 17 Tasmanian Devils, 18 Kangaroo (2 plans); SE2022-A-Cut & Fill; and RN/SE2022-A-Cross Section.

Main Issues

7. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies
 - 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.

Reasons

Green Belt

8. The Government attaches great importance to Green Belts, the essential characteristics of Green Belts are their openness and their permanence. Section 13 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework makes it clear that new buildings are inappropriate in the Green Belt. However, an exception is made in the case of the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
9. Additionally, Paragraph 150 b) highlights that engineering operations are not inappropriate in the Green Belt subject to the same tests of openness and not conflicting with the purposes of including land within it.
10. Policy PG3 of the Cheshire East Local Plan Strategy 2010-2030 [2017] (the LPS) confirms that the extent of the Green Belt will remain unchanged apart from defined sites or non-strategic sites to be removed in the emerging

SADPD. It restates the national restrictions to development in the Green Belt and its purposes. At the Hearing, the Council confirmed that the adoption of the SADPD would not alter the extent of the Green Belt in the locality of the site.

11. The proposal includes the reprofiling of the site to form an excavated area almost completely surrounded by an oval mound. A central lake and levelled area would facilitate the installation of themed holes for the adventure golf course. This would include Australian themed built structures and surfacing to provide hard-standings, pathways and putting areas. Landscaping would be provided within the site, across the peripheral mounding, and on other parts of the wider golf complex. A single storey 'shack' building for administration and storage is also proposed.
12. The site is part of a former 9-hole short course that was split in two by the Poynton relief road, which is currently under construction. The new road corridor is contiguous with the eastern boundary of the site. The site currently appears as a raised area forming a brow above the levels of the surrounding land. It features undulating ground of profiled mounds and depressions associated with the former 'Graduate' course. It therefore has a degree of prominence in the locality and the site would be visible by future users of the relief road, once opened to traffic.
13. There is no dispute between the main parties that the principle of the formation of an adventure golf course and associated engineering operations are capable of meeting the exceptions set out in Paragraphs 149 and 150 of the Framework. As an 'adventure' golf course, there is reasonable expectation of an immersive experience brought about by a strong course theme and associated features, including structures of some scale when compared to traditional golfing or 'crazy golf' facilities.
14. As buildings and structures that could be regarded in principle as 'appropriate' facilities, or engineering works capable of meeting the explicit tests in Para. 150 b), the application of *Europa Oil and Gas Limited v SSCLG* [2013] EWHC 2643 (Admin), as referenced by the appellant, finds that changes arising from the exceptions to development in the Green Belt may not necessarily affect openness. It establishes that the impact of a development on openness is not inevitably related to its size but also its purpose.
15. In this context, the presence of a modest building, large scale structures, waterbodies, putting areas and pathways would form part of the baseline expectation for an adventure golf course. This provides a starting point for the tests in Paragraphs 149 b) and 150 b).
16. Openness is subject to consideration of both visual and spatial changes¹ and, in regard to *Euro Garages Ltd*², should consider the impact or harm wrought by the change to the Green Belt rather than merely the site itself. Accordingly, the assessment can include factors such as scale, visibility and locational context.
17. Each hole would include a main structure or series of smaller features. These would range from low-level decorations to taller structures, including scaled models of Sydney Harbour Bridge, Sydney Opera House, 'Ayres Rock' and a

¹R (on the application of, Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant) [2020] UKSC

² Euro Garages Ltd v SSCLG & Anor [2018] EWHC 1753 (admin)

representation of King George Falls. Constructed variously of materials including masonry, concrete or steel, the larger structures would be between 5 and 7m tall.

18. The arrangement of the features, building and surface infrastructure about the lake would benefit from the screening effect of the mound. The built features would be largely set below the existing ground level and be surrounded by the height of the land-forming. Views of the features from the surrounding rural area and new road would therefore be restricted and the visual aspect of openness therefore limited. Views from the Adlington BR42 Bridleway and footpath FP41, which run alongside the site, would be substantially obscured by existing boundary hedging.
19. From the wider area, the view would be primarily of a landscaped mound. From a landscape perspective, the Council considers that the planting on large parts of the outer slope of the mound would ultimately appear as a woodland block. Accordingly, on maturity, it would not appear incongruous in the surrounding rural landscape.
20. However, as a continuous single feature of significant scale and in a prominent position on land that has formerly been built-up to construct the 'Graduate' course, the mound and excavation works would be considerably larger than the scale of existing groundworks visible across the golf complex. It would serve to screen development that might otherwise appear incongruous in the countryside setting and ultimately prevent it appearing as a form of urbanising encroachment. It would also limit the visual effects on openness of the development contained within it. However, in my view it would, in itself, cause a degree of harm to both the visual and spatial openness of the locality.
21. The effect would be somewhat moderated by the context of some cutting works and a new bridge ramp associated with the construction of the new road. However, as a feature detached from any visual association with the road and forming a prominent foreground element to views across the lower lying rural area to the west, I find it would result in a notable change that would unduly affect the openness of the Green Belt.
22. In relation to the effects of the structures and building, the appellant referred to a number of examples of adventure golf courses that have been approved elsewhere. Having reviewed those cases, I acknowledge that there are instances where structures of comparable size have been approved. However, based on the information provided, these seem to be either the main structure defining the principal theme of each course, or are fewer features in total set amongst the holes.
23. This contrasts with the appellant's proposal for a relatively high number of large-scale features amid others of intermediate and low-level scale. Even accounting for the starting point directed by *Europa*, or for the supporting infrastructure which already exists at the site, I find the cumulative effect of the structures, taken with those of the land forming, would be considerable for their intended purpose and they would cause undue harm to the spatial openness of the locality.
24. I acknowledge the appellant's contention that the reduction in scale of the individual features would cause them to lose their proportional accuracy or render them too small to serve their purpose. In this, I consider these are

legitimate expectations in relation to this type of facility. However, as above, taken as a collective of not insignificant structures, I consider the overall effect to be excessive against their intended purpose.

25. In support of consideration of openness effects associated with the proposals, the appellant directed me to the significant changes taking place in the locality. The appellant suggests that these provide a favourable context to the Green Belt assessment, as per *Euro Garages*.
26. The locality has seen land releases from the Green Belt such that its local boundary has moved westwards towards the site and now loosely coincides with the new road. Although this may result in an anticipation of further built development as allocated or safeguarded sites are brought forward to the east of the road, it provides a strong defining boundary on the ground. The road forms a clear break between the open rural land to the west and that associated with Poynton Industrial Estate to the east.
27. The changes do not alter the significance or undermine the reasons for maintaining the land west of the road in the Green Belt. To my mind, as a relatively narrow wedge of countryside between the new road and the developing area of the Woodford aerodrome to the west, the importance of the Green Belt functions in the locality remains very relevant. Even accounting for the presence of the existing surrounding golf infrastructure, I find this does not fundamentally justify the harm identified to the locality or the wider Green Belt.
28. Taking all of the above together, and being mindful of a theoretical starting point whereupon some structures and buildings associated with an adventure golf course would normally be anticipated, I find the overall degree of harm would be no more than moderate. Nevertheless, the test of openness as a fundamental aspect of the Green Belt is an explicit one in both Paragraphs 149 b) and 150 b). Accordingly, I find the cumulative effect of the proposals on openness would cause then to constitute inappropriate development in the Green Belt.

Other considerations

29. In support of the scheme the appellant has referred me to a number of potential benefits of the development.
30. In Green Belts, Paragraph 145 of the Framework encourages the provision of opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
31. The scheme would offer a broader range of facilities at an established site which caters for various sectors of the golfing community and benefits from existing infrastructure. It would introduce a facility which could be used by families and groups of different ages. In addition to providing enhanced opportunities for outdoor sport and recreation, this would broaden the appeal and promote healthy lifestyles in accordance with the aims of Section 8 of the Framework. These are benefits of significant weight.
32. The appellant has provided evidence of the advantages of adventure courses in engaging youngsters as an entry point into the sport of golf. It could provide initial interest to encourage longer-term involvement in the sport from where individuals can progress through the other course offers available at the

complex or facilities elsewhere. The evidence indicates that at a national level, England performs poorly against other countries in registering junior golf players. As the first step of recognised stages in progression through golfing development, this adds weight to the significance of drawing youngsters into the sport.

