



Appeal Decision

Site visit made on 5 September 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

Appeal Ref: APP/Z1510/W/22/3313077

Colne Valley Golf Club, Station Road, Earls Colne, Essex CO6 2LT

- 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 Tom Smith against the decision of Braintree District Council.
 - The application Ref 22/01874/FUL, dated 11 July 2022, was refused by notice dated 12 September 2022.
 - The development proposed is installation of 32' x 12' temporary static mobile home to provide on-site Head Green Keepers accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At time of my site visit, the proposed mobile home was situated on the appeal site. The mobile home was enclosed by temporary security fencing and did not appear to be in use.

Main Issues

3. The main issues in this appeal are:
 - whether the proposed development would be in a suitable location having particular regard to the local development strategy and whether there is an essential functional need for a rural worker dwelling; and
 - whether the proposed development would provide adequate living conditions for future occupiers, with particular regard to outlook, amenity space, noise disturbance and odour.

Reasons

Suitability of location

4. The appeal site is located within a golf club facility. The site is outside the development boundary and is therefore within the countryside for planning purposes.
5. Policy LPP1 of the Braintree District Local Plan 2022 (LP) confines development outside development boundaries to uses appropriate to the countryside. Such uses include dwellings for rural workers, subject to meeting certain criteria as set out at LP Policy LPP38. The policy requires proposals to demonstrate a clearly established functional need for a full-time worker to live on the site in the countryside.

6. The appellant has provided details of the varied role fulfilled by the Head Green Keeper, such as overseeing and organising the green keeping staff, maintaining equipment including the day-to-day maintenance of electric buggies, assisting with all golfing activities, and fulfilling a shared responsibility for irrigation care and security. The role requires the Head Green Keeper to be reactive to business needs and fulfil a flexible working pattern with extended opening hours over the summer months, and extensive period of course and equipment maintenance, repair and preparation over winter months.
7. However, whilst the role is of clear importance to the operations of the golf club, such responsibilities do not necessitate a need for a dwelling on-site but could be fulfilled by a person living in the local area. Notably, the golf club facility adjoins the built area of Earls Colne, a large village with a range of shops and services, from which commuting times would be very short.
8. A first aider is required to be available during all times when the course is available for play. However, the golf club employs 20 full time staff members, with green keeping staff operating on a rota system to ensure a presence throughout the playing day. Therefore, it is unclear why this responsibility could not also be fulfilled by other suitably trained staff present on site.
9. The appellant suggests that having a presence on site 24 hours a day will enhance the security of the equipment stored in the large building adjacent to the appeal site. However, the evidence before me does not demonstrate that alternative crime prevention methods, such as CCTV or alarm systems, have been fully explored and discounted by the appellant.
10. The golf club provides employment, thus supporting the local economy, and provides a leisure facility to the local area. I note the golf club is currently experiencing certain challenges such as the unfortunate loss of a long-standing member of staff, recovery from financial losses incurred during the COVID-19 pandemic, and increased utility service costs. The proposal would support the newly appointed Head Green Keeper in relocating to the area, the process of which has been frustrated by the high cost of housing in the local area. In addition, the proposal would reduce costs to the business associated with short-term rental accommodation and would provide the golf club time to explore opportunities for investment into its facilities, including permanent staff accommodation. Also, the business has already invested in the mobile home. However, whilst the proposal would be advantageous to the business, such matters do not amount to a functional need for a worker to live on-site in this countryside location.
11. The proposal seeks permission for a temporary period of 18 months. Policy LPP38 supports temporary dwellings where the rural activity concerned is new or not financially viable so that confidence can be gained as to whether a viable business can be built. Such circumstances do not apply to the golf club which is long established and is in profit, and the temporary nature of the scheme does not obviate the requirement to demonstrate a functional need for the dwelling.
12. As set out above, the proposal does not demonstrate an established functional need for a full-time worker to live on the site in the countryside, and therefore does not satisfy the criteria for a rural worker's dwelling as set out at LP Policy LPP38. For this reason, and having regard to the local development strategy, the proposed development would not be in a suitable location. In this regard, the proposal would conflict with LP Policy LPP1.

13. Whilst I note the National Planning Policy Framework (the Framework) generally favours proposals which support the economy and housing in rural areas, the proposal would fail to satisfy paragraph 80 which supports development of homes for rural workers in the countryside where there is an essential need. On this basis, the proposal would not accord with the Framework as a whole.

Living conditions

14. The appeal site is situated within a part of the golf club complex used principally for the storage of materials and maintenance of equipment. The mobile home is sited to the rear of a large storage building constructed of green-painted corrugated metal. To one side of the static home are a portacabin, storage containers and a car parking area.
15. The mobile home is positioned close to the rear boundary of the site. Close to the boundary are workshop units located on the adjacent industrial estate which are clearly visible through gaps in the boundary trees. To provide privacy, the mobile home would be enclosed at the front and side by a 1.8m tall close boarded fence which would obstruct views from the site across the golf course and wider landscape.
16. The immediate setting of the mobile home therefore has a functional character, comprised of commercial units and structures which would offer poor outlook for future occupants of the mobile home.
17. The enclosed area to the front of the mobile home would be small and offer limited usable amenity space. At present the area comprises an unmade surface and the proposal includes no landscaping or planting, and as such does not provide a garden or private amenity space of suitable quality.
18. Adjacent commercial units include a vehicle restoration garage and a sign manufacturer. The appellant indicates that those businesses do not normally generate noise or disturbance. However, no noise assessment has been provided. At time of my site visit, at mid-morning on a weekday, there was no excessive noise or odour emanating from the industrial estate. However, business activities associated with the industrial estate, such as the operating of machinery or vehicles, would be likely to create disturbance for the occupants of the mobile home.
19. As set out above, the proposal would offer poor outlook, provide inadequate amenity space, and would expose occupants to disturbance, such as from noise and odour. Since the proposal seeks temporary permission, the accommodation is not expected to be occupied on a permanent basis. Nonetheless, such effects would persist for the lifetime of the development. The proposal would not therefore provide adequate living conditions for future occupants.
20. The proposal would therefore conflict with LP Policy LPP47 which secures a high standard of design and layout in all new development and LP Policy LPP52 which requires proposals for residential development to provide a high standard of accommodation and amenity for all prospective occupants.
21. In addition, the proposal would not accord with paragraph 130 of the Framework which requires development to provide a high standard of amenity for future users.

Other Matters

22. Following its early informal communications with the Council, the appellant believed they would be successful in gaining planning permission. However, for the reasons set out above, I have found the proposal would conflict with the development plan.
23. I understand a static mobile home was sited on an adjacent site during development of a housing scheme, and the appellant asserts that the proposal would not therefore appear out of keeping in the local environment. However, the effects of the proposal on the character or appearance of the area do not form a main issue in this appeal.

Conclusion

24. For the reasons given above, having assessed the case against the development plan as a whole and having had regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

E Dade

INSPECTOR