
Appeal Decision

Site visit made on 12 February 2025

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2025

Appeal Ref: APP/E3335/W/24/3353370

Enmore Park Golf Club, Enmore Road, Enmore, Somerset TA5 2AN

- 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 Mr Martyn Clapp of Enmore Park Golf Club against the decision of Somerset Council.
 - The application Ref SCC/4088/2024, dated 1 August 2023, was refused by notice dated 10 April 2024.
 - The development proposed is landscape remodelling works by infilling the existing gully between holes 1 and 18; and creation of a bund to the existing practice ground.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published during the consideration of this appeal on 12 December 2024. The references in my decision to the paragraphs in the Framework relate to this new document.
3. In the interests of precision and clarity I have amended the description of development to more accurately reflect the development proposed.

Main Issues

4. The main issues in this appeal are:
 - Whether the proposed development would have an adverse effect upon protected habitats and species;
 - The effect of the proposed development upon trees;
 - The effect of the proposed development upon the gully as a non-designated heritage asset; and
 - Whether the proposed development, in particular the works proposed to the existing practice ground, would result in an increase in flood risk.

Reasons

Habitats and species

5. Policy D20 of the Sedgemoor District Local Plan (SDLP) requires development proposals to contribute to maintaining, and where appropriate, enhancing biodiversity and geodiversity, taking into account climate change and the need for habitats and species to adapt to it. Policy DM3 of the Somerset Waste Core

Strategy (SWCS) requires applicants to demonstrate that proposals do not generate significant adverse impacts.

6. The existing gully area was the subject of a preliminary ecological appraisal, the conclusions of which were that the proposed development would have no effect upon any designated sites, habitats or protected species. Additional surveys in relation to badgers was suggested and a subsequent survey confirmed their absence from the gully area. To mitigate for the loss of trees, a planting scheme of native species was recommended. A survey of the practice area concluded that there were no protected or notable habitats within the site. In relation to the southern field, it was recommended that further presence/absence surveys for reptiles should be undertaken as the land was of moderate habitat value.
7. In relation to bats, the appellant's survey of the gully concluded that no evidence had been found, although a tree was identified to have roost potential, and further survey work was recommended, should it be proposed for removal. Similar conclusions were reached in relation to the practice ground. In relation to otters, no evidence was recorded on or near the practice ground.
8. Therefore, on the basis of the information before me, whilst the gully in particular contains different habitats to the rest of the golf course, there is no substantive evidence to suggest that the infilling of the gully would have an adverse effect upon identified features, habitats and species. Furthermore, I note that, once infilled, the gully would be finished with wildflower meadow, woodland plants, log piles and native trees. As such, this would provide an opportunity to enhance the biodiversity of the appeal site.
9. In relation to the southern field adjacent to the practice ground, the ecological assessment recommended that this area should be subject to further surveys in relation to reptiles. No details or results of such surveys are currently before me. From the appeal documentation, it appears that this area is both to be cleared and has been identified as compensation land for potential displaced flood water. Therefore, without any evidence, it is not possible to conclude that as a consequence of the proposed development, in particular the works to the practice ground, there would be no harm to identified habitats and species.
10. For the above reasons, and taking a precautionary approach, I find that the proposed development has the potential to cause harm to identified habitats and species and, in this respect, would be contrary to policy D20 of the Sedgemoor District Local Plan (SDLP), policy DM3 of the Somerset Waste Core Strategy (SWCS) and the Framework.

Trees

11. The proposed development within the gully would result in the loss and impact upon a significant number of trees. These are identified as being established woodland trees, including a number of more mature species, however none are identified as being ancient.
12. In this respect, whilst I note the overall conclusions of the appellant's ecological assessments in relation to the ecological value of the existing trees, there is little assessment of the current condition of the trees to be removed. Therefore, based on the evidence before me, and taking a precautionary

approach, I am therefore unable to conclude that harm to existing trees on the site can be avoided.

13. I note the appellant's commitment to provide replacement native trees, however, there are no details of this before me. Given the substantial number of trees that would be lost from the gully, without this detail, I am unable to conclude that such a replacement scheme would provide suitable alternatives to justify the removal of the existing trees.
14. For the above reasons, I therefore conclude that the proposed development would have an unacceptable effect upon trees and, in this respect, would be contrary to policy D20 of the DCLP and policy DM3 of the SWCS and the Framework.

