



Appeal Decision

Site visit made on 24 July 2018

by **Jillian Rann BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 August 2018

Appeal Ref: APP/M5450/W/18/3201017

Stanmore and Edgware Golf Centre, Brockley Hill, Stanmore HA7 4LR

- 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 Du Parcq (Jersey) Ltd against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1525/17, dated 31 March 2017, was refused by notice dated 30 January 2018.
 - The development proposed is conversion of driving range/golf shop and existing flat to form nine self-contained dwellings and erection of a replacement golf reception building.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of driving range/golf shop and existing flat to form nine self-contained dwellings and erection of a replacement golf reception building at Stanmore and Edgware Golf Centre, Brockley Hill, Stanmore HA7 4LR. The permission is granted in accordance with the terms of the application, Ref P/1525/17, dated 31 March 2017, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Du Parcq (Jersey) Ltd against the Council of the London Borough of Harrow. This application is the subject of a separate Decision.

Procedural Matters

3. The Council has confirmed that its decision was based on revised plans, and that these were the subject of public consultation. I am therefore satisfied that all parties have had the opportunity to comment, and that their interests would not be prejudiced by my considering the appeal on the basis of those revised drawings.
4. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018. I have given the main parties the opportunity to comment on this, and I have regard to further comments received.

Main Issues

5. The main issues are: whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any

relevant development plan policies; and the effect of the proposal on the availability of sports facilities in the area.

Reasons

Whether the proposal would be inappropriate development

6. Policy 7.16 of the London Plan, March 2016 (the London Plan) states that the strongest protection should be given to London's Green Belt, and that inappropriate development should be refused except in very special circumstances. Its aims are thus consistent with the Framework.
7. Paragraph 145 of the Framework regards the construction of new buildings as inappropriate development in the Green Belt, with exceptions which include:
 - the provision of appropriate facilities (in connection with the existing use of land) for outdoor sport; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it (bullet point b)).
 - the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building (bullet point c)); and
 - the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development (bullet point g));
8. Paragraph 146 of the Framework identifies other forms of development which are also not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. These include:
 - the re-use of buildings provided that the buildings are of permanent and substantial construction (bullet point d)); and
 - material changes in the use of land (bullet point e)).
9. Whilst the construction of new residential buildings in the Green Belt may be inappropriate development, the residential use of buildings in the Green Belt is not inappropriate *per se*, provided that it would fall within the exceptions specified in the Framework.
10. The golf centre occupies a two storey brick building with timber cladding, which has a number of driving range bays on two levels to the rear, with further bays extending outwards in single storey wings to either side of the main building. The driving range itself extends uphill from the rear of the building for some distance, and is enclosed by a high mesh fence, supported by metal lattice 'pylons' of some substantial width and height.
11. There is an external storage compound adjacent to one of the driving range wings, and a car park to the front of the building. On the evidence before me, there appears to be no disagreement between the parties that the golf centre building, together with its adjacent storage areas and car park, constitute previously developed land as defined in the Framework.

12. The existing golf centre building is of a permanent and substantial construction, and there is nothing before me to suggest that it is not structurally capable of conversion in its current form. The two single storey driving range wings would be demolished, and a number of alterations made to the remaining building, including the addition of a wall to enclose the remaining driving range bays. Two small balconies would also be added to the rear. The amount of floorspace created in this way would be negligible, and neither the balconies, nor any of the other alterations proposed, would constitute a disproportionate addition to the building. Indeed, when account is taken of the extent of demolition proposed, the overall footprint, volume and floorspace of the building would reduce significantly.
13. Whilst the proposed bin storage compound and cycle store would extend directly from the existing building, they would nonetheless comprise ancillary structures whose function would be clearly associated with the residential use of the building. These structures would be sited in different locations to existing containers and enclosed storage areas which are proposed to be removed. However, both would be relatively small structures, and would be located within areas currently used for either external storage or parking in association with the existing golf centre. A number of existing containers would be removed from this wider area, and the car park would be reduced in size, with a number of spaces removed and replaced with soft landscaping.
14. When taken together, the overall volume, footprint and floorspace of the balconies, bin store and cycle store would be significantly less than those of the two single storey wings and various other structures and containers which would be demolished or removed from the site. Taking account of this and the reduction in the size of the car park, the re-use of the building and redevelopment of previously developed land within the site would have significantly less effect on the openness of the Green Belt than the existing development. The development would therefore fall within the exceptions in bullet points c) and g) of paragraph 145, and bullet point d) of paragraph 146.
15. The replacement golf reception building is connected to outdoor sport and recreation, would be of an appropriate and proportionate size to cater for the remaining golf course use, and would be located within the curtilage of the existing golf centre and its external storage areas. It would therefore not result in any encroachment into surrounding open land and, even when taken together with the other new structures detailed above, would not have any greater effect on openness than the existing buildings on the site. The replacement golf reception building would therefore fall within the exception in bullet point b) of paragraph 145.
16. The removal of the high driving range fence, and the tall metal pylons which support it, would further enhance the openness of the Green Belt. Following the removal of the fence, most of the driving range land would be incorporated into the remaining golf course, as open space. The remaining area, to the rear of the golf centre building, would be enclosed by new tree and hedge planting to form a communal garden area for the proposed flats.
17. As the building would be occupied as flats, no permitted development rights would exist for outbuildings within this garden area. Some residential paraphernalia is to be expected. However, in view of the relatively limited area of garden proposed, such items would not have any greater effect on openness

than the high fence and pylons which surround the driving range at present. The change of use of this area to garden would therefore have no greater effect on openness, consistent with the requirements of bullet point e) of paragraph 146.