33. Furthermore, the proposal would be based on a pay and play opportunity such that it would be broadly accessible. This contrasts to some other golf facilities that can be restricted to annual membership requirements. These are benefits of considerable weight.
34. The proposal would have economic benefits associated with its construction and use. It could sustain the existing business and generate local employment opportunities. Although I have some doubt in relation to the claim of the potential number of full-time equivalent workers, this benefit was not disputed by the Council and is a matter that weighs in favour of the proposal.
35. I recognise that in broadening the facilities at the centre, the proposal would add to the range of facilities and interests in the locality. This could draw additional visitors and tourists that would contribute to spend in the area more generally. It would be in a location in close proximity to residential populations and accessible by sustainable means of travel that could limit travel distances for some. These are positive aspects of the scheme which are also entitled to moderate weight.
36. The implementation of a managed landscaping scheme on the appeal site and wider golf centre would deliver significant biodiversity benefits over and above those required in local or national policies. This would be a considerable benefit of the scheme which could be secured through planning condition. It would also align with the objectives in Paragraph 145 of the Framework.
37. I note that the imposition of the relief road prevented effective use of the Graduate course. This has since been compensated with a replacement course to the north. Nevertheless, it has caused the majority of the land to become redundant. In this regard, I heard that due to a significant original investment in ground drainage, importation of material and the size and isolation of the remaining area in the Green Belt would restrict other potential uses, including its economical return to agricultural use. As a productive alternative, the scheme would make best use of now underused land and would be a considerable benefit of the proposal.
38. I acknowledge the representations made by third parties, the majority of which refer to the benefits referenced above. An objection received by the Council does not specify a reason for coming to that conclusion.

Planning Balance

39. The development would constitute an inappropriate form of development on account of its cumulative scale. This would cause harm to the openness of the Green Belt. From a baseline starting point of an 'appropriate' facility and one involving engineering operations, I find the extent of undue harm to openness would be moderate. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it.

40. However, the cumulative benefits of the considerations presented by the appellant would be significant. In the particular circumstances of the case, I consider those benefits would outweigh the harm to the Green Belt. Accordingly, it is my view that the very special circumstances required to outweigh the identified harm would exist to justify the development and it would thereby align with Policy PG3 of the LPS and emerging Policy RUR6 of the SADPD. For similar reasons, it would be consistent with the requirements of the Framework when read as a whole.

Conditions

41. I have considered the conditions agreed by the main parties within the Statement of Common Ground and had regard to Paragraph 56 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. Subject to minor amendments agreed at the Hearing, I find the majority to be reasonable and necessary in the circumstances of the case. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
42. A pre-commencement condition is necessary to secure definitive detail of the proposed structures as the plans referred to above are described as 'sketch schemes' and provide only limited detail. In the interest of visual amenity, details of external finishes are required.
43. Details of finished site levels and drainage are necessary before development takes place to ensure these are fully factored in the planning of site works, to prevent flood risk and protect the openness of the Green Belt.
44. Conditions in relation to tree protection, Great Crested Newt mitigation, works timing (with respect to nesting birds), landscaping implementation and management, lighting, and wildlife enhancement measures are necessary to protect and enhance biodiversity. A condition to secure measures to discourage waterfowl from utilising the lake is required to protect aviation safety.
45. In the spacious context of the site and distance to noise sensitive properties outside of the appellant's ownership, a condition requiring a construction management plan for the works is unnecessary.

Conclusion

46. For the reasons given, I conclude that the appeal should succeed.

R Hitchcock

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

<i>Sarah Reid KC</i>	<i>Kings Chambers</i>
<i>Rawdon Gascoigne BA Hons MRTPI</i>	<i>Emery Planning</i>
<i>Gareth Salthouse</i>	<i>Emery Planning</i>
<i>Nic Folland CMLI</i>	<i>Barnes Walker Ltd</i>
<i>David Moss</i>	<i>Adlington Golf Centre</i>

FOR THE COUNCIL:

<i>Robert Law</i>	<i>Cheshire East Council</i>
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DOCUMENTS SUBMITTED AT THE HEARING:

Sarah Reid KC - Precis of approach to Para 149 NPPF referencing as attachments:

- *Europa Oil and Gas Limited v SSCLG* [2013] EWHC 2643 (Admin)
- *R (on the application of, Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant)* [2020] UKSC
- *Euro Garages Ltd v SSCLG & Anor* [2018] EWCH 1753 (Admin)
- Appeal re: APP/N5090/W/16/3151579.

