



Appeal Decision

Site visit made on 18 April 2023

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 June 2023

Appeal Ref: APP/T0355/W/22/3305525

Zacara Polo Ground, Martins Lane, Shurlock Row, Windsor and Maidenhead, Reading RG10 0PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Natalie Guest against the decision of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 22/00754, dated 16 March 2022, was refused by notice dated 11 July 2022.
 - The development proposed is described as a proposed clubhouse pavilion.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Natalie Guest against the Royal Borough of Windsor and Maidenhead. This application is the subject of a separate Decision.

Preliminary Matter

3. Outline planning permission is sought for a clubhouse pavilion. All matters have been reserved other than access and scale. Illustrative plans have been submitted with this outline proposal and I have considered them on this basis in this appeal.

Main Issues

4. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to openness and purposes of the Green Belt, the revised National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on highway safety in the area; 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.

Reasons

5. The Framework states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It requires, when considering

any planning application, that substantial weight is given to any harm to the Green Belt. Policy QP5 of the Borough Local Plan (Local Plan) generally reflects Green Belt policy as set out in the Framework.

Whether Inappropriate Development

6. The construction of new buildings should be regarded as inappropriate in the Green Belt. However, the Framework identifies exceptions to this, and this includes at Paragraph 149 b) the provision of appropriate facilities for outdoor sports, as long as facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
7. The appeal property is an established polo ground which includes a polo pitch and an all-weather polo arena. The all-weather facility, although substantially enclosed by wood panels and netting, is open air.
8. The application form shows that the appellant is applying for new gross internal floor space of 283.8 square metres. The indicative plans show a building of this scale with internal accommodation for changing rooms, toilets, kitchen and a reception area. The indicative plans also show a covered, open-sided veranda which would wrap around the full extent of this accommodation. The building would be located such that it would function as a facility that could be used in association with the polo pitch and the winter arena, and therefore the outdoor sport permitted and established at this ground.
9. The appellant states that the pavilion would have a capacity for 30 people. It is also understood that the scale of the proposed internal accommodation and facilities shown on the indicative plans reflects guidance set out in Sport England Clubhouse Design Guidance Notes. (Guidance Notes) Be this as it may, the overall scale of the proposed building would be far in excess of that advised in the Guidance Notes and I find no substantive evidence that a clubhouse must be of the scale proposed in this case.
10. The Council state that the proposal would include additional hardstanding, parking and other paraphernalia. However, the evidence submitted does not demonstrate that the proposal would have any of these additional features. Even without these additional features, given the factors above, the evidence presented in this case has not demonstrated that the scale of the building would be appropriate for the intended purpose at this established polo ground.
11. Paragraph 137 of the Framework establishes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.
12. The appeal site is a plot of land near the winter arena. Although the grass is maintained the plot appeared devoid of structures and therefore relatively undeveloped. The wider appeal property is a sizeable piece of land dominated by the large polo pitch. The few structures at the ground, including the winter arena, are close to the boundary of the wider site. The stables and maintenance building are also screened from the wider ground by a grass bund. With permitted structure and built forms largely limited to the edges of the ground, the property has an open character. Moreover, while the winter arena is a boarded structure, the lower sections of the boards appear set at a

- lower ground level than the appeal site, such that this part of the appeal property retains a sense of openness and appears relatively undeveloped.
13. The polo ground is substantially screened from the surrounding area by high mature hedges and trees. However, although there is a row of conifer trees at the boundary near the appeal site, there is a gap in this boundary which allows limited public views of the appeal site. The lower boundary hedges of the neighbouring cottage also allow some appreciation of the largely undeveloped quality of the appeal site.
 14. The proposed building would have floorspace of 283.8m², which would be a large building in the context of the appeal site. The indicative plans show how that floorspace could be created with a single storey building. A building of this scale would fill an existing relatively undeveloped space, and this would lead to a visual and spatial change at the appeal site. A building of this size would be clearly visible in the polo ground and from limited public vantage points on Callin's Lane. In this regard the proposal would not preserve the openness of this part of the Green Belt.
 15. As outlined above the pavilion would be visible from limited places in this rural area and would not be visible in the wider landscape. Moreover, the wider polo ground would remain substantially undeveloped, and, despite the addition of the sizeable pavilion, this would be in keeping with the sparse pattern of development which is evident in this countryside location. Consequently, the proposal would not harmfully encroach into the countryside and in this regard would not conflict with the purpose of the Green Belt to assist in safeguarding the countryside from encroachment.
 16. However, I find that the proposal would result in a loss of openness at the appeal site and as such in this part of the Green Belt. While the effect would be very limited and localised, given the scale of the proposal, minor harm to the openness of the Green Belt would occur.
 17. Therefore, I find that the proposed building would not be appropriate for the outdoor sport established at this location. For the reasons outlined above, the proposal would not satisfy this requirement as an exception under paragraph 149 b) of the Framework and would be inappropriate development in the Green Belt.

Highways

18. The Framework, at paragraph 111, states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
19. The polo ground has at least two entrances, one of which is on Hungerford Lane which allows two-way traffic. This entrance links to an internal tarmac road which provides access around the polo ground. Callin's Lane provides one access route to the entrance close to the appeal site. This Lane is largely single-track with limited passing spaces. However, the entrance close to the appeal site is located on Beenhams Heath, and this lane is slightly wider than Callin's Lane. There is a bend close to the entrance on Beenhams Heath, but this is not a sharp bend, and there is reasonable visibility of this entrance on this stretch of the carriageway.

20. The Highways Authority highlights that the entrance on Beenhams Heath is not wide enough for vehicles to enter and exit the ground at the same time. Even if this was the case, the entrance has a relatively wide and deep splay adjacent to the carriageway and this provides space for vehicles entering the ground to safely give way to vehicles leaving the ground, without unduly causing an obstruction in the carriageway.
21. The Council is concerned about the usage of the ground resulting from this proposal, the increase of vehicles and the potential impact on highway safety. However, the ground has consent for a polo pitch, winter arena and seasonal stables. The evidence indicates that the permitted use has been established for many years. The appellant states that the ground is not open to the public, and that capacity of the pavilion has been designed to cater for the existing use at the ground. No substantive evidence has been presented to question this. I also find no compelling evidence that the proposal would result in an intensification of vehicle movements on the surrounding lanes and at the entrance near the appeal site. In any event, the ground has more than one entrance and as outlined above the road conditions are reasonable, such that the proposal would not have an unacceptable impact on highway safety.
22. The Council is also concerned about the provision of parking in the site. However, this is a large ground and there is considerable space for parking of vehicles including horse boxes and trailers. Moreover, no compelling evidence has been submitted that the proposal would either result in a harmful increase in vehicles at the ground or that there would be insufficient parking for vehicles accessing the ground on match days that would lead to less safe highway conditions near the appeal site.
23. In light of the above, I find that the proposal would not have a harmful impact on highway safety in the area. In this regard, the proposal would not conflict with Policies IF2 and QP3 of the Local Plan. These policies collectively state, amongst other matters, that new development will be expected to deliver easy and safe access. The proposal would also not be contrary to the Framework in respect of this issue.

Other Considerations

24. Although I have not found harm in respect to highways, the proposal would result in inappropriate development in the Green Belt, in my assessment of which, I also find that it would harm the openness of the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
25. The proposal may be smaller than the clubhouses at the two nearby polo grounds highlighted by the appellant. However, I have been provided with limited information about those clubs. This is also the case regarding the private insurance that the appellant has been required to secure in light of the lack of facilities at the appeal property. For this reason, I am unable to consider these matters in detail.
26. I do not doubt the quality of the polo pitch at the appeal property or the need for changing and toilet facilities to support the outdoor sport permitted at this property. However, the information submitted has not demonstrated that this harmful proposal would be the only means open to the appellant to address

these needs and the regulations related to this matter; or that a less harmful permanent solution at the site, which could negate requirements for private insurance, could not be secured. For this reason, these matters have not altered my findings in this appeal.

27. I also note that accreditation was refused due to the lack of basic facilities. However, the appellant states that without the proposed pavilion, temporary facilities would be brought to site. These temporary structures could provide shelter, private changing spaces to accommodate different genders and basic toilet facilities that people would reasonably expect at this private polo ground.
28. Temporary structures and facilities may be less aesthetically pleasing than a permanent building and could cover a larger area than the proposed building. However, by their temporary nature, such facilities are unlikely to result in a permanent harmful loss of openness in the Green Belt as would be the case if I was to allow this proposal. This fallback position does not weigh in favour of the proposal for this reason.
29. The Council has not raised issues in respect to the effect of the proposal on the character of the area, landscape or residential amenity. I have also not identified harm in respect to highways safety. However, proposals should not result in harm associated with these matters. Therefore, these are neutral factors.
30. The appellant is willing to accept conditions in respect of archaeology and waste management. However, this would not address the harms identified in this case.
31. The appellant has drawn my attention to a permission for a leisure centre in the Green Belt. The permission is for a leisure centre to address growing public need in the borough. That development is distinctly different from a proposed sports pavilion which would serve a private sports facility. The leisure centre development is not directly comparable to this case for this reason, and I attach limited weight to this matter in this appeal.
32. The officer's report at Paragraph 5.1 states compliance with Local Plan Policies QP3 and QP5. However, in the main body of that report the Council outlines why the Council considers the proposal to be in conflict with these policies. Furthermore, this is reflected in the Council's reasons for refusal which are substantiated by these relevant policies. Therefore, that table at Paragraph 5.1 appears to include errors. In any event, although I disagree with the Council's judgement in respect to Policy QP3, I find the proposal would be inappropriate development in the Green Belt and would conflict with the development plan when read as a whole. This matter has not altered my findings in this appeal for this reason.

Conclusion

33. I have found that this proposal would be inappropriate development in the Green Belt and would lead to a loss of openness to the Green Belt. These are matters that I attach substantial weight to. The other considerations identified in this case at most carry limited weight. Even when considered together, these considerations do not clearly outweigh the harm to the Green Belt. As a result, the very special circumstances that are necessary to justify the proposal do not exist. The proposal would conflict with Policy GP5 of the Local Plan and the

Framework in respect of protecting Green Belt land. There are no other considerations which outweigh this finding.

34. Having regard to the development plan and other material considerations, including the Framework, the appeal should be dismissed.

A J Sutton

INSPECTOR