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## Appeal Decision

Site visit made on 16 January 2024

**by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 January 2024**

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**Appeal Ref: APP/V1505/W/23/3321513**

**Noak Hill Golf Course, 187 Noak Hill Road, Great Burstead, Billericay  
CM12 9UL**

- 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 Mcdowell against the decision of Basildon District Council.
  - The application Ref 22/00639/FULL, dated 28 April 2022, was refused by notice dated 20 October 2022.
  - The development proposed is addition of 7 lodges for upto 11 month occupation and alterations to the existing club house to provide spa facilities.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) has been published in December 2023. Both main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to the comments made and the revised Framework in reaching my decision.
3. There is a minor variation in the appellant's details as given on the planning application and appeal forms. I have taken the appellant's name in the heading above from the planning application form as the right of appeal rests with the original applicant.

### Main Issues

4. The main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt, with due regard to openness;
  - Whether sufficient evidence has been provided in respect of drainage and flood risk; and
  - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

## Reasons

### *Whether Inappropriate Development*

5. The lodges would be located mainly to one side of the periphery of the golf course, close to the boundary with residential gardens of properties extending along Noak Hill Road. The appellant has indicated that some of the lodges would be sold to the over 50s only, and that other lodges would be kept for short leisure breaks.
6. The appeal site is located within the Green Belt. Paragraph 154 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions.
7. Paragraph 154(b) of the Framework sets out that one such exception relates to the provision of appropriate facilities in connection with outdoor sport and outdoor recreation, amongst other things. However, even if I were to conclude that the proposal relates to the provision of appropriate facilities for outdoor sport and recreation, Paragraph 154(b) goes on to state that the development should preserve the openness of the Green Belt. The proposed lodges would introduce built development into an area where no such development currently exists. Even though the individual lodges may be of a relatively small scale, the number of lodges proposed would represent a significant extent of built development. The use of sympathetic materials and planted screening would not mitigate for the resultant harm to openness. The proposal would therefore fail to preserve the openness of the Green Belt and would not meet the exception of paragraph 154(b) as a whole.
8. I have also considered if the golf course could represent previously developed land (PDL). Paragraph 154(g) of the Framework refers to the limited infilling or the partial or complete redevelopment of PDL. However, even if the site is PDL, the first strand of paragraph 154(g) sets out that development should not have a greater impact on the openness of the Green Belt than the existing development. For the reasons stated previously in respect of the introduction of built development, the proposal would have a greater impact on openness than the existing development and would therefore fail to comply with this element of paragraph 154(g). The proposal would also not fall within the definition of affordable housing as set out in the Framework and would therefore fail the second strand of paragraph 154(g).
9. I therefore conclude that the proposed lodges would not fall within the exceptions of paragraph 154(b) or (g) of the Framework, or indeed any of the other exceptions. The proposal would also not fall within the other forms of development considered to be not inappropriate as set out in paragraph 155.
10. The Council has concluded that the proposed extension of the roof of the clubhouse would only be a modest addition to the building and would therefore not be inappropriate development within the Green Belt. Based on what I have observed and read, I see no reason to disagree.
11. Notwithstanding my conclusion in respect of the alterations to the existing clubhouse, I conclude that the proposed lodges would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

### *Drainage*

12. The appellant refers to the dedicated site drainage at the golf course and that they have never had a problem with surface water drainage. They also refer to maintenance of ditches and the submission of a SUDs assessment. However, the evidence submitted in respect of drainage is limited. Essex County Council as the Lead Local Flood Authority (LLFA) has objected to the proposal as the information provided does not allow it to assess the development. No substantive evidence has been submitted with the appeal to demonstrate that the issue of drainage associated with the proposed lodges has been satisfactorily addressed.
13. The extension to the roof of the clubhouse would be of a modest scale. But nevertheless, this could potentially affect the extent of impermeable cover and drainage associated with the building. Mindful of the limited information submitted in respect of drainage and the objection from the LLFA, I also conclude that insufficient evidence has been submitted relating to drainage associated with the alterations to the clubhouse.
14. I therefore conclude that insufficient evidence has been submitted in respect of drainage and that the effect of the proposal on flooding cannot be robustly assessed. The proposal would therefore conflict with the Framework in respect of planning and flood risk.

### *Other Considerations*

15. The appellant emphasises the community benefits arising from the proposal, including in respect of well-being and access to exercise. I am also mindful that the Framework recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. The proposal would also contribute to employment in the area, although the number of jobs created would most likely be limited. Occupants of the lodges would also contribute to the support of local services, albeit to a relatively small degree. However, these matters could apply to many similar sites on the rural fringe, including those within the Green Belt. These public social and economic benefits therefore carry limited weight with regards to this particular proposal.
16. The appellant refers to the support for the golf course arising from the proposal, both in respect of the lodges and the provision of a spa facility. Reference is also made to the seasonal nature of the business generated by the golf course and the appellant's wish to expand the leisure offer of the site. However, the evidence on this matter is limited and anecdotal, and no substantive evidence has been provided to demonstrate that the future use of the site as a golf course is reliant on the lodges and spa. Therefore, notwithstanding the appellant's reference to the circumstances of their business, based on the evidence before me this carries limited weight in favour of the proposal.
17. The appellant considers that the proposal would help the supply of housing as some interest has been shown in the potential purchase of the lodges, with the result that dwellings elsewhere will become available. However, given that it is proposed that the lodges would only be occupied for up to 11 months a year, it has not been demonstrated that they would be occupied as dwellings on a

permanent basis, even if that were acceptable in respect of planning policy. This does not therefore weigh in favour of the proposal.

### **Other Matters**

18. The appellant has indicated a potential reduction in the number of lodges. However, the number of the lodges is stated in the description of the proposed development and specified on the submitted plans, which have been used as a basis for consultation. I have therefore proceeded to determine this appeal on the basis of the development as proposed.
19. Reference is also made to golf courses elsewhere which have provided similar lodges and spa facilities. However, it has not been demonstrated that they represent a direct parallel to the circumstances of the appeal site, particularly in respect of the location within the Green Belt. In any event, I have determined this appeal on its own merits.

### **Conclusion**

20. The proposal would represent inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The Framework requires that substantial weight should be given to any such harm. The harm by reason of inappropriateness, and the other harm I have identified, is not clearly outweighed by other considerations. Consequently, the very special circumstances necessary to justify the development do not exist. The Council has not referred to any development plan policies in its reasons for refusal, but nevertheless the proposal conflicts with the Framework with regards to protecting Green Belt land.
21. I therefore conclude that the appeal should be dismissed.

*David Cross*

INSPECTOR