Heritage

15. There is no statutory listing process for non-designated heritage assets nor any formal definition of them in the Framework. The National Planning Practice Guidance (NPPG) indicates that non-designated heritage assets are buildings, monuments, sites, places or areas identified by plan making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets.
16. Whilst I am unaware as to whether the Council has followed the advice in the NPPG in identifying the gully as such, the NPPG is clear that in some cases local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications.
17. Paragraph 216 of the Framework indicates that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss, and the significance of the heritage asset.
18. The existing gully is identified by the Council as being a non-designated heritage asset on the basis that it features on a number of historical maps, dating back to 1840.
19. Whilst it is no longer used as such, from my site visit, it is clearly a visual and obvious presence within the landscape. As such, I find it to be a feature of an asset of historical importance. The proposed development would result in the infilling of the entire length of the sunken element of the gully and as such, its complete removal. This would result in harm to the identified non-designated heritage asset.
20. The existing gully, in particular its eastern end has relatively steep sides and is relatively deep. As such, given the surrounding golf course, this has the potential to pose a health and safety risk to both golfers and users of the Public Right of Way which runs immediately to the north. That said, whilst the filling in of the gully would no doubt address this risk, I am not convinced, from the evidence before me that alternative measures to address the risk have been sufficiently assessed to enable me to conclude that the loss of the non-designated heritage asset to be the only option. Therefore, given the overall level of the impact, I do not consider that sufficient justification exists to outweigh the harm caused from the loss of the heritage asset.

21. For the above reasons, I therefore conclude that the proposed development would result in harm to a non-designated heritage asset and, in this respect would be contrary to policy DM26 of the SDLP, policy DM3 of the SWCS and the Framework.

Flooding

22. Policy D1 of the SDLP states that regard should be had to the sources of flooding detailed in Sedgemoor's Strategic Flood Risk Assessment and any more recent mapping made available by the Environment Agency and other flood risk management bodies. The Framework at paragraph 170 identifies that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, it should be made safe for its lifetime without increasing flood risk elsewhere.
23. Flood mapping shows the gully development area to be within Flood Zone 1, with the Practice Ground development area located in Flood Zone 3A and Flood Zone 2.
24. The appeal application was supported by a Flood Risk Assessment (FRA), which was updated and revised and submitted as part of the appeal. This concluded that during an extreme fluvial flood event the Practice Ground is predicted to be subject to shallow flooding and that during an extreme flood event it is likely to be affected by potentially shallow-moderate flooding, with depth of between 0.3m to 0.4m.
25. In relation to displaced flood water, the FRA shows the potential for an increase in flood risk to the south of the appeal site. Whilst it would appear that the majority of this land, immediately to the south west of the existing stream, lies within the ownership of the appellant, there appear to be areas which are shown to potentially experience an increased flood risk, that are outside of the appeal site and therefore not within the control of the appellant. Furthermore, whilst the FRA identifies potential mitigation measures that could be introduced to ensure the more efficient return of potentially retained flood water back to the channel, no details are included as part of the proposed development. Neither has any hydraulic modelling been undertaken to demonstrate that the land area to the south is able to accommodate potentially displaced flood water as a result of the proposed works to the practice ground. In this respect, I note that objections are raised by both the Environment Agency and the Council as Lead Local Flood Authority.
26. I acknowledge the aims of the appellant in seeking to improve the practice ground and to address existing flooding issues, along with overall improvements to the water management regime across the whole golf course. However, whilst I do not seek to bring these into question, I do not find that these needs provide sufficient justification to overcome the risk I have identified.
27. Therefore, on the basis of the evidence before me, I am unable to conclude that the proposed development would not lead to the risk of increasing flood risk elsewhere, as it has not been adequately demonstrated that surface water can be attenuated onsite and appropriately managed. As such the proposed development would be contrary to policy D1 of the SWLP, policy DM3 of the SWCS and the Framework.

Conclusion

28. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR