



Appeal Decision

Site visit made on 15 January 2025

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2025

Appeal Ref: APP/X0415/W/24/3351439

Hedsor Golf Course, Broad Lane, Beaconsfield, Buckinghamshire HP10 0JW

- 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 Hedsor Golf Course Ltd against the decision of Buckinghamshire Council.
 - The application Ref is PL/23/3658/FA.
 - The development proposed is the use of 0.12 hectares for dog training area enclosed by 0.9 metre high stock fencing with black vinyl sheeting to obscure view.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form confirms that the development was completed before submission. The Council has assessed the scheme retrospectively. During my site visit I observed that the appeal site was being used for dog training and was enclosed by stock fencing. Therefore, I have determined the appeal scheme retrospectively.
3. Whilst the appeal site lies within the Green Belt, the Council consider the use of the land for dog training within a wider golf course falls within one of the exceptions to development in the Green Belt, as set out in the National Planning Policy Framework (the Framework). In addition, as no buildings have been erected, the openness of the Green Belt is preserved and there is no conflict with the purposes of including land within it. Based on the evidence before me, including my own observations during my site visit, I find no reason to conclude the development to constitute inappropriate development in the Green Belt.

Main Issue

4. The main issue is the effect of the development on biodiversity, including great crested newts.

Reasons

5. Core Policy CP9 of the South Bucks Core Strategy (the Core Strategy) requires development to conserve, enhance and provide a net gain in biodiversity, and is amplified by the Council's Biodiversity Net Gain (BNG) Supplementary Planning Document (SPD).
6. A document titled *Ecology Report* was submitted with the application, comprising largely observational evidence from the appellant. It was not completed by a suitably qualified ecologist nor does it include ecological surveys of the site and its

surroundings. In addition, the government's metric has not been used to calculate the baseline biodiversity value of the site before the development was implemented, as is required by the SPD. This information is critical in determining whether a proposal would result in a BNG when comparing the biodiversity value of the site before development with its likely value post development. In the absence of this information, such a calculation is not possible. Therefore, even if the site previously comprised scrubland and despite the type and scale of the development, it has not been demonstrated that a net gain in biodiversity has or could be achieved.

7. Whilst the appellant may have completed restoration works to the wider golf course land, including the creation of plantations, a deep lake and a series of shallower ponds, it has been indicated that these were undertaken following a fire several decades ago. Even if these works have led to the creation of a diverse habitat, they do not form part of the case before me and, therefore, cannot be used to mitigate any loss in BNG which may have resulted from the development.
8. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) impose a duty on me to consider whether protected species, including GCNs, would be affected by the development and whether any associated mitigation measures would be effective. This duty applies irrespective of the size of the site or scale of the development. Further, Circular 06/2005¹ states that it is essential that the presence or otherwise of protected species, and the extent they may be affected by a proposal, is established before planning permission is granted.
9. The appeal site lies immediately adjacent to a pond which the Council has indicated to be a suitable habitat for GCNs. The evidence before me also indicates that the site lies within a GCN Red Impact Zone, a designation covering areas that comprise highly suitable habitats for this protected species. These factors indicate that GCNs may be present on the site. Indeed, the appellant refers to having observed various pond life within this part of the golf course, including newts, whilst GCNs thrive in several places across the golf course undisturbed.
10. Given the likely delay and cost which could result from undertaking a protected species survey, they are only required where there is a reasonable likelihood of a protected species being present and affected by development. This is the case on the appeal site. However, as indicated above, no ecological surveys of the site or any water bodies within Natural England's recommended distance of it², including the adjacent pond, have been undertaken. Consequently, there is insufficient information to show the development has avoided a harmful effect on GCNs and, as a result, I am unable to undertake the regulatory duty set out above.
11. Rubber matting has been laid to prevent soil compaction or root damage and gaps along the base of the fence left to allow creatures through, including GCNs. However, in the absence of robust evidence I am not satisfied these features would be effective mitigation measures. The restricted hours the enclosure is used for training dogs does not alter this view.

¹ Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system

² <https://www.gov.uk/guidance/great-crested-newts-advice-for-making-planning-decisions> (accessed 17 February 2025)

12. I conclude that the development harms biodiversity, including GCNs, and conflicts with Policy CP9 of the Core Strategy which seeks to conserve and enhance the biodiversity resources within the area, amongst other provisions.

Other Matters

13. The use of the site for dog training provides some social and economic benefits through supporting the golf club and a local business. However, any benefit to the local community is largely limited to clients of the dog training business, even if this does aid their productivity at work or provide them with time to play golf. Whilst the mental health of the dogs may be improved as a result of the training, the appeal site is not the only location where this could be undertaken. Combined with its scale, this leads me to conclude that the social and economic benefits from the development would be small. No direct environmental benefits have been presented as part of the appeal scheme.
14. The appeal site is located within the buffer of the Burnham Beeches Special Area of Conservation (SAC), a European Designated Site afforded protection under the Habitats Regulations. If the circumstances leading to the grant of planning permission had been present, I would have considered the impact of the development on the SAC. However, as I am dismissing the appeal on the main issue above, it is not necessary for me to consider this matter further.

Conclusion

15. The development conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, which indicate that a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

Juliet Rogers

INSPECTOR