Schedule of conditions to planning permission Ref. 21/2589M

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. The development hereby approved shall in all respects accord strictly with the following approved drawings: Location Plan; Landscape Layout Plan M3337-PA-02-V2; Planting Plan M3337-PA-03-02; Wider Landscape Proposals M3337-PA-01-V1; Equipment Shack - XXX; Hole Plans – 1 Pinnacles, 2 Wave Rock, 3 Cattle, 4 Sydney Opera House, 5 model of Sydney Harbour Bridge (annotated and showing reduced height), 6 Jolly Jumbag, 7 Snakes, 8 Birds, 9 Spiders and Bats, 10 Boomerangs, 11 King George Falls (2 plans), 12 Dunny, 13 Ute, 14 Didgeridoo, 15 Ayres Rock Model - Detail (Malcolm Tempest Ltd. annotated and showing reduced height), 16 The Gold Mine Hole (2 plans) layout and revised elevation (annotated 'not exceeding 5m'), 17 Tasmanian Devils, 18 Kangaroo (2 plans); SE2022-A-Cut & Fill; and, RN/SE2022-A-Cross Section.
3. Notwithstanding any detail shown on the submitted plans, no development shall take place until a detailed scheme has been submitted to and approved in writing by the Local Planning Authority detailing the size, specification and appearance of the structures for each hole shown on the drawings hereby approved. The structures shall be constructed in accordance with the approved details and shall be retained as such thereafter.
4. No development shall take place unless and until a detailed scheme for finished site levels and finished floor levels has been submitted to and agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved scheme.
5. Details of all external facing materials to be used in the construction of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall thereafter be carried out only in accordance with the details so approved.
6. The development hereby permitted shall not be brought into use until a detailed Biodiversity Enhancement Plan, based upon the principles set out within the Ascerta Biodiversity Net Gain Calculation Note received by the Local Planning Authority on 19 November 2021, has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the formation of any banks, terraces or other earthworks, planting plans, specifications and schedules (including planting size, species and numbers/densities), details of existing plants/trees to be retained and a timetable for the implementation of the works. The biodiversity enhancement works shall be implemented in accordance with the approved scheme thereafter.
7. The development hereby approved shall not be brought into use until a Landscape, Woodland and Ecological Management Plan, setting out details of future management responsibilities and maintenance schedules for all new landscaped areas, has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be fully implemented thereafter and shall always remain operational.

Continued.....

8. Prior to the installation of any external lighting (including security lighting) as part of the development hereby approved, full details including design, siting, means of capping and illumination type and lux level shall be submitted to and approved in writing by the Local Planning Authority. Only lighting that has been approved in writing by the Local Planning Authority shall be installed.
9. The formation of water bodies shall take place until details of Bird Hazard Management Measures have been submitted to the LPA in consultation with the aerodrome safeguarding authority for Manchester Airport. During construction and in perpetuity, robust measures shall be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. In particular, the applicant (and subsequent site owner/management) shall commit to implementing various mitigation measures to deter breeding feral geese on site which shall include goose proof fencing and marginal vegetation around the peripheries and on any island or peninsula in order to deter breeding activity with feral geese. Customers shall be deterred from feeding any birds, such as Mallard, by installing signs around the site requesting that they do not do this.
10. The proposed development shall proceed in strict accordance with the Great Crested Newt mitigation measures detailed in the Ecological Appraisal prepared by Ascerta, dated September 2020.
11. No removal of any vegetation or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4 metre exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.
12. Prior to the development hereby permitted being brought into use, detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds shall be submitted to and approved in writing by the Local Planning Authority. The approved features shall be permanently installed prior to the development hereby permitted being brought into use and thereafter retained.
13. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved scheme, which shall be fully implemented prior to the development hereby approved being brought into use.
14. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS: 5837:2012 "Trees in relation to design, demolition and construction - Recommendations". The fencing shall be retained throughout the period of construction and no activity prohibited by BS: 5837:2012 shall take place within such protective fencing during the construction period.

END.