



Appeal Decision

Site visit made on 4 March 2025

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th April 2025

Appeal Ref: APP/M0655/W/24/3350472

Walnut Tree Farm, Northwich Road, Stretton, Warrington WA4 4PG

- 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 Messrs C and G Blackshaw against the decision of Warrington Borough Council.
 - The application Ref is 2023/01488/FULM.
 - The development proposed is the change of use of land and erection of building for golf driving range including provision of parking, landscaping and biodiversity enhancements.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of land and erection of building for golf driving range including provision of parking, landscaping and biodiversity enhancements at Walnut Tree Farm, Northwich Road, Stretton, Warrington WA4 4PG in accordance with the terms of the application, Ref 2023/01488/FULM subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - whether the proposed development is inappropriate development in the Green Belt;
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the supply of the best and most versatile agricultural land; and,
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

3. The appeal site is situated in the Green Belt. The Government attaches great importance to Green Belts. 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.

4. The National Planning Policy Framework (Framework) establishes that development in the Green Belt is inappropriate unless one of the exceptions set out at Paragraph 154 of the Framework apply. Part b) of this paragraph relates to the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments.
5. The proposal seeks the change of use of land for a golf driving range together with a building that would provide driving bays, a viewing and an administration area. The Council consider the proposal to be a new indoor facility, however, whilst the driving bays would be located under cover, they would be open to the outside, with golfers practicing over an extensive outdoor area. The proposed building, whilst being large, would occupy a small portion of the overall appeal site, and with the majority of the site remaining open, the golf driving range would be fundamentally an outdoor activity. As such, the proposal would relate to the provision of appropriate facilities for outdoor sport and recreation. However, this exception is subject to the facilities preserving the openness of the Green Belt and not conflicting with the purposes of including land within it.
6. The proposal would introduce a building and car parking area where there is currently none, and it would therefore have an impact on the spatial aspect of openness. I do not doubt that the appellant has sought to minimise the amount of built form proposed, but the long, linear form of the proposed building would give it, and the associated parking area, an extensive footprint that would fail to preserve the openness of the Green Belt in visual terms. This harm would not be negated by the siting of the proposed building and hardstanding areas close to the existing buildings at Walnut Tree Farm, with the proposal being seen from certain public vantage points. It would therefore fail to preserve the openness of the Green Belt and by spreading development into an open area of land forming part of the countryside, the development also contravenes one of the purposes of the Green Belt, namely, to assist in safeguarding the countryside from encroachment.
7. The appellant has set out that the development can also be considered against the exception at Paragraph 154 h) v. of the Framework relating to material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds). This exception does not however provide for the construction of buildings, and in any event, is also subject to preserving the openness of the Green Belt and not conflicting with the purposes of including land within it, which this proposal would fail to do.
8. I therefore conclude that the appeal proposal would be inappropriate development in the Green Belt. It would conflict with the Framework in this regard, and it would be contrary to Policies GB1, DC1 and DC6 of the Warrington Local Plan (Local Plan), which sets out, amongst other matters, that inappropriate development within the Green Belt will not be approved except in very special circumstances.

Character and appearance

9. The appeal site is situated in a rural area that contains groups of buildings surrounded by fields and open areas of land which are in turn bounded by hedges and trees. These characteristics, with views over the surrounding generally flat landscape, gives the area a spacious, verdant character that contributes positively to the wider countryside setting.

10. The proposed building and car parking area would be situated immediately beyond the Walnut Tree Farm complex and accessed from it. With brick and timber cladding to the walls and steel sheeting to the roof, it would have the appearance of a building that is typically seen in the rural area. The topography of the area would result in the proposal being noticeable, including from the public right of way, but it would appear as an additional building amongst other buildings which are taller and set amongst extensive car parking areas. The proposed landscaping, once established, would provide screening of the development and help it assimilate into the surrounding landscape.
11. I therefore conclude that the proposed development would not have an unacceptable adverse effect on the character and appearance of the area. As such, it would comply with Local Plan Policies DC1, DC6 and ENV8, which seek, amongst other matters, to ensure that development is designed to not result in a harmful or cumulative impact on the natural and built environments. It would also comply with Paragraph 135 of the Framework, which seeks, amongst other matters, development that is sympathetic to local character.

Best and most versatile agricultural land

12. The appellant has submitted an Agricultural Land Classification Report¹ which has assessed the site using the Agricultural Land Classification of England and Wales; Revised Guidelines and Criteria for Grading Agricultural Land (revised October 1998). The site has been classed as '3b' and considered impractical for arable cropping due to its low water retention.
13. Given this grading of Grade 3b, I conclude that the proposal would not have an unacceptable adverse impact on the supply of the best and most versatile agricultural land. As such, the proposal would comply with Policy ENV8 of the Local Plan which seeks, amongst other matters, to minimise the Borough's best and most versatile agricultural land. It would also comply with Paragraph 187 of the Framework in this regard.

Other considerations

14. The appellant is seeking to provide a golf leisure and recreation facility which is fully enabled for people with disabilities. The facility would provide larger bays to cater for disability use, circulation areas that would allow full wheelchair access as well as technology that specifically caters for disabled golfers. Although the disabled parking proposed is below the provision required, the number and layout of these spaces is a matter that could be controlled by condition given that there is space within the site.
15. Whilst there are existing golf facilities nearby, with various operational structures, I have not been made aware of any facilities that specifically cater for the needs of disabled golfers, or who intend to develop their current facilities to cater for these needs. The proposal has attracted support from various organisations involved with golf that includes Warrington Golf Club, EDGA² and England Golf which demonstrate the need for such a facility to make golf more inclusive and accessible.

¹ Harvey Hughes Independent Rural Consultants, July 2024

² Formerly European Disabled Golf Association

16. It is therefore clear from the evidence before me, that the appellant, as a golfer with a disability, and someone who is active in helping other disabled golfers, is seeking to broaden the access to golf through this facility in order to provide health and social benefits. Consequently, given the evidence on the specialist nature of this facility, I find this consideration to be significant and it attracts very substantial weight in favour of the proposal.
17. A number of other benefits are also set out, including enhanced biodiversity net gain, investment in the local economy and the creation of new jobs, to which I afford moderate weight in favour of the proposal.
18. Additionally, whilst reference has been made to the proposal supporting the diversification of the farm, there is little information before me of the existing diversification measures on site and how this proposal relates to it. Consequently, I afford this matter very limited weight.

Other matters

19. Concerns have been raised in representations about the harm to living conditions from noise from the hitting of golf balls and their collection. A Noise Impact Assessment³ has been submitted which considered the effects of noise from golf ball strikes and concluded there would be no detrimental effects on the nearest residential property. Any external lighting would be subject to submission and agreement with the LPA and is a matter that can be controlled by condition.
20. I also note concerns in relation to additional traffic generated by the proposal and on the car parking numbers proposed but the Council considers the highway effects to be acceptable. I also do not consider the proposal would result in significant traffic generation given the scale of the development and the overall parking levels would be appropriate.
21. The diversion of a footpath is proposed, but there is no objection from the Public Rights of Way Officer and is subject to a separate legislative process. Concerns have been raised in relation to both the Ecological Assessment⁴ and Flood Risk Assessment⁵ reports, but there is no substantive evidence before me that contradicts the conclusions of these reports.
22. I have taken account of all matters, including reference to a nearby watercourse and to the storage and dairy operations not having existed on the site for a number of years. The impact on the financial viability and sustainability of a nearby Golf Club has also been raised as well as the layout of the proposed driving range itself, but these do not have a bearing on the main issues in this case.

Planning Balance

23. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that harm. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

³ Hepworth Acoustics, June 2022

⁴ Avian Ecology, 17 August 2023

⁵ The Environmental Protection Group, 16 March 2022

24. The proposal would be inappropriate development in the Green Belt, would reduce the openness of the Green Belt and conflict with a Green Belt purpose. I therefore attach substantial weight to this harm.
25. I give very substantial weight to the benefits of the proposed golf driving range for the reasons set out, and moderate weight to the biodiversity net gain and economic benefits. The benefit to diversification I have attached very limited weight to, given the limited information that has been provided.
26. I find these other considerations together be sufficient to clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness, the effect on openness and the conflict with one of the purposes that the Green Belt serves. As a result, very special circumstances exist to justify inappropriate development in the Green Belt.

Conditions

27. I have considered the suggested conditions, having regard to the six tests set out in the Framework. For the sake of clarity, conciseness and enforceability, I have amended the wording of some of the suggested conditions as appropriate.
28. I have attached a materials condition in the interests of ensuring the development's acceptable appearance in order to safeguard the area's character and appearance. Although details of materials have been provided, it is necessary for samples to be submitted to ensure the acceptable appearance of the development.
29. Details of any external lighting is required in the interests of living conditions and protected species. For highway safety reasons and to promote more sustainable modes of travel, details of car parking and cycle parking as well as electric vehicle charging points are required. A condition requiring an access management strategy is needed to avoid traffic conflicts and for a Travel Plan Co-ordinator to be appointed to promote sustainable modes of travel.
30. In the interests of the living conditions of surrounding residential occupiers, conditions limiting the opening times and controls on ball collection equipment are required.
31. A number of conditions are needed in relation to drainage to ensure adequate drainage of the site. Conditions are required to protect badgers, and other mammals as well as a landscape and environmental management/monitoring plan to mitigate the loss of habitat and to secure biodiversity enhancements. It is essential for these conditions to be pre-commencement to ensure there are no adverse effects by reason of flooding, on protected species and to secure biodiversity enhancements.
32. A further condition is needed to protect badgers from harm although reference to reserved matters in the suggested condition has been removed as that does not apply to this development. A condition to prevent works to trees or shrubs at certain times of the year is also needed to prevent harm to bird nests.
33. Although the proposal does not relate to residential development, a condition requiring suitable telecommunications connectivity is needed for users of the golf driving range. A condition in relation to low carbon construction methods and

renewable energy provision is required to reduce carbon emissions and to protect the environment.

Conclusion

34. For the reasons given above, the proposal would be in conflict with the development plan with respect to harm to the Green Belt. However other material considerations, including the Framework and the very special circumstances in this case, indicate that permission should be granted. I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) No development above floor slab level shall take place until details and samples of all proposed external facing materials, hard landscaping materials and boundary treatment, have been submitted to and approved in writing by the Local Planning Authority (LPA). Development shall be carried out in accordance with the approved details/samples.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Drawing No: 3135:01), Plan & Roof Plan (Drawing No: 3135:02), Elevations & Sections (Drawing No: 3135:03), Site Plan (Drawing No: 3135:04), Building Plan and Parking (Drawing No: 3135:06), Site Levels (Drawing No: 3135:07) and Meadow Extent (Drawing No: 3135:08).
- 4) Prior to the erection of any external lighting on site, the developer shall submit for written approval to the LPA a comprehensive assessment of lighting details for the appeal site. The scheme shall show levels of illumination around the site (isolux drawings) but shall also show any overspill lighting beyond the physical site boundary and this shall be below 5 lux. Mitigation measures or installation requirements shall be clearly identified within the scheme as shall control measures such as time clocks/light sensors or other control methods. Once approved in writing, the agreed scheme shall be implemented in full prior to the commencement of the use of that lighting and shall be retained as approved thereafter.
- 5) No development above floor slab level shall take place until a scheme identifying areas of parking (including disabled parking) and servicing in accordance with the Council's current standards, has been submitted to and approved in writing by the LPA. The development shall not be brought into use until the areas identified have been surfaced, drained and permanently marked out or demarcated in accordance with the details agreed. The parking and servicing areas shall be retained as such thereafter.
- 6) Prior to the first use of the development hereby permitted, a scheme for the provision of electric vehicle charging points shall be submitted to and agreed in writing with the LPA. The approved details shall be implemented prior to the first use of the development hereby permitted and retained for the lifetime of the development.
- 7) No development above floor slab level shall take place until a scheme for the provision of cycle parking in accordance with the Council's current standards has been submitted to and approved in writing by the LPA. The scheme shall be implemented as approved before any part of the development is brought into use and shall be retained as such thereafter.

