



Appeal Decision

Site visit made on 6 October 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27th October 2025

Appeal Ref: APP/D1590/W/25/3370723

Garons Park Golf Complex, Garons Park, Southend-on-Sea SS2 4FA

- 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 Mr Karl Hepple of Norman Garon Trust against the decision of Southend-on-Sea Borough Council.
 - The application Ref is 25/00341/FUL.
 - The development proposed is extension of existing single storey golf driving range building to incorporate enlarged all weather and nighttime driving bay with new "Toptracer" golf driving simulator machine together with new cafeteria incorporating new golfers / visitors toilets together with kitchen, bar, servery and associated staff facilities and toilet.
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Decision

1. The appeal is allowed and planning permission is granted for the extension of existing single storey golf driving range building to incorporate enlarged all weather and nighttime driving bay with new "Toptracer" golf driving simulator machine together with new cafeteria incorporating new golfers / visitors toilets together with kitchen, bar, servery and associated staff facilities and toilet at Garons Park Golf Complex, Garons Park, Southend-on-Sea SS2 4FA in accordance with the terms of the application, Ref 25/00341/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos 9118 / 31 Rev B; 9118 / 58 Rev. F; 2312 / 21 and 2312 / 22.
 - 3) Notwithstanding the details shown on the submitted drawings, the development hereby approved shall not be first occupied until refuse and recycling facilities are provided in accordance with details first submitted to and approved in writing by the local planning authority. The approved refuse and recycling facilities shall thereafter be retained in perpetuity.
 - 4) The external materials of the extensions hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies, with particular regard to the effect of the proposal on the openness of the Green Belt and;

- the effect of the proposal on the provision of land designated for the purposes of sport and recreation.

Reasons

Whether inappropriate development

3. The appeal site is within the Green Belt. Amongst other matters, Policies KP1 and CP4 of the Southend-on-Sea Borough Council Core Strategy (CS) (2007) seek to maintain the function and open character of the Green Belt, recognising its ability to provide effective separation between Southend and neighbouring settlements.
4. Chapter 13 of the National Planning Policy Framework (the Framework) requires substantial weight to be given to any harm to the Green Belt, including harm to its openness, stating that inappropriate development should not be approved except in very special circumstances. The Framework does however outline several exceptions to inappropriate development at paragraphs 154 and 155.
5. Paragraph 154 b) of the Framework outlines that the provision of appropriate facilities, including buildings for outdoor sport and outdoor recreation (amongst other facilities) will not be inappropriate as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
6. The appeal scheme relates to the extension of the existing driving range building through two separate elements. The extension to the side of the building would provide a golf driving simulator machine to expand the golfing facilities within the site, whilst the extension to the rear of the building would create a café / bar area and associated facilities. Materials proposed would match the existing building.
7. Policy CP7 of the CS relates to sport, recreation and green space, stating that the Council will bring forward proposals that contribute to these facilities for the benefit of local residents and visitors. There is no dispute between the main parties that the proposal would constitute buildings for the purposes of outdoor sport and recreation. The Council has also not presented that the proposal would conflict with the purposes of including land within the Green Belt. Based on the evidence before me, I see no reason to reach a different judgement on these matters.
8. The only outstanding matter between the main parties as to whether the proposal could be considered as not inappropriate development against paragraph 154 b) of the Framework is in relation to the effect of the proposal on the openness of the Green Belt.
9. The existing driving range building is single storey in height with an elongated footprint broadly following a curved arrangement around the edge of the driving range complex. Most of the building is formed of a canopy roof (serving the individual bays) albeit there is an existing single storey hipped roof rear projection. Owing to the function of the building, the front is partially open, although the individual bays are enclosed at the rear.
10. The boundary of the driving range partially features raised grassed embankments with mature landscaping and a wire mesh fence around the perimeter. Consequently, the existing single storey building is a relatively discrete feature in the landscape, being visually appreciated mostly in close proximity to the building.

