



Appeal Decision

Site visit made on 7 May 2021

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Appeal Ref: APP/F5540/W/23/3327776

Dukes Meadow, Chiswick Rugby Club, Great Chertsey Road, Chiswick, Hounslow, London W4 2SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Kelvin Campbell (Chair of the Chiswick Rugby Football Club) against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00503/B/P41, dated 28 July 2022, was approved on 18 April 2023 and planning permission was granted subject to conditions.
 - The development permitted is retrospective temporary permission for 10 years for continued operation of laser tag compound including boundary fencing and internal timber play structures.
 - The condition in dispute is No. 1, which states that:
The buildings hereby permitted shall be removed and the land restored to its former condition on or before two years of this decision.
The reason given for the condition is:
 - *The proposal is not considered suitable as a permanent form of development to safeguard metropolitan open land and character and appearance of the area.*
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Decision

1. The appeal is allowed and the planning permission Ref 00503/B/P41 for retrospective temporary permission for 10 years for continues operation of laser tag compound including boundary fencing and internal timber play structures at Dukes Meadow, Chiswick Rugby Club, Great Chertsey Road, Chiswick, Hounslow, London W4 2SH granted on 18 April 2023 by The Council of the London Borough of Hounslow is varied by deleting condition 1 and substituting for it the following condition:
 1. The buildings hereby permitted shall be removed and the land restored to its former condition on or before ten years of this decision.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Apart from paragraph numbering those parts of the Framework most relevant to this appeal have not been amended. As a result, it has not been necessary to seek comments on the revised Framework. No party's interests have been prejudiced by this approach.

Main Issues

3. The appeal site falls within Metropolitan Open Land (MOL). Policy G3 of the London Plan 2021 states that such land is afforded the same protections as Green Belt. The

main issues in this appeal are therefore the effect that varying the condition would have on:

- Whether the proposal would constitute inappropriate development in the MOL, having regard to the National Planning Policy Framework (the Framework);
- The impact of the proposal on the character and appearance of the area; and
- If found to be inappropriate development, 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 necessary to justify the proposal.

Reasons

Whether the proposal constitutes inappropriate development

4. The appeal site comprises a laser tag compound sited on the edge of the Chiswick Rugby Football Club facilities, intended to generate additional income and funding for the rugby club. It is within Dukes Meadow and close to Dan Mason Drive, from which it is separated by a mature bank of trees. It is to the south of a group of allotments but is primarily experienced in the context of the pitches and buildings associated with the rugby club. Planning permission was sought for the laser tag compound for a period of ten years, but was granted for a period of two years, which the appellant now seeks to extend.
5. The Framework states that the construction of new buildings is inappropriate development, which is by definition harmful to the Green Belt and should not be approved except in very special circumstances. However, there are certain exceptions to this, including at paragraph 154(b), the provision of appropriate facilities for outdoor sport and outdoor 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. This position largely aligns with the provision of Policy GB1 of the London Borough of Hounslow Local Plan 2015 -2030 (the Local Plan).
6. The Council, in granting planning permission for the laser tag compound, accepted that it would qualify as an 'appropriate facility' for the purposes of paragraph 154(b) in the MOL. Based on my observations I have no reason to disagree. I must therefore assess whether it would remain that the compound would not be inappropriate development in the MOL if present for a ten year, rather than a two year, period. As such, it is necessary to determine whether the proposal would preserve the openness of the MOL and not conflict with the purposes of including land within it if the duration of the permission were extended.
7. The Framework states that "the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence." It has been established that openness has both a spatial and visual aspect.
8. The laser tag compound comprises a variety of structures enclosed by boundary fencing. It is overall modest in size, particularly in the wider context of Dukes Meadow and the MOL, with limited public views of the compound. It is most visible from within the rugby club land where it is discreetly sited at the edge away from the main pitches that primarily define the openness of this part of the MOL. It is alongside a bank of mature trees that screen views of it from Dan Mason Drive. Where views of the compound do exist in the surrounds, these are experienced in the context of the

adjacent structures at the allotments to the north-west, and the car park and buildings of the rugby club to the south-east.