18. Overall, for the reasons given above, the proposed development would not have a greater effect on the openness of the Green Belt than the existing development on the site. There would therefore be no encroachment into the countryside, nor would the proposal conflict with any of the other purposes of including land within the Green Belt.
19. For the reasons given above, the proposal satisfies the relevant qualifying criteria of paragraphs 145 and 146 of the Framework. Consequently, the proposal would not constitute inappropriate development within the Green Belt, or conflict with the Green Belt protection aims of Policy 7.16 of the London Plan or the Framework. As the development is not inappropriate, there is no requirement for very special circumstances to be demonstrated in this instance.
20. I also have regard to emerging Policy G2 of the Draft London Plan, the aims of which are consistent with those of Policy 7.16 of the London Plan, in requiring that the Green Belt should be protected from inappropriate development and that development proposals that would harm the Green Belt should be refused.

Sports facilities

21. The development would involve the retention and continued operation of a sports facility from the site, albeit in a reduced form. The removal of the golf shop from the site would not have significant implications for the provision of outdoor sports facilities. The main issue under consideration therefore relates to the closure of the driving range.
22. My attention has been drawn to a number of nearby golf courses or centres which have a wider range of facilities than the appeal site. It appears from the limited information before me that the operation of the appeal site has been affected by its somewhat narrower range of facilities in comparison, and by a general downturn in golf activity and spending. The appellant states that for the centre to maintain the current level of provision would require a significant expansion of the facilities, and thus of the built development on the site, and I have nothing before me to suggest that this would not be the case.
23. A number of the nearby facilities referred to, all of which are within around 6.5km of the site, have driving ranges. These are not within walking distance, as referred to in Policy DM 47 of the Harrow Development Management Policies Document (the DMP). However, given the particular nature of golf in terms of the amount of equipment required, I find it unlikely that most participants would walk to such a facility. I have no evidence before me to suggest that the local area is otherwise deficient in sports facilities. Therefore I cannot conclude that a reduction in the level of provision at the appeal site as proposed would have significant implications for the availability of sports facilities in the area.
24. The proposal would therefore not conflict with Policy CS 1(G.) of the Harrow Core Strategy or Policy DM 47 of the DMP. Amongst other things, these policies aim to support public access to sports facilities, and state that the loss of an existing sport facility will be permitted if there is no longer a need for that facility, or there are adequate similar facilities which offer equivalent provision.

Other Matters

25. The wider appeal site includes the remains of part of a Roman road and roadside ditch. However, I am satisfied from the submission from the Greater London Archaeological Advisory Service that the proposed development would not affect this archaeological site.

Conditions

26. I have considered the conditions suggested in the Council's report, having regard to the tests in the Planning Practice Guidance. I have amended the wording of some conditions for clarity and preciseness.
27. I attach a condition specifying the approved plans, for certainty.
28. I attach a condition requiring the approval of foul and surface water drainage details, to ensure satisfactory provision. Given the sensitive nature of the proposed use, I also attach conditions requiring the assessment and remediation of any land contamination. As such works are likely to take place in advance of other operations, pre-commencement conditions are necessary.
29. To ensure that the proposals do not adversely affect any protected species, and that biodiversity is maintained and enhanced, I attach conditions requiring the implementation of appropriate mitigation and enhancement measures, as recommended in the appellant's Ecological Assessment.
30. I attach conditions relating to materials and landscaping details, to preserve the character and appearance of the site and its surroundings. I also include a condition requiring the submission and implementation of a sustainability and energy statement, to minimise CO₂ emissions and energy use.
31. I attach a condition requiring the provision of the bins compound, in the interests of character and appearance. However, as there is nothing in the evidence before me to suggest that residents and operators of the golf course would not use the bins compound on non-collection days, a further condition requiring them to do so is unnecessary.
32. As my finding that the development is not inappropriate is based on the removal of several existing structures and areas of car parking, I attach a condition requiring their removal. Although the Council's suggested condition relates only to the removal of the driving range fence, the appellant's case is based on the clear premise that the other structures listed would also be removed, and it is clear that this is part and parcel of the scheme as a whole.
33. I attach a condition requiring the retention of an appropriate level of parking for the flats and remaining golf course, in the interests of the safe and efficient operation of the highway. Conditions requiring the provision of electric vehicle charging facilities and cycle parking are necessary, to promote the use of sustainable travel among residents and customers. However, given the small scale of the residential use, and the reduction in the scale of the golf centre, I do not consider a requirement for a Travel Plan Statement to be necessary.
34. As the site is at risk of surface water flooding, I attach conditions requiring flood resistance and resilience measures as part of the development, and the dissemination of a flood evacuation plan to all future occupants.