11. Whilst the proposed extensions would be marginally above the height of the existing building, they would maintain a single storey height. The rear extension would be discretely positioned behind existing driving bays. Whilst the side extension would hold greater prominence to the building, its footprint would be modest in extent in comparison to the existing building.
12. Planning Practice Guidance provides advice on the factors that can be taken into account when considering the potential impact of development on the openness of the Green Belt, with openness being capable of having both spatial and visual aspects. When taken purely in spatial terms, the proposed development would reduce the openness of the Green Belt by introducing built form where it currently does not exist. However, paragraph 154 b) of the Framework is explicit that facilities for sport and recreation can include buildings and therefore implicitly cannot be taken to block any, or all forms of additional building in the Green Belt.
13. The proposal would represent modestly proportioned extensions to an existing building. Whilst the proposal would increase the footprint and height of the building (albeit the latter only marginally), there would be little perceivable effect on the openness of the Green Belt in visual terms when compared to the effects established by the existing building. In this respect I find that the proposal would overall have a neutral effect on the openness of the Green Belt. Consequently, the proposal would not be inappropriate development when considered against paragraph 154 b) of the Framework.
14. Given my findings, it is not necessary for me to consider whether the proposal would represent a proportionate addition to the building or to consider the very special circumstances which have been presented in this case. Based on the above, I conclude that the proposal would not be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies, with particular regard to the effect of the proposal on the openness of the Green Belt. On this basis I have identified no conflict with Policies KP1 and CP4 of the CS or the provisions of the Framework.
15. I have also identified no direct conflict with Policy CP7 of the CS. In relation to this main issue, the Council also refused the application referring to Policies DM1 and DM3 of the Southend-on-Sea Borough Council Development Management Document (DMD) (2015). Policy DM1 of the DMD states amongst other matters that development should respect the character of the site including its local context and surroundings. In relation to alterations and additions to a building, Policy DM3 of the DMD requires proposals to successfully integrate with the existing building. Based on my assessment above, the proposal would comply with both Policies DM1 and DM3 of the DMD.

Sport and recreation

16. The appeal site is within the Garons Park designated protected green space for formal and informal recreation. The area surrounding the appeal site is formed of an extensive range of outdoor recreational and leisure facilities, including the driving range complex which forms the appeal site.
17. Policy CP7 of the CS in part states that all existing sport, recreation and green space facilities will be safeguarded from loss or displacement to other uses. The exception to this is where it can clearly be demonstrated that alternative facilities of a higher standard are being provided in at least an equally convenient and

accessible location to serve the same local community, and there would be no loss of amenity or environmental quality to that community.

18. The Council has assessed the proposal as a loss of protected green space for sport and recreation. The land where the extensions are proposed does not currently provide a specific function to the driving range complex and the Council has not explicitly outlined what it considers to be its value in respect to the appeal sites designation.
19. Elsewhere in the Officer report, the Council has accepted that the proposal relates to the provision of facilities for outdoor sport and recreation. The proposal would enhance existing facilities for sport and recreation and therefore it is not clear from the evidence before me how this would amount to a loss of protected green space for sport and recreation which would be resisted against Policy CP7 of the CS. I find that the proposal would have an acceptable effect on the provision of land designated for the purposes of sport and recreation and would therefore comply with Policy CP7 of the CS.

Other Matters

20. Foxhall Farmhouse is a Grade II listed building situated to the east of the appeal site, the significance of which is partially derived from its architectural value. I have had regard to the statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires special regard to be given to the desirability of preserving listed buildings including in respect to their setting. Given the scale of the proposed development, and the distance between the appeal site and the listed building (which is also intervened by the existing golf clubhouse), the proposal would preserve the setting of the listed asset, the significance of which would not be harmed.
21. Both of the main parties have referred to a supplementary planning document development brief for Garons Park. Nevertheless, I have not been provided with a full copy of this document and therefore I cannot be satisfied that it is of direct relevance to the appeal scheme before me.

Conditions

22. I have considered the conditions put forward by the Council, having regard to the six tests set out in paragraph 57 of the Framework. Where necessary I have amended the wording in the interests of precision and enforceability.
23. I shall impose a condition specifying the relevant drawings to provide certainty for all parties. A condition requiring details of refuse and recycling facilities is necessary in the interests of visual amenity. A condition is also necessary for materials to match those used on the existing building to maintain the character and appearance of the area.
24. A condition has been suggested in relation to the use of the proposed extension which is already implicit through the description of development. The wording goes on to recommend the removal of permitted development rights relating to a change of use. The reason given for this condition is to define the scope of the permission in the interests of residential amenities and environmental quality. Nevertheless, paragraph 57 of the Framework states that planning conditions should not be used to restrict national PD rights unless there is clear justification to do so. In this case

I am not persuaded that there is clear justification to impose this condition in order to make the development acceptable.

25. The Council has suggested various conditions relating to the hours of operation, hours of delivery, noise levels and submission of further details in relation to equipment such as air conditioning and ventilation. In all of these, the reason for the imposition of the condition is partially in relation to the protection of residential amenity. However, the appeal site is located a considerable distance from the nearest residential property. Given the scale of the development, and the context within which it would sit (i.e. the wider Garon Park development), I do not consider that these conditions are necessary to make the development acceptable. Matters such as noise and odour would if necessary be controlled by other regulatory bodies in any case.
26. Where Biodiversity Net Gain (BNG) is applicable, as would be the case here, the general biodiversity gain condition is deemed to apply to every planning permission granted. The condition is that the development may not be begun unless a Biodiversity Gain Plan (BGP) has been submitted to the planning authority and they have approved the plan. There is therefore no need for me to separately condition the submission of the BGP to secure the on-site BNG.

Conclusion

27. For the reasons given above, having regard to the development plan and all relevant material considerations, I conclude that the appeal should be allowed.

L Gardner

INSPECTOR