



Appeal Decision

Site visit made on 29 April 2024

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2024

Appeal Ref: APP/L5810/W/23/3330317

Richmond Golf Club, Sudbrook Lane, Petersham, Richmond Upon Thames TW10 7AS

- 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 The Richmond Golf Club Ltd against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 23/0883/FUL, dated 3 April 2023, was refused by notice dated 7 September 2023.
 - The development proposed is the erection of a single storey half-way hut on the grounds of the golf course and the demolition of an existing structure on the golf course.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a single storey half-way hut on the grounds of the golf course and the demolition of an existing structure on the golf course at Richmond Golf Club, Sudbrook Lane, Petersham, Richmond Upon Thames TW10 7AS in accordance with the terms of the application, Ref 23/0883/FUL, dated 3 April 2023, subject to the conditions in the schedule attached.

Main Issue

2. The main issue is whether the proposal constitutes inappropriate development on Metropolitan Open Land (MOL) and if so, whether the harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Reasons

Is the development inappropriate?

3. The appeal site lies within designated MOL. Policy G3 of the London Plan, March 2021 (LP) states that MOL is afforded the same status and level of protection as Green Belt. It confirms that MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt.
4. Paragraph 154 of the National Planning Policy Framework (the Framework) outlines that new buildings in the Green Belt normally constitute inappropriate development, subject to certain exceptions. It follows that these exceptions would equally apply to MOL.
5. The exception in sub-paragraph 154b) of the Framework allows for the provision of appropriate facilities (in connection with the existing use of land or

a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The appellant asserts that the proposed halfway hut falls within this exception.

6. Significant reference has been made to another appeal decision that I determined at Northwood Golf Club¹. That site was in the Green Belt and concerned a larger greenkeepers storage building, so the circumstances differed in comparison to those of the present appeal. Nevertheless, it involved the consideration of an equivalent paragraph to paragraph 154b) in a previous version of the Framework. In that respect my determination is consistent with the underlying approach whilst taking into account the specific factors of the scheme before me.
7. To qualify under paragraph 154b) of the Framework, the various components must be satisfied. Hence, the facility must (1) be a building; (2) be for outdoor sport, outdoor recreation, cemeteries and burial grounds or allotments; (3) be appropriate for the intended purpose; (4) preserve the openness of the Green Belt; and (5) not conflict with the purpose of including land in the Green Belt. In this instance, it is appropriate to substitute MOL where references to Green Belt are made.
8. The proposed halfway hut clearly constitutes a building, and it is intended to provide facilities for members of Richmond Golf Club whilst playing golf. Therefore, I consider criteria 1 and 2 are satisfied.
9. In terms of criterion 3, the parties disagree as to whether the halfway hut would constitute an appropriate facility. The Council accept that some elements of the proposal, namely toilet and first aid facilities would be appropriate. However, they contend that the scale of the servery to provide refreshments would disqualify it because that is not required in connection with the sport.
10. The word 'appropriate' indicates a building that is suitable or proper in the circumstances. To my mind, in relative terms that sets a lower threshold than facilities that are essential or a pre-requisite for the sport to take place. Hence, it might allow for more than simply basic facilities if they meaningfully enhance the outdoor sport or recreational activity. Nevertheless, this requires an exercise of judgement in the individual circumstances.
11. In this case, the appellant explains that completing the golf course takes on average about 3½ hours². Moreover, users of the course have increased in number and become more diverse. The facilities in question would be located approximately halfway through the course and would provide toilets, first aid provision, shelter and an opportunity to rest comfortably without causing significant disruption to overall game play. The servery is reasonably modest in scale but would be sufficient to allow for hot and cold refreshments to be supplied. Such facilities, albeit modest, would be likely to make the prospect of a round of golf more inviting and comfortable for a wider range of people in a variety of weather conditions.
12. Hence, the proposal would align with paragraph 8.3.1 of the LP which explains that MOL is strategic open land within the urban area, that amongst other

¹ Appeal reference APP/R5510/W/22/3306805

² Paragraph 7.39, Planning Statement

things, improves Londoners' quality of life by providing localities which offer sporting and leisure use.

13. The Council contends³ that the viability of the sport does not depend upon the provision of the proposed halfway hut as there are alternative ways that refreshment could be provided, such as players taking supplies with them, a water fountain or vending machine. Be that as it may, that is a higher threshold test than the wording of paragraph 154b) requires.
14. Furthermore, the evidence before me indicates that halfway huts, including those with refreshment facilities are a reasonably commonplace facility on golf courses. This reinforces my finding that the proposal would be suitable and proper in these circumstances. Accordingly, criterion 3 is met.
15. Criterion 4 requires the new building to preserve openness. Consistent with my previous appeal decision, logic dictates that it must be possible to permit such a building whilst also preserving openness, as otherwise this exception would serve no purpose. Hence, 'preservation' should not be interpreted to mean that it precludes any additional spatial built form.
16. As confirmed in the case law extracts provided⁴, the courts have established that openness has spatial and visual aspects and that the matters relevant to openness are a matter of planning judgement in each case.
17. I have identified the following factors as relevant in coming to that judgement. Firstly, the proposed building would be sited in an area with nearby mature trees or dense vegetation on three sides, which subject to seasonal changes would partially filter or screen views of the structure. This is illustrated in the CGI images provided which show various perspectives with trees both in leaf, and in winter. The number and greater stature of proximate mature trees would limit the visual impact of the building on openness.
18. Secondly, the building would be a modestly sized, simple structure with a height under 3 metres. Hence, the spatial impact on openness would be very limited. The use of timber weatherboarding and a green roof would mean it would have a low-key presence within the tree clearing. It is brought to my attention⁵ that relative to the scale of the 40-hectare golf course site, the proposal would represent a 0.013% increase in built form. The ground floor plan reasonably accounts for how the floorspace would be utilised. Aside from their concerns regarding the servery, the Council acknowledge the layout of the development uses all the space sensibly without any unnecessary hallways. It is unlikely that the degree of additional activity associated with the halfway hut would be marked given that it would predominantly serve players already using the golf course.
19. In addition, the appellant proposes to remove an existing building known as Haddrell's hut. This small structure is located some distance to the north of the proposed halfway hut, but by comparison is more exposed on a grassed area visible on the main approach to Sudbrook Park. To a degree the removal of the building would ameliorate the overall spatial and visual impacts of the proposal.

³ Pages 8-9, Council's Planning Report

⁴ Paragraphs 4.42-4.46, Appellant's Appeal Statement of Case

⁵ Paragraph 4.50, Appellant's Appeal Statement of Case

20. Overall, I find that the proposal would result in some spatial and visual changes but that they would preserve the openness of the MOL. Therefore, this component of paragraph 154b) of the Framework is satisfied.
21. Adapting the final criterion of paragraph 154b) of the Framework to the circumstances of the case, it is pertinent to consider the purpose of including land in the MOL. The LP⁶ describes how MOL plays an important role in London's green infrastructure, provides localities which offer sporting and leisure use, heritage value, biodiversity, food growing, and health benefits through encouraging walking, running and other physical activity. Policy LP13 of the London Borough of Richmond Upon Thames, Local Plan, July 2018 (RUTLP) identifies open recreation and sport as an appropriate use within MOL. Similar provisions are found in policy 35 of the emerging Richmond Local Plan, albeit that given its current progress it carries limited weight.
22. The halfway hut would be ancillary to the golf course, which constitutes open recreation and sport. It would be likely to be of assistance to golf players in making the sporting experience more comfortable and enjoyable. As such, I find no conflict with the purposes of including land in the MOL.
23. Therefore, as I find that all the requisite elements of paragraph 154b) are met, it follows that the proposed new building would not be inappropriate development within the meaning of the Framework. Hence, it would not be inappropriate development in the MOL. As such, it is not necessary to further consider whether there are very special circumstances to justify the development.
24. Consequently, I find no conflict with national Green Belt policy, nor policies G3 of the LP or policy LP13 of the RUTLP.

Other Matters

25. Richmond Golf Club lies west of Richmond Park, a Grade I registered park and garden. The grounds of the golf club include the Grade I listed building, Richmond Golf Club, Sudbrook Park. The appeal site also lies within the Petersham Conservation Area (CA). The Council raised no objection in relation to the effect of the proposal on these designated heritage assets.
26. Nevertheless, in relation to the listed building and CA, I am mindful of the statutory duties in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). These require me to have special regard to the desirability of preserving the setting of listed buildings and to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
27. Sudbrook Park is a large classical mansion house built in brick with stone dressings, designed by James Gibbs and built in 1726. It possesses considerable special interest and significance owing to its architectural and aesthetic qualities as well as its historical associations. In addition, part of its special interest is derived from the wider spacious and green setting. That now comprises an established golf course and includes the appeal site. The proposed halfway hut would be sited a considerable distance to the south of the building, which combined with the presence of trees and its modest size would not cause harm to the spacious green setting. The removal of the

⁶ Paragraph 8.3.1

incongruous and more conspicuous Haddrell's hut would amount to a small improvement to the setting of the listed building.

28. The CA is a distinctive and well-defined historic village settlement. Its significance is partly derived from fine examples of 17th and 18th century houses and the surrounding green space that includes riverside meadows, parkland and Richmond Hill. The appeal site forms part of Richmond Golf Course which is a spacious green space that contributes positively to the CA. In this context, the removal of Haddrell's hut would be a marginal enhancement to the CA as a whole, whereas the modest size and location of the halfway hut would have a neutral impact.
29. Accordingly, I find that the appeal proposal would not conflict with the expectations of the Act.

Conditions

30. No conditions have been suggested by the Council. However, the Council's planning report suggests some areas where conditions might have been imposed had the application been successful. I have considered these against the Framework, and in particular the Government's intention that planning conditions should be kept to a minimum and that pre-commencement conditions should be avoided unless there is clear justification.
31. The three year period in which the planning permission may be implemented is a statutory requirement. In the interests of certainty, it is necessary to specify the plans that are approved and require their implementation.
32. In line with the ecological and arboricultural information submitted, in the interests of the natural environment and biodiversity it would be proportionate to ensure that appropriate tree protection measures are installed prior to construction commencing. Furthermore, incorporating a hybrid green roof system rather than wholly sedum would be more beneficial to wildlife.
33. Finally, as I gave some weight to the removal of Haddrell's⁷ hut as part of my assessment of openness, a condition is imposed to ensure that it is removed, and the land restored appropriately.
34. Some reference is made to conditions for the submission of a written scheme of investigation for archaeology, drainage details and a noise management plan. Having regard to the Archaeological Desk-Based Assessment⁸ no significant known archaeological remains have been identified within the appeal site. Although potential for prehistoric, medieval and post-medieval archaeological remains cannot be entirely ruled out, given the modest nature of the proposal, on the evidence before me I do not consider that requiring a written scheme of investigation would be proportionate.
35. There is little evidence before me to show that suitable drainage would not be achievable, and therefore it is unnecessary to require further details to be agreed. Furthermore, given the central location of the halfway hut within the golf course, it would be a considerable distance from neighbouring open space or residents. Hence the agreement of a noise management plan is not necessary to make the proposal acceptable in planning terms.

⁷ Spelling of 'Haddrell's' differs in the appeal documents. The relevant drawings refer to Hadrell's hut.

⁸ Prepared by Isca Archaeology

Conclusion

36. For the reasons given above I conclude that the appeal should succeed.

Helen O'Connor

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: Site Location Plan 2256-EX-01; Site Plan 2256-SK-14c; Ground Floor Plan 2256-SK-10c; Elevations 2256-SK-13c; Elevations 2256-SK-12d; Roof Plan 2256-SK-11; Proposed Site Plan Haddrell's Hut 2256-SK-15; Existing Site Plan Haddrell's Hut 2256-EX-7 and Haddrell's Hut – Existing 2256-EX-5.
- 3) The green roof to be used in the halfway hut hereby approved shall consist of a hybrid green roof system using acid grassland plants in accordance with drawing 2256-SK-12d.
- 4) Prior to the commencement of development tree protection fencing shall be erected in accordance with drawing number TPP-01 Rev B. Development shall take place in accordance with the BS5837 Arboricultural Method Statement prepared by Arbor Cultural Ltd.
- 5) Prior to the first use of the halfway hut hereby approved, Haddrell's hut as shown on drawings numbered 2256-EX-5 and 2256-EX-7 shall be removed and the land restored in accordance with details previously agreed in writing with the local planning authority.