9. It would be difficult for any 'appropriate facility' to have no impact on the openness of the MOL and there must be a recognition that some building is acceptable falling within that category, subject to an assessment of the context within which it is situated. Taking account of the above physical characteristics of the site and the laser tag compound, in addition to the retained temporary nature of the compound, I am satisfied that the openness of the MOL would remain preserved if the duration of the permission were increased to 10 years from the current 2 year period.
10. On the evidence before me the Council raised general concerns that 10 years was a long time and that the compound would be viewed as permanent. It suggested that a 2 year period was sufficient to allow for a financial analysis of how the laser tag facilities were supporting the club or for further funding to be sourced. However, even noting that a 10 year period is an marked increase to 2 years, there is nothing substantive to that suggest that the openness of the MOL would be further impacted to a significant degree by this, and it remains that the compound would be removed at the end of the relevant period. While a permanent permission may have different implications, that is not the scheme before me.
11. The Framework sets out the five purposes for including land within the Green Belt as follows: i) to check the unrestricted sprawl of large built-up areas; ii) to prevent neighbouring towns merging into one another; iii) to assist in safeguarding the countryside from encroachment; iv) to preserve the setting and special character of historic towns; and v) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Insofar as these also relate to the MOL, due to the precise location of the proposal in combination with its modest scale, even with an increase in the temporary permission to a 10 year period the development would not conflict with these purposes of including land within the MOL.
12. For all of the reasons set out above, varying the condition in the manner proposed would not result in the proposal constituting inappropriate development in the MOL, having regard to the Framework. As such, it would also comply with Policy GB1 of the Local Plan and Policy G3 of the London Plan 2021 in these regards.

Character and appearance

13. As outlined above, there are limited public viewpoints of the proposal within the wider surrounds, due to its discrete location at the edge of the rugby club site adjacent to a bank of trees that provide screening. It is primarily viewed in the context of other structures in a similar position relative to the wider MOL, being the allotment buildings immediately to the north-west, and the rugby club buildings to the south-east.
14. The boundary treatment of the compound, including its muted colouring, aids in assimilating the development into the wider surrounds, ensuring that it does not appear visually jarring or incompatible with the nature of the immediate area. Furthermore, located adjacent to the rugby club pitches and buildings, the recreational use of the proposal would also not appear out of place. As such, the compound currently respects the character and appearance of the surrounds.
15. I have no reason to conclude that this would not continue to be the case if the permission was varied and the laser tag compound was present at the site for 10 years. There is no substantive evidence before me, nor did I observe anything on my

visit, to suggest that such an increased lifetime of the development would result in adverse impacts in this regard.

16. For the reasons given, varying the condition in the manner proposed would not result in adverse effects to the character and appearance of the area. As such, it would comply with Policies CC1 and CC2 of the Local Plan insofar as they seek to ensure development responds to and integrates in the wider context.

Other matters

17. As I have found that the proposal would not be inappropriate development or result in harm to the character and appearance of the area, I do not need to assess 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 necessary to justify the proposal.
18. The Council and interested parties have expressed concerns that the proposal would result in a precedent for development in the MOL. However, each application is to be decided on its own merits in accordance with national and local policy, as I have done in this case.
19. I note concerns raised by interested parties regarding the impact of the proposal on deprivation levels, availability of public open space, traffic, and biodiversity. However, I note that the Council found that the laser tag compound would not result in significant adverse harm in these regards. Based on my observations I have no reason to disagree, nor is there anything substantive before me to suggest that the variation of the condition in the manner proposed would result in significant adverse harm in these regards.
20. I further note concerns of interested parties regarding compliance with other conditions attached to the original planning permission for the laser tag compound. However, this does not form part of the proposal before me.

Conclusion

21. I have found that varying Condition No. 1 of planning permission 00503/B/P41 would not result in inappropriate development in the MOL having regard to the Framework or to harm to the character and appearance of the area.
22. For the reasons given above, I conclude that the appeal should be allowed and the planning permission varied as set out in the formal decision.

C Rafferty

INSPECTOR