



Appeal Decision

Site visit made on 12 September 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th October 2023

Appeal Ref: APP/U1430/W/23/3318158

Battle Golf Clubhouse, Netherfield Hill, Netherfield, Battle TN33 0LH

- 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 David Bull against the decision of Rother District Council.
 - The application Ref RR/2021/3035/P, dated 17 December 2021, was refused by notice dated 12 January 2023.
 - The development proposed is change of use of redundant golf clubhouse, together with minor extensions, to form a single residential dwelling, including parking and associated landscape works (to include biodiversity improvements and woodland restoration).
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Decision

1. The appeal is allowed and planning permission is granted for change of use of redundant golf clubhouse, together with minor extensions, to form a single residential dwelling, including parking and associated landscape works (to include biodiversity improvements and woodland restoration) at Battle Golf Clubhouse, Netherfield Hill, Netherfield, Battle TN33 0LH in accordance with the terms of the application, Ref RR/2021/3035/P, dated 17 December 2021, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are:
 - i. Whether the proposal would result in the unacceptable loss of an employment use.
 - ii. The effect of the proposal on the character and appearance of the existing building and the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (HW AONB).
 - iii. Whether the proposal would be in a suitable location in respect to adjacent settlements, local services and facilities.

Reasons

Employment use

4. As a golf club, the last use of the appeal site generated employment. Policies DEC3 and DCO1 of the Rother Development and Site Allocations Local Plan 2019 (DASA) require proposals that involve the loss of a site last in employment use to demonstrate there is no reasonable prospect of continued commercial, community or employment use through evidence of marketing and viability. Policy DEC3 of the DASA supports change of use to housing only where employment or a mixed use, including with some enabling development, has been demonstrated not to be viable.
5. The appellant's Marketing and Viability Assessment May 2022 (MVA) refers to a marketing campaign for re-use of the site as a golf club, which generated no interest. This report also comments on the local market for other commercial uses, such as offices and/or hospitality. However, there is little evidence of a specific marketing campaign of the appeal premises for such uses. Consequently, it has not been adequately demonstrated whether or to what extent the site and/or building has been actively marketed for commercial, community or employment uses, or for an employment use with some potential enabling development.
6. There is a previous planning consent for the site for conversion to four holiday lets and manager's accommodation (application reference RR/2019/1499/P). The MVA considers the viability of this use by comparing potential rental income with potential operating costs. However, notwithstanding reference to local holiday parks, there is limited specific information against which to compare the figures provided. Consequently, I cannot be sure the projected income and expenditure figures are current and realistic for the area. The evidence is therefore insufficient to demonstrate use of the site for holiday lets would not be viable.
7. I accept this permission includes residential accommodation in the form of a flat for a live-in manager. However, that accommodation would primarily support the operation of a business rather than help meet general housing needs. Therefore, the circumstances are not directly comparable to the appeal proposal.
8. I acknowledge the former golf clubhouse has been closed for nearly ten years. Nevertheless, in the absence of persuasive marketing and viability evidence, a period of vacancy alone is insufficient to gauge the reasonable prospect of an alternative employment use for the site. Consequently, on the evidence before me it has not been adequately demonstrated that reasonable options for continued commercial, community or employment use, have been comprehensively explored.
9. For the above reasons, I conclude the proposal would result in the unacceptable loss of an employment use. This is contrary to Policies DEC3 and DCO1 of the DASA. It is also contrary to the National Planning Policy Framework 2023 (the Framework), which supports the retention and development of accessible local services and community facilities and the growth of business in rural areas, including through the use of previously developed land.

Character and appearance and AONB

10. The appeal site comprises a former golf clubhouse and associated parking and external seating areas, set within extensive grounds. Formerly used as a golf course, these grounds include grassy and wooded areas. The clubhouse building is L-shaped, with brick walls and a tiled, hipped and gabled roof that includes flush rooflights on several elevations. Although of relatively modern construction, the building has a traditional appearance. Given its elevated position in the landscape, there are wide and open views from the site across the woods and fields that surround it. The site and clubhouse are visible from several viewpoints in the surrounding countryside, including a public footpath and bridleway.
11. Paragraph 176 of the Framework says great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs. The HW AONB comprises a mosaic of small fields interspersed with farmsteads and villages, surrounded by hedges and abundant woods and arranged around a network of historic routeways. Its outstanding beauty derives from its essentially rural and human scale character, high proportion of natural surfaces, tranquillity, dark skies, rich diversity of wildlife, and the relationship between the landscape and its past. The appeal site contributes to this landscape and scenic beauty through its natural surfaces and wooded areas and its visibility within the surrounding countryside.
12. The proposed development would retain most of the external layout of the existing building. Although the entrances would be reconfigured, this would be on the inside of the 'L' where the visual impact would be limited. A cut-away would be introduced in one external wall but this would be relatively modest in size and would complement the external terrace to which it would provide access. There would be some changes to windows and doors at ground floor level, but in the main these would involve amendments to existing openings so the resulting change in appearance would not be significant.
13. At first floor and roof level, a series of tiled gable dormers would replace most of the existing rooflights, with new rooflights introduced at ridge level. These features would be subservient in their size and placement, with most windows broadly at the same level as the existing line of rooflights. The 'Dutch gable' at the end of one wing would be replaced by a flat gable, but this would not detract greatly from symmetry given the building's L-shape layout. In addition, the form of the dormers and new gable end would complement gables within the existing structure of the building. Overall, the form, roof shape and ridgeline of the building would be largely unchanged and the new design elements would not be unduly prominent.
14. External materials could be agreed and secured via condition were the appeal to be allowed, to ensure a satisfactory appearance. While there would be some domestic paraphernalia visible near the building, this would have a less marked visual impact than the external seating and activity associated with the former clubhouse and its bar and restaurant. Taking all this together, I find the proposed changes to the exterior of the existing building would not materially detract from its character and appearance.
15. For the same reasons, views of the building within the surrounding landscape would not be materially harmed. Moreover, the relationship between the immediate grounds of the building and the wider site would remain, so the

appeal site's overall appearance within the landscape would be largely unchanged. Some lighting from within the building would be visible but this would be similar to lighting from the former clubhouse. Additional external lighting could be controlled via condition were the appeal to be allowed, to mitigate impacts on dark skies. More generally, the level of comings and goings associated with one dwelling would be less intense than that associated with a golf club.

16. I therefore find the proposal would conserve the landscape and scenic beauty of the HW AONB. Furthermore, the proposed improvements to soft landscape and biodiversity across the wider site would in time enhance its scenic beauty and this could be secured by condition were the appeal to be allowed.
17. For the above reasons, I conclude the proposal would not have a harmful effect on the character and appearance of the existing building or the landscape and scenic beauty of the HW AONB. Accordingly, I find no conflict with Policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy 2014 (RLPCS) or Policies DEN1 and DEN2 of the DASA. Together, these policies seek high design quality that respects and reinforces local character; conserves the intrinsic value and locally distinctive rural character of the countryside; and conserves and seeks to enhance the HW AONB, having regard to its character components. I also find no conflict with paragraph 176 of the Framework.

Suitable location

18. Policies OSS2 and OSS3 of the RLPCS and Policy DIM2 of the DASA seek to focus new development within defined settlement boundaries. The appeal site is not within a settlement boundary so is in a countryside location. There are few other buildings in the immediate vicinity of the former clubhouse, which is set within very large grounds. The proposed location for the new dwelling is, therefore, isolated.
19. Policy RA3 of the RLPCS supports the creation of new dwellings in the countryside in extremely limited circumstances. The policy lists examples of such circumstances, one of which is the one-to-one replacement of an existing dwelling of similar landscape impact. I have found the proposal would have a similar landscape impact to the existing building. Although the proposal would not provide a one-to-one replacement, there is an existing flat within part of the former clubhouse building, ancillary to its former use. I therefore consider the circumstances of the appeal to be sufficiently similar that they would fall within the extremely limited circumstances envisaged by the policy.
20. In addition, section (v) of Policy RA3 of the RLPCS seeks to ensure all development in the countryside is of an appropriate scale and would not adversely impact on landscape character. I have found no harm from the proposal to landscape character and its scale would be little different from that of the existing building. Taking all this together, I find that on balance the aims of Policy RA3 with regard to the location of a dwelling in the countryside would be achieved.
21. Paragraph 80 of the Framework states planning decisions should avoid the development of isolated homes in the countryside unless one or more of five circumstances apply. One of these is (c) where the development would re-use redundant or disused buildings and enhance its immediate setting. The

proposal would re-use a largely disused building and I have found the proposed soft landscape improvements would in time enhance its immediate setting.

22. Policy TR3 of the RLPCS requires new development to minimise the need to travel, support good access to services and facilities, and prioritise the needs of pedestrians and cyclists.
23. There is a bus stop close to the entrance to the site, with services to Battle and its railway station. The site is close to several walking routes and within reasonable cycling distance of local centres. There would therefore be some choice of transport modes for future occupants of the dwelling, comparable to that found in some other rural areas. Nevertheless, the bus service is infrequent and walking and cycling would not be possible for those with restricted mobility or at night. Consequently, it is likely that many journeys to and from the site would be made by private car. However, the moderate harm resulting from these car journeys would be outweighed by the overall reduction in car use generated by a single dwelling when compared to the former golf club.
24. For the above reasons, I conclude the proposal would be in a suitable location in respect to adjacent settlements, local services and facilities. Accordingly, I find no conflict with Policies OSS2, OSS3, RA3 and TR3 of the RLPCS or Policy DIM2 of the DASA. I also find no conflict with paragraph 80 of the Framework; or with paragraph 105, which seeks a genuine choice of transport modes bearing in mind the opportunities to maximise this in rural areas.
25. Paragraph 8 of the Framework describes the three overarching objectives of the planning system, so is not directly relevant to this main issue. The wider planning balance for this appeal is considered below.

Other Matters

26. The proposal would create one dwelling through reuse of an existing building, which would make a modest contribution to the supply of housing. This would accord with the Framework where it seeks to increase the supply of housing and make effective use of previously developed land. The creation of one dwelling would also result in a modest economic benefit from construction and future occupiers' use of local services and facilities. This would accord with the Framework's economic objectives and its support for housing that enhances or maintains the vitality of rural communities. Given the modest scale of the proposal, I attach limited weight to each of these benefits.
27. The Council is satisfied with the effect of the proposal on the living conditions of neighbouring occupiers. I see no reason to disagree with this conclusion. From the evidence before me, I am also satisfied any harm to protected species, priority habitats or ancient woodland could be effectively mitigated, through measures secured via condition were the appeal to be allowed.
28. Appeal decisions relating to a nearby site have been raised (reference APP/U1430/C/20/3261419/20 & 21). I understand the main issues in those appeals were similar to those in this case. However, I have limited information about those appeals before me. For example, I do not know what type of residential development was proposed or whether there were other matters taken into account by the Inspector. Consequently, on the evidence before me

it has not been demonstrated that those appeals are sufficiently closely related to be comparable to this appeal.

Planning Balance

29. For the reasons set out above, the proposal would conflict with Policies DEC3 and DOC1 of the DASA. The proposal complies with other policies in the development plan. Nevertheless, I conclude this conflict means the proposal conflicts with the development plan as a whole.
30. The Council states its current five-year housing land supply stands at 2.79 years, which represents a significant shortfall. I have found that policies in the Framework that protect AONBs do not provide a clear reason for refusing the development proposed. In these circumstances, paragraph 11(d)(ii) of the Framework states permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
31. The harm resulting from the conflict with the development plan as a whole also results in conflicts with the Framework for the reasons given above. In this case, that harm arises from the unacceptable loss of an employment use. Given the relatively modest scale of employment that could be associated with the appeal site, I attribute moderate weight to this harm.
32. There would be several benefits associated with the proposed development, which are supported by the Framework for the reasons set out above. I have given limited weight to each of the social and economic benefits identified in other matters. I give moderate weight to the overall reduction in travel resulting from the proposal. I have also found the proposed landscape and biodiversity improvements would enhance the HW AONB and, in accordance with paragraph 176 of the Framework, I attribute great weight to this benefit.
33. Consequently, in accordance with Framework paragraph 11(d)(ii), the moderate weight of the harm I have found would not significantly and demonstrably outweigh the collective weight of the benefits of the proposal, when assessed against the policies in the Framework taken as a whole.

Conditions

34. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
35. Condition 3 as set out in the attached schedule is necessary to ensure a satisfactory external appearance of the building. Condition 4 is necessary to secure landscape and biodiversity enhancements to the site and thereby to enhance the landscape and scenic beauty of the HW AONB. Condition 5 is necessary to mitigate impacts of the development on ecology and to secure ecological enhancements.
36. Conditions 6 and 7 are necessary to secure optional Building Regulations requirements M4(2) (accessible and adaptable dwellings) and G2 (water efficiency) in accordance with Policy OSS4 of the RLPCS and Policy DHG4 of the

DASA, and with Policy SRM2 of the RLPCS and Policy DRM1 of the DASA, respectively.

37. Condition 8 is necessary to promote cycling and accord with Policy T3 of the RLPCS. Condition 9 is necessary to manage the effect of the development on dark skies in the HW AONB. I have combined the Council's suggested conditions 6 and 11 into Condition 10. This condition is necessary to manage proposed changes to the external appearance of the building and wider site, to safeguard the landscape and scenic beauty of the HW AONB.

Conclusion

38. I have found the proposal conflicts with the development plan, read as a whole. However, other material considerations, including the Framework, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal should be allowed.

C Carpenter

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 20.112.L.02 Site Location Plan
 - 20.112.P.02 Rev C Proposed Ground Floor Plan
 - 20.112.P.03 Rev B Proposed First Floor Plan
 - 20.112.P.04 Rev C Proposed N and S Elevations
 - 20.112.P.05 Rev C Proposed E and W Elevations
 - 5799-LLB-XX-XX-DR-L-0002 Rev P01 Landscape Concept Plan 'Home Plan'
 - 5799-LLB-XX-XX-DR-L-0003 Rev P01 Landscape Concept Plan 'Site Plan'
- 3) Notwithstanding condition 2, no development above ground shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding condition 2, no development above ground shall take place on any part of the site until details of the soft landscaping for the whole site, including the former greens, have been submitted to and approved in writing by the local planning authority. These details shall include:

an indication of the existing trees and hedgerows to be retained and the measures to be used for their protection during construction;

planting plans;

written specifications (including cultivation and other operations associated with plant and grass establishment);

schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;

plans for the re-establishment of field patterns and works on the former golf course;

an implementation programme.

Development shall be carried out in accordance with the approved details and implementation programme. The soft landscaping shall be retained thereafter.

- 5) Ecological mitigation and enhancement measures shall be carried out in full in accordance with the recommendations in the Preliminary Ecological Appraisal report by Marsh Environmental Ecological Consultants dated January 2022; the Bat Survey Report by the Ecology Partnership dated October 2022; and the Great Crested Newt survey by the Ecology Partnership dated October 2022. The ecological mitigation measures shall be adhered to for the duration of the construction works and the ecological enhancement measures shall be retained thereafter.
- 6) The dwelling hereby permitted shall not be occupied until it has been constructed in accordance with Part M4(2) of Schedule 1 of the Building Regulations 2010 (as amended).
- 7) The dwelling hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the local planning authority to demonstrate that the dwelling has been constructed in accordance with Part G2 of Schedule 1 of the Building Regulations 2010 (as amended).
- 8) The dwelling hereby permitted shall not be occupied until a cycle store has been provided in accordance with details first submitted to and approved in writing by the local planning authority. Once provided, the cycle store shall be retained for that use and shall not be used other than for the parking of cycles.
- 9) No external lighting shall be provided, installed or operated at the site unless in accordance with a scheme first submitted to and approved in writing by the local planning authority.
- 10) Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellinghouse hereby permitted shall be carried out and no structures including gates, fences, walls shall be erected on the site without the express permission of the local planning authority.