- 8) Prior to the first operation of the development hereby permitted an access management strategy shall be submitted to, and approved in writing by the LPA. For the avoidance of doubt the strategy shall include as a minimum signing and road markings to highlight the operation of the one-way system operating within Walnut Tree Business Centre to ensure that traffic entering and leaving the driving range does not conflict with vehicle/pedestrian movements within the business centre. The strategy shall be subsequently implemented in accordance with the approved details and retained as such thereafter.
- 9) The development shall not be brought into use until the owners and occupiers of the site have appointed an on-site Travel Plan Co-ordinator. The Travel Plan Co-ordinator shall be responsible for the implementation, delivery, monitoring and promotion of the Travel Plan, including the day-to-day management of the steps identified to secure the sustainable transport initiatives. The details (name, address, telephone number and email address) of the Travel Plan Co-ordinator shall be notified in writing to the LPA upon appointment and immediately upon any change.
- 10) The Cumulative Noise Level from any ball collection equipment (any number of units operating simultaneously) shall not exceed 36 dB LAeq, 1hr at the boundary of the nearest noise sensitive receptor.
- 11) The site shall only be permitted to open to the public between 07.00hrs and 22.00hrs on any day. Ball collection equipment shall only be permitted to operate during the above site opening hours.
- 12) No development shall take place until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the LPA in consultation with the Lead Local Flood Authority. Those details shall include (where applicable):
 - i. Details of the design of the scheme.
 - ii. Operational maintenance and management plan including access requirements for each sustainable drainage component / drainage feature and any existing drainage features e.g. watercourses / ditches etc.
 - iii. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be undertaken in accordance with the agreed details and will be maintained and managed in accordance with the agreed details for the lifetime of the development.

- 13) The development hereby permitted shall not be commenced until such time as a scheme to maintain the proposed SuDS has been submitted to, and approved in writing by, the LPA. The scheme shall be implemented as approved.
- 14) Prior to the use commencing (or within an agreed implementation schedule) a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the LPA to confirm that

the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include:

- i. details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings.
 - ii. An operation and maintenance manual for the unadopted parts of the scheme as constructed.
 - iii. Proposed arrangements for future adoption by any public body, statutory undertaker or management company (where not previously provided).
- 15) Prior to any works commencing on site, reasonable avoidance measures for Badgers and other mammals such as brown hare and hedgehog are to be submitted to and agreed in writing to the LPA. The reasonable avoidance measures shall include as a minimum:
- Resurvey of site prior to earthworks;
 - Full details of exclusion zone and measures to enforce around the retained sett during construction;
 - Full details of the buffer planting around the retained sett post development and measures to ensure retained and not encroached during maintenance; and
 - A timetable for the undertaking of the reasonable avoidance measures.

The development shall be undertaken in accordance with the approved details and retained where required for the lifetime of the development.

- 16) Prior to any works commencing on site, a landscape and environmental management/monitoring plan (LEMP) shall be submitted to and approved in writing by the LPA. The LEMP shall propose how the area identified as Biodiversity Net Gain on the approved plans is to be maintained for a minimum of 30 years. The submitted LEMP shall include the following:
- Aims and objectives of the management plan including measures to mitigate for loss of bird nesting habitat and loss of habitat;
 - A work schedule including 30 years of maintenance;
 - Details of the body or organisation responsible for implementation of the plan;
 - 30 years of monitoring The LEMP shall also include details of legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer and contingencies should habitat creation measures fail.

The development will be implemented, managed and maintained in accordance with the approved details.

- 17) The proposal may cause harm to badgers as identified in the Confidential Badger Survey Report – Avian Ecology and shall not in any circumstances commence unless the LPA has been provided in writing with either:

- a) a license issued by Natural England pursuant to section 10(1)d or 10(1)(e) Protection of Badger Act 1992 authorising the specified activity/development go ahead: or
- b) a statement in writing from the relevant licensing body or LPA to the effect that it does not consider that the specified development will require a license.

- 18) No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.
- 19) Prior to the use hereby approved commencing, details that demonstrate that suitable telecommunications connectivity will be available to users of the site shall be submitted to and approved in writing by the LPA. The approved details should be implemented before first use of the approved development and retained as such thereafter.
- 20) Prior to any above ground work, a detailed scheme for low carbon construction methods and / or renewable energy provision for the building, shall be submitted to and agreed in writing with the LPA. For the avoidance of doubt, the scheme shall include:
 - making provision to enable future connectivity in terms of site layout, heating design and site-wide infrastructure design; and
 - ensure that at least 10% of the energy needs can be met from renewable and/or other low carbon energy source(s).

Development shall be completed in accordance with the agreed details and retained for the lifetime of the development.

End of Conditions