



Appeal Decision

Site visit made on 3 July 2024

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2024

Appeal Ref: APP/D0121/W/23/3329571

Mendip Spring Golf Club, Honeyhall Lane, Congresbury, North Somerset BS49 5JT

- 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 Mikulla Leisure Ltd against the decision of North Somerset Council.
 - The application Ref is 23/P/0162/FUL.
 - The development proposed is erection of a rural workers dwelling.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal site comprises a modestly-sized plot located adjacent to the main entrance of Mendip Spring Golf Club in Congresbury. Mendip Spring Golf Club consists of 2 main elements, a golf course and holiday accommodation.
3. For the purposes of planning policy, the site is located within the countryside and in such areas Policy CS33 of the North Somerset Core Strategy (adopted 2017) (Core Strategy) provides that, amongst other things, new residential development outside of infill villages will be restricted to replacement dwellings, residential subdivision, residential conversion of buildings where alternative economic use is inappropriate, or dwellings for essential rural workers.
4. Policy DM46 of the Development Management Policies: Sites and Policies Plan Part 1 (adopted 2016) (DMP) relates to rural workers' dwellings. The main parties have focussed on the fourth bullet point of Policy DM46 which provides that, amongst other things, the erection of dwellings in the countryside for full time workers in agriculture, forestry, or other land-based rural businesses will be permitted provided that the applicant provides an appraisal that demonstrates the proposal is satisfactorily sited in relation to the agricultural or forestry unit and, wherever possible, is sited within a hamlet or existing group of buildings.
5. Therefore, the main issues are:
 - whether the proposed development would be satisfactorily sited in relation to the rural business; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Siting

6. The location of the proposed dwelling, close to the golf club entrance, would not result in any changes to the holes at the golf course. It would however be sited some distance from the cluster of buildings which serve the golf club to the north of the site.
7. In this regard, the Council have made reference to a lapsed planning permission¹ relating to 6 timber lodges to provide tourist accommodation, which were intended to be sited in close proximity to the existing cluster of buildings at the golf club. The appellant has clarified that to accommodate the lodges the whole structure of the golf course would have been changed. However, few details have been provided to illustrate why such a large-scale reconstruction of the golf course would have been required for this development which was limited in scale and extent. Moreover, I note that the Council have asserted, and it has not been disputed by the appellant, that the 2018 application did not state that the siting of the lodges would compromise the golf course.
8. The appellant has mentioned that siting a dwelling in a similar location to the 2018 application would affect Tee 1 and would require a high netting around the dwelling, unless the course was altered. Again, few details have been provided to explain why these factors would rule out such a location being feasible for the proposed dwelling, bearing in mind that the 2018 application similarly related to accommodation.
9. I have had regard to the submitted Planning Appraisal. The appraisal is short on details relating to the existing requirements of the golf course, in terms of its layout and its scope for alteration. The need for security at the golf club is noted, however the security issues highlighted not only relate to access to the golf club, but also to the car park and to the clubhouse, which casts doubt on the claim that the proposed dwelling must be sited directly adjacent to the entrance to the golf club.
10. Furthermore, whilst it has been stated that the chosen location would have the least financial implications or loss of revenue and mention has been made of the need to purchase 3-4 acres adjacent to the golf course if the proposed dwelling were sited next to the existing buildings on site, I have not been provided with a cost-benefit analysis, which in sufficient detail compares the financial implications for siting a dwelling in any other alternative areas of the golf club in comparison with the location for the proposed dwelling.
11. For example, details of any costs associated with making alterations to the golf course for any alternative locations at the golf club set against the benefits of siting a dwelling in an alternative location have not been provided. In the absence of such analysis, the case that it is imperative for the proposed dwelling to be sited adjacent to the entrance of the golf club has not been made out.
12. The supporting text to Policy DM46 stresses that dwellings should be well-related to existing buildings. The proposed dwelling would be set-apart from the existing cluster of buildings at the golf club, and it has not been

¹ Local Planning Authority reference: 18/P/4808/FUL

demonstrated that it would not be possible for the proposed dwelling to be sited within this existing group of buildings, as required by Policy DM46. The requirement in Policy DM46 that the proposed dwelling should be satisfactorily sited would not be fulfilled.

13. I therefore find that the proposed development would not be satisfactorily sited in relation to the rural business. It would conflict with Policy DM46 of the DMP, which has been summarised above.

Character and appearance

14. The site is located within the grounds of Mendip Spring Golf Club and accordingly appears from nearby views as being part-and-parcel of the golf club, which includes wide stretches of green and largely open space. Although the grounds of the golf course are manicured and the golf club benefits from numerous visitors per day, the presence of mature hedgerow, nearby fields, and buildings in a rustic style in the vicinity, all contribute to the rural character of the area.
15. A number of residential and farm buildings are situated to the west of the site on Honeyhall Lane. These include the Pilgrims Barn site, which includes domestic buildings permitted via planning application Refs 20/P/1015/FUH and 22/P/0156/FUH, which I observed on my site visit.
16. Views of the proposed dwelling would not be extensive from Brinsea Batch, due to the distance of the site from Brinsea Batch, the intervening trees on the golf course, and the proposed soft landscaping to the north and east of the site. Further elements of soft landscaping around the proposed dwelling could be secured via planning condition(s), but in all likelihood this would be required to be limited in height and coverage to ensure that adequate outlook from the windows on the west elevation of the proposed dwelling is maintained.
17. The proposed dwelling would be clearly separated from the existing buildings at the golf club, and from the run of dwellings to the west of the site referred to above. Hence, although it would be partially screened by the mature hedgerow which bounds Honeyhall Lane and the proposed materials would be reflective of the locality, it would nevertheless appear as an incongruous feature in this otherwise mainly open part of the golf course, which presently marks a clear break between the dwellings on Honeyhall Lane and Brinsea Batch.
18. As a stand-alone dwelling with its associated domestic paraphernalia sat amongst an otherwise largely open area of recreational green space and opposite fields directly to the south of Honeyhall Lane, it would not harmonise well with the character of the local area.
19. The large domestic buildings permitted via planning application Refs 20/P/1015/FUH and 22/P/0156/FUH are located amongst a cluster of other buildings present along Honeyhall Lane, whereas the proposed dwelling would be set apart from nearby buildings. As a result, those planning permissions are not directly comparable with the proposed development, and they do not change my findings on this main issue.
20. I therefore find that the proposed development would have an unacceptable and harmful effect on the character and appearance of the area. It would

conflict with Policies CS5 and CS12 of the Core Strategy which collectively provide that, amongst other things, proposals of all scales will be required to demonstrate sensitivity to the existing local character already established in an area and should take the opportunity to enhance the sense of place and local identity through a well thought out design.

21. The proposed development would also conflict with Policies DM10 and DM32 of the DMP which collectively provide that, amongst other things, the design and planning of development proposals should demonstrate sensitivity to the local character, and the setting, and enhance the area taking into consideration the existing context.

Other Matters

22. Although there is a degree of separation of the site from surrounding buildings, the site is not remote from nearby areas of residential development. The site is not therefore isolated in the terms of paragraph 84 of the National Planning Policy Framework (the Framework) which provides that, amongst other things, planning decisions should avoid the development of isolated homes in the countryside. Nevertheless, this is a neutral matter, which does not alter the proposed development's conflict with the relevant policies of the development plan, identified on the main issues above.
23. It is common ground between the main parties that the proposed development would not conflict with the Congresbury Neighbourhood Plan (made 2019). This is a neutral matter, which does not weigh in favour of the proposed development.
24. As the site is presently used as part of a successfully-run golf club, it has not been demonstrated that the proposed development would entail the optimum viable use of the site. This is a neutral matter.
25. The proposed development would result in benefits to the Council in relation to Council tax and the New Homes Bonus. The Planning Practice Guidance however makes it clear that it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body². This is also a neutral matter.

Planning Balance

26. The Council is currently unable to demonstrate the supply of housing sites as required by the Framework. Whilst paragraph 11 d) of the Framework is triggered, it does not automatically follow that the policies which are most important for determining the appeal are out-of-date in substance. In any event, I have not been able to detect any specific inconsistency between these policies and the Framework. As such, the weight attached to the proposed development's conflict with these development plan policies is not reduced.
27. The main parties are in agreement that the Council currently has a 3.5-year supply of deliverable housing land. The proposed development would accordingly provide a contribution towards much-needed housing in the local area. As the proposed development relates to one dwelling only, this contribution would be limited in extent, as would its potential to provide work for construction professionals.

² Paragraph 21b-011-20140612

28. The proposed development would meet the stated need for manager's accommodation on site and would assist with security, which are matters considered in the Planning Appraisal. However, following my findings on the first main issue above, on the evidence before me it has not been convincingly demonstrated that these needs could not be met by a dwelling sited elsewhere within the golf club, which would potentially avoid the planning harms identified on both main issues above. This limits the weight which can be given to these factors in support of the proposed development.
29. Few details have been provided to quantify the extent to which having a manager permanently on site would contribute towards the economic growth of the business and / or its potential future expansion, including its contribution to the local economy over the long-term.
30. If the proposed development were acceptable in all other respects, a planning condition could be imposed requiring that at least 10% of the ongoing energy requirements of the dwelling would be met through micro-renewable technologies, as per the submitted Outline Energy Statement. Few details have however been provided to illustrate the extent to which wildlife habitat on site could potentially be enhanced via the proposed development, over-and-above the existing situation.
31. The proposed development would enable the existing manager to step back from the business, but as this would mainly be a private benefit, it merits little weight in support of the proposed development.
32. Taking all of the above into account, and noting in particular the limited quantum of development proposed in the context of the Council's housing land supply position, and that other locations within the golf club have not been convincingly ruled out, no more than moderate weight has been given to the collective benefits of the proposed development.
33. As mentioned on the first main issue above, the proposed development would not be satisfactorily sited, in conflict with Policy DM46 of the DMP. This is in the context of Policy CS33 of the Core Strategy which provides that, amongst other things, development outside the areas covered by the approaches set out in Policies CS28, CS30, CS31 and CS32 will be strictly controlled. The proposed development would accordingly cause planning harm in terms of it being at odds with the locational strategy for the area.
34. In relation to this, I am mindful of paragraph 15 of the Framework which provides that, amongst other things, the planning system should be genuinely plan-led. Considering the limited quantum of development proposed, moderate weight has been given to the proposed development's conflict with the relevant policies of the development plan in this respect.
35. As mentioned on the second main issue above, the proposed development would have an unacceptable and harmful effect on the character and appearance of the area. The Core Strategy is clear in its aspiration for achieving high quality places across all of North Somerset, and taking account of the limited scale of the proposed development, moderate weight has been given to the proposed development's conflict with the relevant policies of the development plan in this respect.

36. The proposed development's conflict with the relevant policies of the development plan, as identified on both main issues above, in total amounts to great weight in opposition to it. Thus, the moderate weight arising from the collective benefits in support of the proposed development would not be sufficient to outweigh the great weight identified. The proposed development would conflict with the development plan when considered as a whole.
37. Paragraph 11 d) ii. of the Framework is engaged. As mentioned above, the business is presently operating successfully, and it has not been demonstrated that the proposed development would result in significant benefits over-and-above this existing situation, including with respect to the growth and expansion of this rural business, which in principle is supported by the Framework. In contrast, the adverse impacts of the proposed development merit great weight in opposition to it. Of note, the proposed development would not accord with paragraph 131 of the Framework which provides that, amongst other things, the creation of high quality places is fundamental to what the planning and development process should achieve.
38. As a matter of planning judgement I therefore find that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposed development would not benefit from the presumption in favour of sustainable development, found at paragraph 11 of the Framework.
39. The proposed development would conflict with the development plan when considered as a whole. None of the other considerations in this case indicate that this appeal decision should be taken otherwise than in accordance with the development plan.

Conclusion

40. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR