



Appeal Decision

Site visit made on 9 November 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2023

Appeal Ref: APP/G1630/W/23/3321046

Brickhampton Court Golf Complex, Cheltenham Road, Churchdown, Gloucester GL2 9QF

- 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 Brickhampton Golf Complex against the decision of Tewkesbury Borough Council.
- The application Ref 22/00534/FUL, dated 29 April 2022, was refused by notice dated 19 December 2022.
- The development proposed is creation of an adventure golf park, ancillary to Brickhampton Court Golf Complex.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The submitted Site Plan¹ differs from the layout plans² and the Site Location Plan³, including in respect of the layout of the adventure golf park and the position of a proposed log cabin kiosk. I will therefore base my decision on the consistent layout and Site Location plans. I have treated the submitted Concept Design, which also varies from the other plans, as illustrative.

Main Issues

3. The main issues are (1) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including the effect of the proposal on the openness of the Green Belt, (2) the effect of the proposal on biodiversity, and (3) if the proposal is inappropriate, whether the 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

4. The site lies in countryside within the Gloucestershire Green Belt. It forms part of a golf complex and is located close to a driving range and buildings associated with that use, including a large clubhouse. The site consists of

¹ Drawing 001 Rev A

² Drawings 004 Rev A and 005 Rev A

³ Drawing 11230-01

largely flat, undeveloped grassland, together with the stumps and remnants of trees on the site, some of which are undergoing regrowth.

5. The proposal seeks to erect an adventure golf park, intended to be used in association with the golf course use. The adventure park would include dispersed water features, a raft structure, rockeries, wooden carvings, and landscaping, together with the kiosk. As confirmed by the Planning Statement, the adventure park would be enclosed by wooden fencing. The proposal would therefore consist of both a building (the kiosk) and engineering operations.
6. Framework Paragraph 147 makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Framework Paragraph 149 states that new buildings in the Green Belt are inappropriate development, unless they comply with one of its exceptions.
7. One such exception is 149(b) where the proposal involves the provision of appropriate facilities for outdoor sport or recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. These purposes include safeguarding the countryside from encroachment. In the same circumstances, Framework Paragraph 150(b) states that engineering operations are also not inappropriate in the Green Belt.
8. Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS), adopted December 2017, states that to ensure that the Green Belt continues to serve its key functions, it will be protected from harmful development and restricted to those types of development deemed appropriate by the Framework, unless very special circumstances can be demonstrated.
9. Policy GRB4 of the Tewkesbury Borough Local Plan (TBLP), adopted June 2022, severely restricts development in the Green Belt to ensure it fulfils its five purposes. The policy confirms that new buildings are inappropriate in the Green Belt, except (relevant to this appeal) for appropriate facilities for outdoor recreation and engineering operations that preserve Green Belt openness and do not conflict with its purposes. Accordingly, JCS Policy SD5 and TBP Policy GRB4 are broadly consistent with the Framework.
10. It is therefore necessary for me to determine whether the proposal would preserve the openness of the Green Belt. The Planning Practice Guidance⁴ confirms that openness has both spatial and visual elements. The individual elements that would make up the adventure park would be relatively minor. However, the combined effects of the proposal, including the kiosk, fencing, rockeries, raft structure and other landscaping features, would together have an appreciable mass and scale. As such, spatially, the proposal would introduce a built-up form that would permanently intrude into and harmfully diminish the current absence of built form on the site.
11. Visually, the proposal would be seen in the context of the existing golf complex. Even so, public views of its impact on the countryside here would be clearly obtainable from a public footpath immediately adjacent to the site. Consequently, I conclude that the proposal would have spatial and visual effects that would fail to preserve the openness of the Green Belt.

⁴ Paragraph: 001 Reference ID: 64-001-20190722

12. The proposal would be located centrally within the golf complex and close to its existing large buildings. However, if anything, the existence of these buildings only increases the importance of limiting development elsewhere within the Green Belt. In any case, the proposal would extend built form beyond its current extent and into the countryside formed by the appeal site. As such, the proposal would conflict with the Green Belt purpose of safeguarding the countryside from encroachment.
13. Planning permission was granted by the Council to extend the Golf Complex car park⁵, also within the Green Belt. However, that scheme did not include any buildings and was judged by the Council to not result in undue loss of openness. My findings in respect of the proposal are different and so I can draw little useful comparison between it and the car park extension. I reach the same conclusion in respect of safety netting which I understand was granted at the complex some years ago.
14. For the reasons given above, the proposal would not comply with Framework paragraph 149(b) or 150(b) and so would amount to inappropriate development. This is, by definition, harmful to the Green Belt. As I have found that the proposal is inappropriate development, it would also conflict with JCS Policy SD5 and TBLP Policy GRB4.

Biodiversity

15. The site was previously wooded. I understand that trees within the site were not subject to a Tree Preservation Order. As such, the appellant may well have been entitled to prune or remove trees on the site as part of their management of the course, which includes a significant number of other trees. Elsewhere within the complex, wild areas have been maintained and created to support biodiversity, along with other measures.
16. Even so, no ecological information, such as a survey of the site, is available to me. The presence of the trees and their remnants means that there is a reasonable likelihood of species being present on the site. The proposal would intensively develop the site, permanently removing much, if not all, of the vegetation on the site. Little space would be left for additional soft landscaping or habitat creation, even if this were to be secured by planning condition.
17. Bat and bird boxes would form part of the proposal, but I have little to show that these would in themselves provide sufficient mitigation for any adverse ecological effects that would result from the proposal. The car park extension previously referred to also resulted in the loss of trees and vegetation, but this provides little justification for further possible adverse effects on biodiversity.
18. Consequently, even if there is no requirement to demonstrate a biodiversity net gain, on the evidence available to me I cannot be satisfied that the proposal would not have a harmful effect on biodiversity. As such, it would conflict with JCS Policy SD9 and TBLP Policy NAT1. These seek to protect the biodiversity resource of the area, and to avoid the loss or deterioration of features of importance to biodiversity, including trees. It would also conflict with the aim of the Framework to conserve the natural environment.

⁵ LPA reference 22/01094/FUL

19. Policy CHIN9 of the Churchdown and Innsworth Neighbourhood Plan (NP), adopted June 2020, has also been referred to by the Council. The policy strongly supports proposals that incorporate features that encourage local wildlife to thrive. However, it does not necessarily follow that proposals which do not include such features should be resisted. As such, I see no conflict with NP Policy CHIN9.

Other Considerations

20. The proposal would have economic benefits to the complex and so to the area generally. However, the application form confirms that the proposal would not increase the number of employees and so the wider economic benefits would therefore be relatively small. The proposal would also provide social benefits to the community, but there is little to suggest that they would be particularly significant. I therefore give these benefits only limited weight.

Planning Balance and Conclusion

21. The proposal would be inappropriate development in the terms set out by the Framework. I attach substantial weight to this harm, in accordance with Framework Paragraph 148. For the reasons given above, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
22. For the reasons given, the proposal would conflict with the Development Plan, read as a whole. It would also conflict with the Framework. No other material considerations have been shown to have sufficient weight to outweigh this conflict. I therefore conclude that the appeal should be dismissed.

O Marigold

INSPECTOR