35. As some rooms in the flats would be served only by rooflights, I attach a condition requiring rooflights to be openable, to ensure effective ventilation.
36. The Council has suggested a condition restricting the hours of operation of the golf course to between 8.00am and 10.00pm. However, I have no substantive evidence before me to suggest that the retained 9-hole golf course would generate significant numbers of customers, or a significant degree of noise and disturbance, outside of these hours. Furthermore, as the golf course is an existing use, its presence and extent would be evident to anyone moving into the proposed flats. The imposition of such a restriction on the existing golf course would therefore be neither necessary nor reasonable in this instance.

Conclusion

37. For the reasons given above, and having regard to all other matters raised, the appeal is allowed.

Jillian Rann
INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Existing Plans drawing 568 1 D
 - Existing Plans drawing 568 2
 - Existing Elevations drawing 568 3
 - Proposed Plans drawing 568 4 E
 - Proposed Plans drawing 568 5 B
 - Proposed Elevations drawing 568 6 D
 - Proposed Plans drawing 568 7 B
 - Existing Levels drawing 568 8 A
 - Sections drawing 568 9 A
- 3) No development shall commence, other than demolition, until a scheme for foul and surface water drainage for the development has been submitted to and approved in writing by the local planning authority. The drainage shall be carried out in accordance with the approved details, before any of the flats or the replacement golf reception building hereby approved are first occupied, and shall be retained as such thereafter.
- 4) No development shall commence until an assessment of the risks posed by any contamination within the site has been submitted to and approved in writing by the local planning authority. The risk assessment shall include:
 - i) a survey of the extent, scale and nature of contamination;
 - ii) the potential risks to: human health; property (existing or proposed) including buildings, pets and service lines and pipes; adjoining land; ground waters and surface waters; ecological systems; and archaeological sites and ancient monuments.
- 5) No development shall take place where land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The approved remediation scheme shall be carried out and, upon completion, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority, before any of the flats hereby approved is occupied.
- 6) The development shall be carried out in accordance with the mitigation and enhancement strategies specified in Section 4 of the Ecological Assessment, document reference R01- Ecological Assessment-Rev 02, produced by Turnstone Ecology, issue date 02 November 2017. Any enhancement features specified therein shall be carried out in accordance with details which shall first be submitted to and approved in writing by the local planning authority, and before any part of the development is first occupied. Such features shall thereafter be retained.
- 7) No works on the existing golf centre building, other than demolition, shall commence until a Sustainability and Energy Strategy has been submitted to and approved in writing by the local planning authority. Any works thereby approved shall be completed prior to the first occupation of any of the flats or the replacement golf reception building, and retained thereafter.

- 8) With the exception of any balconies, the materials used in the construction of the external surfaces of the replacement golf reception building, and in the construction or alteration of external surfaces to the retained building, shall match those used in the existing golf centre building.
- 9) No part of the development shall be occupied until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The details shall include a programme and timetable for the carrying out of all hard and soft landscaping works. The landscaping shall be carried out and completed in accordance with the details and programme thereby approved, and retained as such thereafter. Any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10) No part of the development shall be occupied or brought into use until the bins compound has been provided in accordance with the details on the approved plans. The compound shall thereafter be retained.
- 11) No part of the development shall be occupied or brought into use until all of the following structures have been completely demolished and/or removed, in accordance with the approved plans:
 - The two single storey wings of driving range bays indicated with dotted lines and annotated as 'wing removed' on drawing 568 4 E;
 - All parts of the driving range safety fencing shown with a dotted line on drawing 568 4 E, including all metal support pylons and any other support structures;
 - The three containers marked as 1, 2 and 3 on drawing 568 2;
 - All external floodlights from the roof and /or rear elevation of the existing golf centre building.
- 12) No part of the development shall be occupied or brought into use until the car park has been laid out in accordance with the block plan on drawing 568 4 E, including the removal of the existing area of hard surfacing between the areas of parking marked 'golf' and 'residential', and its replacement with soft landscaping. A maximum of 60 spaces shall be retained on the site for the lifetime of the use, of which 14 shall be allocated for residential use, and 46 shall be allocated for the remaining golf centre.
- 13) No part of the development shall be occupied or brought into use until the cycle store and electric vehicle charging points have been provided in accordance with the details on the approved plans. The cycle store and electric vehicle charging points shall thereafter be retained.
- 14) The dwellings hereby approved shall incorporate flood resistance and resilience measures, in accordance with the details in the Flood Risk Assessment and Surface Water Strategy Report, produced by Innervision Design and dated October 2017. No dwelling shall be occupied until the necessary measures for that dwelling have been installed and completed.
- 15) No dwelling shall be occupied until a Flood Evacuation Plan for the development has been submitted to and approved in writing, together with details of how the plan shall be disseminated and brought to the attention of any future occupants of the dwellings. The development shall thereafter be occupied and managed in accordance with the details thereby approved.

- 16) All rooflights shall be openable, and shall be retained as such thereafter.