



Appeal Decision

Site visit made on 5 March 2024

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th June 2024

Appeal Ref: APP/V0728/W/23/3332766

Wilton Golf Club, Wilton Castle Lane, Wilton Village TS10 4QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Wilton Golf Club against the decision of Redcar and Cleveland Borough Council.
 - The application Ref is R/2022/0629/CAM dated 30 September 2022, was refused by notice dated 25 August 2023.
 - The development proposed is described on the application form as '13 no landscaped mounds'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has described the development as 'provision of 13 landscaped mounds to existing golf course and practice area'. I note that the appellant has also utilised this description on their appeal form. I consider that the Council's revised description provides an accurate explanation of the proposal and I have therefore determined the appeal on this basis.
3. In accordance with the statutory duty set out in section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('The Act') I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Wilton Conservation Area (CA).
4. The proposal has been screened in accordance with the Environmental Impact Assessment (EIA) Regulations and is considered not to be EIA development. An Environmental Statement is therefore not required.
5. The appellant has raised a concern relating to perceived inconsistencies in the Council's officer report. This is a matter that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.

Main Issues

6. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the CA;
 - the effect of the proposed development on the living conditions of neighbouring occupiers; and
 - the effect of the proposed development on biodiversity.

Reasons

7. Wilton Golf Club is situated within a relatively open landscaped parkland beside Wilton Village. It is also next to Wilton Castle and within the CA.

Whether the proposal would preserve or enhance

8. The Wilton Conservation Area Appraisal (2011) identifies distinct identity areas, one of which is the parkland to the north and west of the Castle to which the golf club belongs. It also highlights that a visually important feature of the northern part of the parkland area is the '*open field system*' with its '*ridge and furrow*' markings that form broad stripes on the landscape running from north to south. This area incorporates the northern part of the golf course. The southern part of the course is located within the south parkland area which the appraisal highlights as having '*similar characteristics to the parkland north of the avenue its appearance is enhanced by the impressive backdrop of the wooded escarpment and the mature woodland screen at its western end stretching from the end of the avenue to the escarpment.*'
9. Based on the above I consider that the historic significance of the part of the CA to which the golf club belongs derives from its open rolling parkland setting and the historic features such as the open field ridge and furrow markings that are still clearly visible particularly on the northern part of the course. I also consider that these historic features and the wider open rolling parkland setting also positively contribute to the historic significance of the CA.
10. The Council has raised concerns that the proposed mounds would have an adverse impact on this historic significance as they would interrupt views across the open parkland both from the main driveway (A174 entrance) and from the forecourt of Wilton Castle. The Council's Conservation Officer (CO) describes it as '*an anomalous series of tipped mounds*' which would potentially '*obliterate*' the '*ephemeral*' visual scene of the low-lying winter sun casting shadows across the ridges and furrows. The CO then goes on to state that the proposed bunding on each side of the driveway would give someone entering the course '*the impression of traversing a sunken medieval trackway rather than a formal entrance to a stately home*'.
11. Based on the evidence, the proposed mounds that would most affect the setting of the area around the main driveway entrance would be M11, M12 and M13. These mounds would be situated either side of the main driveway with M12 and M13 being on one side and M11 being on the other.
12. According to the submitted section plans, proposed mound M12 would have a height of around 1.5 metres above existing ground level and would be located next to the driveway edge. These plans also show that proposed mound M13 would be situated in part next to the driveway edge but with most of it being set further back towards a line of high mature trees. The part of mound M13 closest to the driveway edge would be around 1.5 metres above existing ground level with the portions that would be set back being much higher to a maximum of around 5.5 metres above existing ground level.
13. In addition, the submitted plans show that proposed mound M11 would be broadly triangular with an edge along the driveway measuring around 4 metres above existing ground level with the highest portions of it being set further back with a height of about 5 to 6 metres above existing ground level.

14. These mounds would be much higher than the existing metal rail estate fencing that runs along the roadside. They would also be a great deal higher than the existing ridge and furrow markings on both sides of the driveway. As a result, while they might not necessarily create the impression of a medieval trackway, I consider that they would alter how the area would be visually read as they would reduce the relative openness of the rolling parkland landscape and visually dominate the existing ridge and furrow open field system. Consequently, I find that the proposal would have a significant adverse visual impact in these regards particularly on views from the driveway entrance off the A174 and from other vantage points such as the forecourt of Wilton Castle.
15. In general terms the Council also argue that the proposal would lead to a widespread topographical modification, and therefore they would to some extent represent an unjustified alteration of a designated heritage asset.
16. The other proposed mounds, i.e., mounds M1, M2, M3, M4, M5, M6, M7, M8, M9 and M10 would for the most part be located on the fringes of the golf course. However, even so, according to the submitted plans their heights would range from around 2.5 metres above existing ground level to about 8 metres above existing ground level. Therefore, for similar reasons, I consider that they would also have a significant adverse visual impact on the open rolling parkland landscape, its setting, and the historic significance of the CA.
17. Accordingly, I find that the proposed development would negatively affect the historic interpretation of the CA. For this reason, it would fail to preserve or enhance the character or appearance of the CA as a whole thereby having a negative effect on the significance of a designated heritage asset resulting in less than substantial harm.
18. Having regard to paragraph 208 of the *National Planning Policy Framework* (the Framework) the proposal would provide several benefits including: improvements to the golf course in terms of safety and generating financial investment. However, given the nature of the proposal and the lack of substantive evidence submitted to support them, I afford these benefits limited weight. Consequently, these benefits are not of sufficient weight to outweigh the harm to the CA to which I must attach great weight.
19. I therefore conclude that the proposed development would neither preserve nor enhance the character or appearance of the CA. As a result, it would conflict with paragraph 205 of the Framework, which anticipates that great weight be afforded to the conservation of designated heritage assets, including their setting. It would also conflict with paragraphs 206 and 208 of the Framework which seek to conserve and enhance the historic environment. The proposal would also fail to meet the requirements of policies HE1, HE2 and criteria c) and o) of policy SD4 of the adopted Redcar and Cleveland Local Plan (RCLP).

Living Conditions

20. According to the submitted plans and statements there would be two vehicular access points for construction vehicles, one at the main entrance to the golf course off the A174 slip-road and the other at another junction further along the A174 opposite Lazenby. The Council have raised a concern that given the 'quantum' of material required for the mounds to be installed that the volume of construction traffic generated by the proposal would be 'sizeable'. They have not set out what that quantum is.

21. The Council has also argued that this potential increase in the volume of traffic and vehicular movement during the construction of the proposed mounds would have an adverse impact on the amenity of residents living near to these access points. The Council has not elaborated on this or specified exactly how residents' amenity would be compromised but presumably their concerns reflect those of interested parties who have raised concerns relating to noise, dust, debris, and disturbance. Indeed, in the officer report, an interested party states that the proposal could potentially equate to around 80 lorry loads daily for a full year. However, I have no substantive evidence before me to support this.
22. I note that the residential properties closest to the access point at Lazenby are on the other side of the A174 meaning that any potential impact would likely be limited as the road would act as a buffer. However, the residential property 'North Lodge' is located directly adjacent to the other proposed construction vehicle access point meaning that the proposal would likely have more of an impact on the living conditions of its occupiers.
23. I also note that the issue of dust, debris and noise could potentially be adequately mitigated via the imposition of suitably worded conditions requiring a construction management plan or limiting hours of construction for example and that the appellant has stated that the site will have wheel cleaning facilities. However, the appellant has also not provided any substantive evidence detailing either the amount of material to be imported or the number of construction vehicle trips per day that the proposal would generate.
24. Consequently, given the lack of substantive evidence on this issue, I cannot be certain that the proposal would not have an unacceptable adverse impact on residential amenity and the living conditions of neighbouring occupiers. I therefore conclude that the proposal would fail to meet the relevant requirements of policy N1 and criterion b) of policy SD4 of the RCLP.

Biodiversity

25. The Council has expressed concerns that proposed mounds M4, M6 and M11 would lead to the removal of around 31 trees and the consequential loss of priority habitat. The appellant disputes this, arguing that no trees would be removed. However, the submitted preliminary ecological appraisal (the appraisal) states that several trees to the periphery of the woodland would be removed to facilitate the proposal.
26. I note that the submitted plans show that trees would be retained on the site after the installation of the proposed mounds and that the Environment Agency has raised no objection to the proposal. However, the appraisal also concludes that any loss of priority habitat should be compensated for within any landscaping proposals.
27. No detailed landscaping plan or scheme has been submitted with the proposal to show how any potential loss of priority habitat would be compensated for. As a result, I cannot be certain that the proposal would not have an unacceptable adverse impact on the biodiversity of the area. I therefore conclude that the proposal would fail to meet the relevant requirements of policy N4 and criteria j), k) and o) of policy SD4 of the RCLP.

Other considerations

28. In support of the appeal scheme, the appellant has argued that should it not go ahead, the golf club would cease trading as it would no longer be economically viable. However, no substantive evidence has been submitted to support this. As a result, I afford this consideration little weight.

Other Matters

29. In support of the appeal proposal the appellant has cited similar schemes to provide mounds at Cleveland and Saltburn Golf Clubs. However, I do not have all the details of those cases before me or the circumstances which led to those decisions being taken. I therefore consider that the circumstances applicable to those schemes are not the same as those presented in this case, which I have determined on its own merits. In any event, the existence of other similar development proposals on golf courses in the locality does not outweigh my findings in respect of the main issues above.
30. Interested parties have raised concerns in relation to highway safety. However, neither the Council nor the local highway authority have raised any concerns in relation to this issue and from the evidence before me I see no reason to disagree.
31. None of the other matters raised alter or outweigh my conclusion on the main issues above.

Conclusion

32. Having regard to paragraph 208 of the Framework, the proposal would provide benefits to which I have attached limited weight. However, these benefits are not of sufficient weight to overcome the harm to the character and appearance of the CA to which I must attach great weight. Accordingly, a clear and convincing justification for the identified harm has not been given or demonstrated in accordance with paragraph 206 of the Framework. The proposal would, therefore, fail to sustain or enhance the setting, and thereby the significance of, the CA.
33. The proposal would also likely cause harm in relation to the living conditions of neighbouring occupiers and biodiversity. As a result, it would be contrary to the adopted Development Plan when read as a whole and there are no material considerations indicating a decision otherwise than in accordance with it. Therefore, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR