



**The Club Company (UK) Ltd**

***Redevelopment of existing covered and uncovered 23 bay driving range to provide 30 covered driving range bays, together with reception and parking area for range ball collection buggy; and erection of length of 10 m high golf safety netting***

**The Warwickshire Hotel and Country Club  
Warwick Road  
Leek Wootton  
Warwickshire  
CV35 7QT**

**May 2022**

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**Appendix A: Appeal decision re land west of Edgwarebury Farm House, Edgware**

# 1 INTRODUCTION

- 1.1 This Joint Planning, Design and Access and Green Belt Statement accompanies the planning application by The Club Company Ltd for the *“redevelopment of existing covered and uncovered 23 bay driving range to provide 30 covered driving range bays, together with reception and parking area for range ball collection buggy; and erection of length of 10 m high golf safety netting”* at The Warwickshire Hotel and Country Club, Warwick Road, Leek Wootton, Warwickshire, CV35 7QT.
- 1.2 Our Statement consists of the following sections:
- this section which sets out the background to the application and describes the proposed development;
  - Section 2 which sets out the relevant planning policy context;
  - Section 3 which considers the potential landscape impact of the proposal;
  - Section 4 which considers the compatibility of the proposal with Green Belt planning policy;
  - Section 5 which considers the economic benefits of the proposed development; and
  - Section 6 which sets out our conclusions.
- 1.3 As well as a detailed set of drawings, the application is also accompanied by:
- a Landscape and Visual Appraisal prepared by Hankinson Duckett Associates (HDA);
  - a Preliminary Ecological Assessment report prepared by HDA;
  - a tree survey report and arboricultural impact assessment, also prepared by HDA; and
  - a Lighting Impact Report, prepared by Midland Lighting Solutions Ltd.
- 1.4 The above reports confirm that there are no landscape, arboricultural, ecological or lighting concerns which should prevent planning permission being granted for the proposed development.

## **Background to the current application**

- 1.5 The Warwickshire Hotel and Golf Club has developed into one of the leading leisure destinations within the region.

- 1.6 The Club lies at the southern end of Leek Wootton and comprises an impressive health and fitness facility and 56-bed hotel sited, together with two championship standard 18 hole golf courses.
- 1.7 The golf courses are centred around the golf centre which is sited approximately 700 metres south-west of the hotel and leisure centre and is accessed by a pleasant road which winds through the attractive landscaped course.
- 1.8 Whilst the Club's owner, The Club Company, has invested heavily in the hotel development and improvements to the health and fitness centre, new investment is needed in its golf offer if The Warwickshire is to maintain and build upon its position as a prestige golfing venue capable of hosting leading competitions and providing the latest facilities to its members and visitors.
- 1.9 The main area in need of upgrading is the existing driving range, sited on the western side of the car park to the club house. The driving range currently comprises nine covered bays with floodlighting, constructed from timber with corrugated sheeted roof, and 15 uncovered stages sited at a higher level immediately adjacent to the north. These two elements of the existing driving range are shown in Photographs 1 and 2 below.

**Photograph 1: Covered driving bays**



## Photograph 2: Uncovered driving range



- 1.10 As the majority of the driving range is uncovered and open to the elements, its ability to offer all year round use is limited. It also means that the Club cannot offer the latest innovation in golf, this being the use of 'Toptracer' technology. Toptracer is the use of ball tracking technology to trace the flight path of golf balls and provide data such as distance and arc. The aim of Toptracer is to make golf practice more enjoyable and interesting and to encourage greater group and family involvement as they can have a 'shared experience'.
- 1.11 To give an idea of its operation, Photograph 3 on the next page shows a Toptracer range in operation.
- 1.12 Toptracer has now been installed within over 100 courses within the country and is increasingly becoming a standard expectation for leading golf venues. However, the required monitors and technology means that it can only be used within a covered range bays which offer a degree of weather protection.
- 1.13 The current application therefore proposes 30 covered bays which can incorporate Toptracer technology and achieve a step-change in the level of golfing facilities at The Warwickshire.

**Photograph 3: Toptracer driving range in operation**



### **The proposed development**

- 1.14 The application proposes the demolition and replacement of the existing driving range with a new structure which would be single-storey where it replaces existing uncovered driving range bays, and two-tier where it replaces the existing driving range building at the lower level.
- 1.15 The two areas would be connected by a reception area where ball payment is taken and balls are issued. This area also includes a parking area for a range ball collection buggy which is necessary for the efficient function of the range. This central element would include a staircase to connect the lower and upper areas.
- 1.16 The two-tier element would be 7.4 m from floor to the roof fascia whereas the single-storey bays would have a height of 3.4 m.
- 1.17 The difference in levels between the covered and uncovered elements of the existing driving range means that at its highest point the upper tier of the proposed two-storey element would be only 1.5 m higher than the top of the single-storey covered bays to the north. The new range would therefore appear as a unified and visually cohesive structure, most clearly seen within the elevations shown in submitted drawing 11A Proposed Elevations.
- 1.18 In addition, the single-storey bays within the northern part of the site would be set down approximately 0.6 m from existing site level in order to minimise visual impact.
- 1.19 Significant new planting is also proposed within the grassed earth bank sited between the existing car park and the new single-storey range structure.

- 1.20 The two-tier element would be very well screened by existing mature trees, with the single-storey structure also being well screened by higher land to the north. Importantly, the roof level of both elements of the range building would be below or at a similar level to the adjacent retained tree group which would continue to function as a backdrop to the site in views from the north-west and screen or filter views of the site from views to the south and south-east.
- 1.21 The submitted arboricultural report confirms that the footprint of the new range building will not encroach into the root protection area of any of the existing trees and that there are no arboricultural constraints to the proposed development.
- 1.22 HDA's Landscape and Visual Appraisal which accompanies the application confirms that:
- "In summary, the proposed development has regard for landscape related policy and over time would have a minor beneficial effect on landscape features and a very limited effect on landscape character and views"*
- (see paragraph 9.4)
- 1.23 A total of 30 covered driving bays would be provided, comprising 15 bays within the proposed two tiers at the lower level and a single tier of 15 bays at the higher level. All bays would incorporate the Toptracer technology and would seek to promote use by groups and families. To allow for Toptracer, the proposal requires nine specifically designed floodlights which would have a lower wattage and be more targeted than the existing lighting. The specialist lighting impact report submitted as part of the application confirms that the proposed lighting will provide similar results to the existing situation, and the HDA ecology report confirms that there would be no associated adverse impact on local wildlife.
- 1.24 The range structure would use a palette of materials which would reflect the rural aesthetic, being predominantly constructed from matt black stained shiplap timber boarding, with olive green profiled metal roof sheeting. Matt black aluminium rainwater goods are proposed.
- 1.25 Small areas of red / brown facing brick would be used to frame the entrance within the eastern elevation and to support the staircase and path to the single-storey range on the higher ground.
- 1.26 The range would operate from 8:00 – 10 pm, Monday to Friday and 8:00 to 9pm over weekends.
- 1.27 The application also proposes the erection of a 90 metre length of golf safety netting to prevent danger from wayward balls. The proposed netting would be 10 m high and be sited along the northern side of the range in order to provide protection to players of the adjacent holes. The netting would be fixed to a number galvanised latticework supports, as indicated within the submitted specification sheet. Such safety netting is a common feature adjacent to ranges and within golf courses.

## 2 RELEVANT PLANNING POLICY

### National planning policy

- 2.1 The National Planning Policy Framework (NPPF) highlights the role of the planning system in building a strong, competitive economy, with paragraph 81 of the Framework noting that:

*“Significant weight should be placed on the need to support local economic growth.”*

- 2.2 The Framework also emphasises the need to support the rural economy, with paragraph 84 requiring that planning decisions should enable:

- a) *the sustainable growth and expansion of all types of business in rural areas both through the conversion of existing buildings and well-designed new buildings;*
- b) *the development and diversification of agricultural and other land-based rural businesses;*
- c) *sustainable rural tourism and leisure developments which respect the character of the countryside.”*

- 2.3 As The Warwickshire lies within an area of ‘washed over’ Green Belt, the Framework’s provisions in relation to new building within Green Belt are obviously highly relevant. Paragraph 149 of the Framework states that the construction of new buildings within the Green Belt should be regarded as *‘inappropriate’* unless it falls within a limited number of exception categories, including:

*“b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments: as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;” (HTP underlining)*

- 2.4 It should be noted that the provisions of paragraph 149 of the NPPF represent a significant loosening of the wording contained within the preceding Planning Policy Guidance (PPG) Note 2: *‘Green Belts’*. PPG 2 stated that to be acceptable, new buildings for outdoor recreation had to be *“essential”* for outdoor sport or recreation. The NPPF requirement is now the lesser test of whether the proposed building is merely *“appropriate”*.

- 2.5 The NPPF also stresses the need to promote recreational access to Green Belts, with paragraph 145 of the Framework requiring that:



*“Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation;”*

- 2.6 If proposed development within the Green Belt falls outside any of the identified exception categories, the Framework requires ‘*very special circumstances*’ to exist to justify the development, stating that such circumstances will not exist *“unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”*.

## **Local planning guidance**

### ***Warwick District Local Plan 2011-2029 (2017)***

- 2.7 The adopted local plan covering the application site is the Warwick District Local Plan 2011-2029. Relevant policies within the Local Plan include:
- Policy DS 18 ‘*Green Belt*’ which confirms that the Council *“will apply national planning policy to proposals within the Green Belt”*.
  - Policy CT 4 ‘*Extensions to Tourism, Cultural or Leisure Facilities in Rural Areas*’ which states that *“extensions to or intensification of tourism, cultural or leisure facilities in rural areas will be permitted”*, provided that the uses are genuinely ancillary, do not generate significant volumes of additional traffic, and do not harm the character of the area.
  - Policy PC 0 ‘*Prosperous Communities*’ which states that the Council will support economic development to support a vibrant and thriving economy and
    - “f) to support major sites in the District that play a key role in the economy;*
    - g) to protect and support a strong tourism sector;*
    - h) support the important role that culture and leisure assets play in our communities and economy;”*
  - Policy HS 1 ‘*Healthy, Safe and Inclusive Communities*’ which confirms that support will be given to proposals that *“seek to encourage healthy lifestyles by providing opportunities for formal and informal physical activity, exercise, recreation and play”*.
  - Policy HS 6 ‘*Creating Healthy Communities*’ which states that development proposals will be permitted provided that they provide health benefits including *“opportunities for incidental healthy exercise”*; *“opportunities for people to interact”*, and *“access to opportunities to partake in indoor and outdoor sport and recreation”*.

- Policy NE 4 '*Landscape*', the purpose of which is to ensure that significant landscape features are protected from harm.

### **Leek Wootton Neighbourhood Plan**

- 2.8 The village of Leek Wootton has a Neighbourhood Plan in place which was 'made' (i.e. adopted) in 2018. The Plan sets out the priorities of the local community for development within the Leek Wootton area and identifies various objectives, including protecting the natural environment and supporting the expansion of businesses within the community (Objective 6). The Neighbourhood Plan does not contain any specific policy or reference to facilities at The Warwickshire.
- 2.9 Map 6 of the Neighbourhood Plan identifies several 'Important Views' within the Parish, none of which relate to land at The Warwickshire.
- 2.10 In preparing the current application, representatives from The Warwickshire have met with members of the Parish Council to explain the proposed driving range development and give opportunity for feedback.

### **Summary**

- 2.11 National planning policy seeks to promote opportunities for outdoor recreation, with planning policy confirming that the construction of new buildings and structures which provide 'appropriate facilities' for outdoor sport and recreation are acceptable in principle within the Green Belt, subject to a detailed assessment of impact on openness and relationship with the purposes of Green Belt designation.
- 2.12 National planning policy also emphasises the need to support rural economic growth and to develop land-based rural businesses and encourage rural tourism and leisure developments.
- 2.13 At the local level, the Council's Local Plan seeks to follow national Green Belt planning policy and also includes a raft of policies which seek to support existing leisure and tourism facilities and which increase participation in sport and recreation and healthy activity.

### 3 POTENTIAL LANDSCAPE IMPACT

- 3.1 The planning application is accompanied by a detailed Landscape and Visual Appraisal prepared by Hankinson Duckett Associates (HDA). The Appraisal assesses the baseline and predicted landscape and visual sensitivity of the site to the proposed development and includes an extensive suite of supporting photographs. Whilst we refer the reader to the detailed report, we nonetheless consider it useful to summarising its key conclusions, as set out below. All underlining is HTP's for emphasis.

#### ***Baseline landscape sensitivity***

- 3.2 In terms of baseline landscape sensitivity, HDA assesses the landscape characteristics of the existing site as follows:

*"The small site currently consists of mown grass, a small area of ornamental shrubs, and hard standing with a single storey building and uncovered driving range bays. In landscape terms these features are of low value and susceptibility, and therefore the site itself is considered to have low landscape sensitivity"* (paragraph 4.3.4)

and

*"The landscape surrounding the site consists of extensive golf courses. This is an artificial, manipulated landscape with typical features characteristic of this type of land use. The susceptibility of the existing golf course to small scale golf related development is therefore low"* (paragraph 4.3.6)

#### ***Baseline visual sensitivity***

- 3.3 HDA undertook a visual appraisal of the site from public footpaths and roads. The Appraisal concludes that due to a combination of surrounding woodland, tree cover and undulating landform within the golf courses, only very limited public views of the range are visible. The report confirms that:

*"the site is not visible from the majority of surrounding public vantage points. Public views of the site are restricted to open views from a length of the adjacent public footpath, which reduce to glimpses further from the site"* (paragraph 5.2.2)

and

*"there is no view of the site along Centenary Way or Millennium Way due to boundary vegetation along the eastern edge of the route and that intervening vegetation and topography prevents views of the site from footpaths to the south of the golf course."* (paragraph 5.2.7)

3.4 The public footpath referred to in paragraph 5.2.2 of the Appraisal is path 208/W223/1 which passes between the existing driving range and adjacent car park, before continuing on through the course and joining Centenary Way. The path is shown within drawing HDA 4 of the Appraisal. However, views from this path are experienced within the context of the adjacent existing driving range, the existing extensive car park, hardstanding and paths, the nearby maintenance hut and the complex of buildings including the clubhouse. The report also notes that this path appears to be very infrequently used by walkers.

3.5 In terms of private views, the Appraisal confirms that:

“Topography, vegetation and buildings combine to obscure the site from surrounding properties. There are no views of the site from the nearby Grade II listed North Woodloes Farmhouse due to the orientation of its windows and adjacent intervening structures. Similarly, there is no view of the site from the Club House. At greater distance, intervening vegetation on undulating topography, and the Club House complex of buildings obscure the site in views from the Health Centre, The Hayes and properties near the entrance to the golf courses.

A combination of vegetation, topography and buildings obscure the site from other properties within the locality, including all listed buildings, Leek Wootton conservation area and the built up areas of Leek Wootton and Warwick.” (paragraphs 5.2.10 and 11)

#### **Predicted landscape effects**

3.6 The Appraisal advises that once the new range structure is ‘in-situ’:

“proposed tree shrub planting would have established, more than compensating for the initial loss of shrubs and grass, and the health of the adjacent tree group would have improved through enhanced management. There would be a minor improvement in general landscape structure and the proposed redevelopment would have a beneficial effect on the landscape of the site itself and the adjacent boundary features 10 years after completion” (paragraph 7.2.4)

and

“the proposed redevelopment of the site would have a negligible effect on the character of the landscape surrounding the site and no discernible effect on the wider landscape character” (paragraph 7.2.5)

#### **Predicted visual effects**

3.7 In relation to predicted visual effects resulting from the new range structure the Appraisal comments that:

*“The roof level of both portions of the proposed driving range structure would be below or at a similar level to the adjacent retained tree group which would continue to act as a backdrop to the site in views from the north-west and screen or filter views of the site from views to the south and south-east. The proposed redevelopment would be seen in context with the existing golf course, including maintenance shed, large car park and the complex of buildings which include the Club House. The driving range structure would not appear incongruous within the existing ‘designed’ landscape, and as such would have a limited effect on the general experience of walkers as they pass through the golf course.”*

*(paragraph 7.3.3)*

3.8 The report concludes that:

*“The proposed driving range structure would have a limited visual envelope, with discernible views limited to nearby vantage points within the existing golf course. The proposed design responds sensitively to site levels, and where visible built form would appear consistent with its context within the golf course and would soften over time by planting”*

*In summary, the proposed development has regard for landscape related policy and over time would have a minor beneficial effect on landscape features, and a very limited effect on landscape character and views” (paragraphs 9.3 and 9.4)*

3.9 In summary, therefore, the Appraisal concludes that the range would not result in any material harm to the landscape due to the discreet siting of the proposed structure, the adjacent tree screening and the sensible use of land levels.

3.10 A further consideration in relation to landscape impact is the need to assess the degree of harm which might result from the proposed floodlighting associated with the development. The application proposes the same number of lights as the existing covered range but spread across a wider area. However, the new lights would have a significantly lower wattage than the existing and would be fitted with shrouds and cowls to limit the spread of light. The specialist report prepared by Midland Lighting Solutions (MLS) confirms that:

*“In our opinion and as observed at our night-time survey, the results will be comparable to the existing system”*

3.11 There is therefore no reason why the use of the proposed lighting would result in any visual or landscape impact greater than use of the existing range.

3.12 The potential impact of the lighting has also been considered within the submitted Preliminary Ecological Appraisal. MLS undertook a joint site visit with the ecologists and identified only a single tree within the vicinity as having potential for bat activity. The forecast increase in lighting at this specific tree has been assessed by the ecologist as being acceptable. Further details are set out in HDA’s submitted ecological report. The proposal is therefore not constrained by ecological considerations.

## 4 COMPATIBILITY WITH GREEN BELT PLANNING POLICY

4.1 As noted in Section 2, part b) of paragraph 149 of the NPPF supports the provision of ‘*appropriate*’ facilities for outdoor sport and recreation, subject to a requirement to “*preserve the openness of the Green Belt*” and not to “*conflict with the purposes of including land within it*”.

4.2 A golf course is clearly an outdoor sport and recreational facility and driving ranges are integral to the pursuit and enjoyment of the game. Driving ranges cannot be operated in anything other than a countryside location and in the case of The Warwickshire cannot be located in a non-Green Belt location. We therefore consider that the principle of the application proposal to be acceptable, subject to the required assessment of openness and compatibility with the purposes of Green Belt designation. We consider these aspects below:

### Impact on openness

4.3 The proposed driving range is to be sited on the footprint of the existing range facility and any impact on openness would be mitigated by:

- the sensible use of existing difference in land levels,
- the significant screening effect of the retained and enhanced adjacent tree screen,
- the setting down of the single-storey range element,
- the planting of a new landscape area between the range and car park,
- the undulating topography and wooded areas of the adjacent course, and
- the lack of visibility from footpaths within the wider vicinity.

4.4 The issue of impact on openness also has overlapping considerations with the issue of visual and landscape impact. This matter is comprehensively addressed in the submitted Landscape and Visual Appraisal report prepared by HDA and summarised in Section 3 of this Statement. In summary, the Appraisal concludes that the proposed driving range structure would have a limited visual envelope and over time would have “*a minor beneficial effect on landscape features, and a very limited effect on landscape character and views*”. In specific relation to Green Belt impact, paragraph 8.2.1 of the Appraisal concludes that:

*“The proposed structure would be adjacent to an existing tree group and set down in the landscape when view from the north, and would not significantly reduce the degree of openness afforded to the Green Belt by the existing golf course.” (HTP emphasis)*

4.5 We therefore consider that the proposed range structure would not result in an unacceptable impact on the openness of the Green Belt in this location.

4.6 Notwithstanding the above, all new buildings by definition have an impact on openness, meaning that a proportionate interpretation of the NPPF wording is required. Leading case law confirms that a broad view of the impact of openness is required and that a degree of impact on openness is explicitly already taken into account in the paragraph 149 exceptions set out in the NPPF. Paragraphs 17 and 20 of the Judgement in the case of *Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council [2016] EWCA Civ 404* state:

*“I think it is quite clear that buildings for agriculture and forestry and other development that is not ‘inappropriate’ in the Green Belt, are not to be regarded as harmful to either the openness of the Green Belt or to the purposes of including land in the Green Belt” (HTP underlining)*

and

*“But under NPPF policy, the physical presence of such buildings in the Green Belt is not, in itself, regarded as harmful to the openness of the Green Belt or to the purposes of including land in the Green Belt. This is not a matter of planning judgement. It is simply a matter of policy.”*

4.7 The issue of the impact of golfing facilities on the openness of the Green Belt was considered in an appeal against the refusal of planning permission for new clubhouse at a golf club in Edgware within the London Metropolitan Green Belt. In allowing the appeal and concluding that the proposed clubhouse was not an ‘inappropriate’ form of development, the Planning Inspector in the Edgware case concluded that:

*“Paragraph 89 of the NPPF refers to, at the second bullet point to “appropriate facilities for outdoor sport”. Case law has interpreted facilities as meaning buildings by reference to the first sentence of paragraph 89. In respect of golf a clubhouse would be regarded as intrinsic and as such its purpose would be core to the experience of participating in this outdoor sport. Accordingly, and in applying the judgement in *Europa Oil*, I share the view of the appellant that a broader interpretation of the preservation of openness would be required” (paragraph 23).*

*In any event, the *Boot* judgment does not unseat leading case law on inappropriateness by reference to openness, notably in *Europa Oil and Gas*, as recently endorsed in the *Lee Valley Regional Park Authority* case. As this case law affirms that the physical presence of development in Green Belt is not in itself harmful to the openness of Green Belt within the parameters of paragraphs 89 and 90 of the NPPF and nor is it*

inimical to the fundamental aim of Green Belt to keep land permanently open.

*This was reaffirmed in the very recent High Court judgment in North Yorkshire which specifically considered that the Europa approach does not fall foul of Boot in that it does not necessarily follow (in applying judgement) that an adverse spatial or visual impact is to be translated as meaning harm (not preserving) to openness.*

Accordingly, openness is a concept that needs to be refracted through the lens of the intricacies of being a “particular type of development” as well as more implicit considerations such as scale, volume, visibility and location. As such it remains for a decision-maker to take a more rounded assessment of openness in the context of paragraphs 89 and 90 of the NPPF.”

(paragraphs 43 and 44, HTP underlining)

(Whilst references to NPPF paragraph numbers relate to the 2012 NPPF, the wording of the relevant paragraphs remains unchanged from that set out in the current 2021 Framework)

- 4.8 The Inspector therefore confirmed that a broad interpretation of the term openness must be taken when considering the impact of facilities for outdoor sport and recreation. A copy of the Inspector’s decision is set out at Appendix A.
- 4.9 The Inspector’s view is supported by the approval of larger greenkeeper buildings within Green Belt locations. Such large structures undoubtedly must have an impact on openness but such impact cannot be avoided if golf courses are to function. A recent example of approval of a 339 sq. m greenkeepers’ building is at Stratford Oaks Golf Course within Stratford-on-Avon District, application reference 21/01516/FUL.
- 4.10 Therefore, taking into account site-specific considerations, the conclusions of the Landscape and Visual Appraisal and the need to take a rounded assessment of openness within the context of the need to deliver paragraph 149 b) sport and recreational facilities, we consider that the proposal would not have an unacceptable impact on the openness of the Green Belt.

### **Relationship with the purposes of Green Belt designation**

- 4.11 The wording of paragraph 149 b) also requires new development not to “conflict with the purposes of including land” within the Green Belt. These purposes are:
- to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring towns merging into another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and



- to assist in urban regeneration, by encouraging the recycling of derelict and other land.

4.12 The proposed driving range would not materially conflict with any of these purposes, as set out in Section 2, as the new structure:

- would not result in the sprawl of a large built-up area;
- would not threaten the merging of towns;
- would not materially encroach on the countryside as the application site is already in use as a driving range, set within the manufactured landscaped setting of a golf course, including an adjacent extensive car park, maintenance hut, hardstanding and paths, covered driving range, matting and bay separators.
- would not affect the setting of a historic town or undermine any urban regeneration.

4.13 The proposal would, however, facilitate the enjoyment of the Green Belt for outdoor recreation, in accordance with the objectives of NPPF paragraph 141 which requires planning authorities to “*plan positively*” for the recreational enjoyment of Green Belts.

4.14 The lack of conflict with the purposes of Green Belt designation is also endorsed by HDA’s Landscape and Visual Appraisal. Paragraphs 8.2.1 and 9.1 of the Appraisal conclude that:

*“The proposals would be consistent with the existing golf course and would not harm the function of the Green Belt in preventing sprawl of built-up areas and the merging of towns, and safeguarding the countryside from encroachment. The proposals would not affect the landscape setting to the conservation area and would be a redevelopment of an existing land use, in line with the purposes of the Green Belt as set out in the Framework”*

and

*“The proposed redevelopment of the site would have no material effect on the five purposes of the Green Belt or on the landscape setting of listed buildings and Leek Wootton conservation area, and no impact on ancient woodland.*

4.15 In conclusion, therefore, we consider that the proposal represents an appropriate form of development within the Green Belt and one which would not have an unacceptable impact on the openness of the Green Belt, nor conflict with the purposes of Green Belt designation.

## 5 PLANNING POLICY SUPPORT FOR LOCAL BUSINESS

- 5.1 In addition to design, landscape and Green Belt considerations, it is important that the planning authority attaches appropriate weight to the strong national and local planning policy support for development promoting rural businesses, leisure and tourism and physical activity.
- 5.2 The weight of national and local planning policy support is set out at Section 2 and is summarised below:
- Paragraph 81 of the NPPF requires that “*significant weight*” should be placed on the need to support local economic growth.
  - Paragraph 84 of the NPPF requires that planning decisions should support the growth and expansion of all types of businesses in rural areas, including land-based rural businesses and tourism and leisure developments.
  - Paragraph 145 of the NPPF requires planning authorities to “*plan positively*” to provide opportunities for outdoor sport and recreation.
  - Local Plan Policy CT 4 which states that the intensification of tourism and leisure facilities within rural areas will be encouraged.
  - Policy PC 0 which states that the Council will *support “major sites in the District that play a key role in the economy”*.
  - Policy HS 1 which expresses support for new development that seeks to encourage healthy lifestyles, including “*providing opportunities for formal and informal physical activity, exercise, recreation and play*”.
  - Policy HS 6 which states that development proposals will be permitted if they provide health benefits, including “*access to opportunities to partake in indoor and outdoor sport and recreation*”.
- 5.3 The proposed improved range facility will not only be appreciated by members but will also help increase the number of golfing break visits at The Warwickshire Hotel. As well as playing golf, guests visit the surrounding area to eat and drink and visit other attractions, including towns such as Warwick and Leamington. The improved facilities will therefore help tourism and economic development within the locality.
- 5.4 In addition, the new range will result in increased employment. The Club Company advises that a minimum of six additional jobs are likely to be created, comprising two more golf rangers, three front of house staff and one additional greenkeeper.
- 5.5 If the new range is not built then the facilities at The Warwickshire will not reflect the intended reputation of this leading venue and, turnover will be likely to decrease in the face of increased competition.

- 5.6 The wide-ranging economic benefits of the proposed new range and compatibility with a swathe of national and local planning policy need to be taken into account when the issue of 'appropriateness' and 'impact' are assessed. The range of planning policy support is a significant material consideration in support of the application and, if necessary, should constitute 'very special circumstances' in support should the planning authority consider that the application proposal was somehow contrary to Green Belt planning policy.

## 6 CONCLUSION

6.1 We therefore conclude that:

- The proposed driving range would be constructed on the site of the existing range and would be constructed from black stained timber boarding and olive green roof in order respect the rural character of the area and to minimise landscape impact.
- The proposed driving range is intrinsic to the future of the golf club, allowing for the use of Toptracer technology and increasing its ability to attract high level sportsmen and women and also groups and families. Without the new range, the Club will struggle to meet the needs and expectations of its members and fulfil its role as a leading leisure attraction within Warwick District and the wider area.
- The range is therefore an ‘appropriate’ facility for an outdoor recreation and sporting use which the NPPF confirms is an appropriate form of development, subject to the impact on openness and compatibility with the purposes of Green Belt designation.
- In terms of impact on openness, the new structure would be sited on the footprint of the existing bays and would make sensible use of the different land levels and existing screening to ensure that any visual impact is minimised.
- The application is accompanied by a specialist Landscape Visual Appraisal which concludes that:
  - The driving range structure would have a limited visual envelope.
  - The range will not be seen from public footpaths to the west and south of the site, nor from surrounding properties or the wider area.
  - With the additional area of planting proposed, the development would over time have a minor beneficial effect on landscape features and only a very limited effect on landscape character and views.
  - Any impact on openness would not be significant.
- The proposal would not materially conflict with any of the purposes of Green Belt designation, but would be consistent with the NPPF requirement to “*plan positively*” and make beneficial use of the Green Belt in accordance with the aim of paragraph 141 of the Framework.
- National planning policy places “*significant weight*” on proposals which support local economic growth, including expressing explicit support for the development of land-based rural facilities and visitor attractions.

- The proposal would also comply with the economic objectives of the NPPF and Local Plan Policies CT 4, PC 0, HS 1 and HS 6.
- 6.2 In summary, we consider that the proposal represents an exciting opportunity to make a step-change in the facilities at The Warwickshire which will be of benefit not only to locals but will also enhance a prestige venue within Warwick District.
- 6.3 We therefore request that planning permission be granted.

## **Appendix A**

**Appeal decision re  
land west of  
Edwarebury Farm House,  
Edware**



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## Appeal Decision

Inquiry held on 28 February - 2 March 2017

Accompanied site visit made on 2 March 2017

**by David Spencer BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 April 2017

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**Appeal Ref: APP/N5090/W/16/3151579**

**Land West of Edgwarebury Farm House, Edgware.**

- 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 Tony Menai-Davis of Bridgedown Ltd against the decision of the Council of the London Borough of Barnet.
  - The application Ref 15/00286/FUL, dated 16 January 2015, was refused by notice dated 4 December 2015.
  - The development proposed is the creation of an 18-hole golf course with ancillary clubhouse, associated car parking and landscaping.
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### Decision

1. The appeal is allowed and planning permission is granted for the creation of an 18-hole golf course with clubhouse, associated car parking and landscaping at land west of Edgwarebury Farm House, Edgware in accordance with the terms of the application, Ref 15/00286/FUL, dated 16 January 2015, and subject to the conditions set out in the schedule at the end of this decision.

### Procedural Matters

2. A completed and signed Unilateral Undertaking (the UU) containing various planning obligations was submitted following the close of the Inquiry. The UU would provide for replacement land for the displaced equestrian use, measures for sustainable travel planning, the provision of a new permissive bridleway as well as financial contributions towards monitoring. As such the proposed contributions would need to be assessed against the statutory tests set out in the Community Infrastructure Levy (CIL) Regulations 2010.
3. Relevant case law has evolved at a relatively late stage of this appeal including the High Court judgment in R.(oao Amanda Boot) v. Elmbridge Borough Council [2017] EWHC 12 (Admin). Shortly after the Inquiry closed a further High Court judgment germane to Green Belt concepts similarly in focus at this Inquiry was handed down on 7 March 2017<sup>1</sup>. I am satisfied that both main parties have been able to make necessary submissions on both these pertinent cases.

### Planning Policy Context and Main Issues

4. The 69 hectare farmland site is wholly located within the Metropolitan Green Belt, set within a wider pocket of open land bounded by the built edge of Edgware to the south, the M1 to the north and east and the A41 to the west.

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<sup>1</sup> ID27

### *The Development Plan*

5. There is no disagreement that those relevant development plan policies relating to Green Belt in the London Plan (LP)<sup>2</sup>, Barnet Core Strategy (BCS)<sup>3</sup> and Barnet Development Management Policies Development Plan Document (DMPDPD)<sup>4</sup> are consistent in their general approach to Green Belt with that laid out in the National Planning Policy Framework (NPPF). I also, generally, agree.
6. LP Policy 7.16 requires that the strongest protection is given to Green Belt, inappropriate development should be refused (except in very special circumstances) and development that helps secure the objectives of improving the Green Belt will be supported. The supporting text to Policy 7.16 at paragraph 7.55 explains the role of Green Belt as multifunctional green infrastructure, with the Mayor keen to see improvements in its overall quality and accessibility, particularly where they are likely to help human health, biodiversity and improve overall quality of life. BCS Policy CS7, at the local level, seeks indistinguishable policy objectives for Green Belt in Barnet. These policies, therefore, are afforded full weight in this decision.
7. DMPDPD Policy DM15 provides detailed development management policy on Green Belt. Criterion (i) requires compliance with Section 9 of the NPPF and criterion (ii) confirms that very special circumstances are an exception. Criterion (iii) reprises national policy in that the construction of new buildings will be inappropriate unless (a) there are very special circumstances or (b) they comprise one of a number of exceptions set out in the policy. These exceptions are generally to be found in the NPPF but sub-criterion (c) refers to "essential facilities for appropriate uses" and sets out that these "will only be acceptable where they do not have an adverse impact on the openness of Green Belt."
8. Whilst the parties consider DM15 consistent with the NPPF, I am unable, with respect to criterion iii (c), to find similar. There is no reference in NPPF to either "essential facilities" or "appropriate uses" in Green Belt. The phraseology of this part of the policy has connotations to a higher threshold to be found in the rescinded PPG2<sup>5</sup>. The national test is no longer one of being "essential" but rather that there are uses that, in principle, would not be inappropriate. I recognise that there are those uses which are not inappropriate<sup>6</sup> which are qualified in the NPPF such that the matter of purpose is a critical determinant to adjudge effects on openness and Green Belt purposes but that is different to a test of necessity. Accordingly, having regard to paragraph 215 of the NPPF, for the purposes of this appeal, whilst I cannot attach full weight to Policy DM15, I nonetheless give it moderate weight.

### *National Planning Policy Framework*

9. The NPPF confirms at paragraph 79 that the Government ascribes great importance to Green Belts and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 80 of the NPPF sets out the five purposes that Green Belt serves. Within the same over-arching starting point paragraph 81 pronounces that local planning

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<sup>2</sup> The London Plan – The Spatial Development Strategy for London Consolidated with Alterations since 2011 (March 2015)

<sup>3</sup> Barnet's Local Plan (Core Strategy) Development Plan Document (September 2012)

<sup>4</sup> Barnet's Local Plan (Development Management Policies) Development Plan Document (September 2012)

<sup>5</sup> Planning Policy Guidance 2 Green Belts (1995, amended 2001) – replaced by NPPF on 27 March 2012

<sup>6</sup> Notably at paragraph 89 bullet point 2 and Paragraph 90



authorities (LPAs) should plan positively to enhance the beneficial use of the Green Belt, including, amongst other things, looking for opportunities to provide access, providing opportunities for outdoor sport and recreation and retaining and enhancing landscapes, visual amenity and biodiversity.

10. Paragraph 87 of the NPPF reaffirms that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 89 and 90 of the NPPF set out a number of exceptions where development would not be inappropriate. Paragraph 89 relates to the construction of new buildings and the second bullet point provides a qualified exception for facilities for outdoor sport and recreation, provided it (1) preserves the openness of the Green Belt and (2) does not conflict with the purposes of including land within it. Paragraph 90 of the NPPF relates to certain other forms of operational development that would not be inappropriate in Green Belt subject to the same two qualifications listed above.

*The main issues which arise*

11. There is no disagreement<sup>7</sup> that a golf course in itself, as a use of land, would not be inappropriate in Green Belt. As presented during the Inquiry there is also no dispute that the proposed modest maintenance building, of utilitarian character at the south-west corner of the site would not be inappropriate development in Green Belt. With regard to the policies set out above, I concur.
12. Accordingly, the nub of this appeal concerns itself with whether or not the type of golf course proposed including the proposed club-house and various operational development including earthworks, car parks, access road and extent of features associated with the proposed golf course layout<sup>8</sup> would be justified, would preserve the openness of Green Belt and accord with the purposes of including land within it. Therefore, the main issues in this appeal are as follows:

- (1) Whether the appeal proposal would be inappropriate development in the Green Belt for the purpose of development plan policy and NPPF, including consideration of the effects on openness and Green Belt purposes; and
- (2) Whether or not the proposal would result in any other harm including character and appearance, biodiversity, public access, highway safety and the effects on existing rural enterprises.

**Reasons**

***Main Issue 1: Inappropriate development in the Green Belt?***

*The justification for the format of golf course proposed*

13. Notwithstanding the common ground that the principle of a change of use from farmland to golf course would not be inappropriate, there remains a primary issue, articulated by the LPA and others, of whether or not there is a need for the appeal proposal given the propensity of existing golf courses in the vicinity

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<sup>7</sup> Statement of Common Ground February 2017 paragraph 6.2

<sup>8</sup> Tee-mounds, bunkers, green flags, tee-markers, signage and golf buggies.

- of the appeal location. The LPA accepts it has no evidence of its own on need but avers that the onus is on the appellant to demonstrate such.
14. The appellant has submitted a detailed business case and provided extensive evidence including from a qualified national surveyor who specialises in golf courses. The appellant has a robust knowledge of the market from owning two proprietary courses around the capital where the business model allows for a sizeable proportion of "pay-to-play" alongside typical course membership. This has identified a realistic demand for additional capacity particularly for groups and individuals who wish to play golf at peak periods without the membership fees or restricted access for non-members associated with private members clubs.
  15. The appellant has a proven track record of golf course construction and management, including the renowned Seve Ballesteros designed course at The Shire, London. I have little reason to doubt that the proposed course layout by established international course designers Dye Designs would provide an attractive and demanding high quality course of a calibre not often found around London. I note the evidence that some local private members courses are struggling but I have little to refute the appellant's submissions that these clubs are generally not structured for the burgeoning "pay-to-play" market. I also accept that they are typically courses established some years ago which no longer reflect the advances in playing technology which now prompt the need for longer courses (towards and in excess of 7,000 yards), which the appeal proposal would cater for.
  16. Whether the demand for additional "pay-and-play" could realistically be secured by remodelling an existing private members course is doubtful. The appellant has submitted unchallenged evidence that existing courses very rarely come onto the market. Accordingly, I am not persuaded that either the remodelling of, or any capacity within, existing private members courses could suitably accommodate demand for "pay-to-play" on a testing, modern course.
  17. I note the 1989 Royal and Ancient standard of one 18 hole golf course per 25,000 population is now of some vintage and that golf participation, on the whole, has generally declined albeit stabilising in recent years. On the other hand, there is no alternative standard and as the appellant submits there is presently a notable deficiency against this standard<sup>9</sup> within the isochrones of the appeal site. This current deficiency<sup>10</sup> is occurring at a time of notable population growth over the LP and BCS periods.
  18. I am also mindful that the 1989 Standard pre-dates the appellant's proprietary club and "pay-to-play" models, aimed at encouraging younger and more itinerant participation. Golf still remains one of the more popular sports in terms of numbers of active participants. As such I consider the 1989 Standard to be a cautious minimum figure at a time when greater participation in sports, irrespective of participation fees, is being encouraged. As such I find that there is clear demand for the appeal proposal.
  19. I note that the appellant's "pay-to-play" format is modelled on a rack rate of £95 midweek and £125 at weekends which is appreciably lower compared to

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<sup>9</sup> Quantitative Assessment, Smith Leisure 2014 – Section 3

<sup>10</sup> Applying the 1989 Standard the ratios for each of the 20, 30 and 45 minute drive times is respectively 1 course per 30,700, 33,495 and 43,532 population (excluding the appeal proposal).

other reputable courses in the wider London area<sup>11</sup>. On this basis the course, particularly outside of peak times, would represent a degree of affordability such that those on more modest incomes would have the opportunity to test their skills on an internationally designed course. It is notable that the appellant is willing to enter a condition requiring a Golf Course Operation and Maintenance Plan to cover such matters as usage and fees to ensure access to non-members and comparative affordability. I consider such a condition would address the LPAs concerns regarding the durability and affordability of the particular format being proposed.

20. The LPA invites me to distinguish 'demand' from 'need' but the only case law on this submission points in the opposite<sup>12</sup> such that the terms, are on the whole, interchangeable. I accept that general assessments of the need for sports and community facilities<sup>13</sup> rarely include golf courses. On the whole, however, I consider there are three reasons why the fulcrum of determining the acceptability of the principle of this particular format of golf course within the Green Belt does not in itself rest on the issue of 'demand' or 'need'.
21. Firstly, a golf course accords with the essential characteristics, five purposes and opportunities for access and outdoor sport of Green Belt. Secondly, and notwithstanding the questionable reference to "essential facilities" in DMPDPD Policy DM15, there is no requirement in the development plan, or the NPPF, for a golf course to either demonstrate a need for the proposal or be subjected to some kind of sequential approach to avoid Green Belt in the first instance. Thirdly, and from the evidence before me<sup>14</sup>, the reality is that any new golf course proposal to serve a north of London catchment would be on either Green Belt or Metropolitan Open Land (MOL), given the land area required.
22. I therefore conclude that the appeal proposal is justified. It would accord with LP Policy 3.19<sup>15</sup> and BCS Policy CS11 which encourages the provision of additional sports facilities and opportunities for higher levels of physical activity. An additional golf course would not be at odds with the accepted principle in local and national planning policy that outdoor sport as a land use would not be inappropriate development in Green Belt.

#### *Built development – the proposed clubhouse*

23. Paragraph 89 of the NPPF refers, at the second bullet point to "appropriate facilities for outdoor sport". Case law has interpreted facilities as meaning buildings by reference to the first sentence of paragraph 89. In respect of golf a clubhouse would be regarded as intrinsic and as such its purpose would be core to the experience of participating in this outdoor sport. Accordingly, and in applying the judgment in *Europa Oil*<sup>16</sup>, I share the view of the appellant that a broader interpretation of the preservation of openness would be required.
24. The proposed single storey clubhouse extends to some 1,423 square metres of floorspace<sup>17</sup>. For a building intended to support a high quality internationally designed course I find the size of the building and its constituent rooms to be restrained in scale and number to only those which are elemental. There would

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<sup>11</sup> Mark Smith PoE paragraph 8.62

<sup>12</sup> ID.23, paragraph 29

<sup>13</sup> Such as those undertaken to inform development plan policy

<sup>14</sup> ID.8

<sup>15</sup> As found by the Greater London Authority in their assessment of the planning application

<sup>16</sup> ID.10

<sup>17</sup> As taken from the application form

be no floorspace for extraneous uses such as a gym, function rooms or on-site accommodation as can be found on courses of a comparable quality. Despite the LPA's concerns I am satisfied that the proposed locker room would not be excessive and the proposed pro shop and spike bar would be not only necessary but also both spaces would be very modest in scale.

25. I am also satisfied from the evidence that the proposed bar/restaurant, members lounge and locker/changing rooms would be the minimum necessary to support the functionality of the proposed golf course. In coming to this view I have found the appellant's evidence to be the more compelling in terms of the design process that has been engaged. Overall, in terms of scale it would be a highly efficient, practicable and somewhat elegantly pared back building.
26. Externally the clubhouse would display a stylish simplicity from a palette of just four materials. The extensive glazing along almost the entire length of the principal western elevation would lend the building a subtle, diaphanous quality. Elsewhere the extensive use of high quality wood cladding and the green roof would ensure large parts of the building would readily blend into the landscape. As a single storey building, situated near to the lowest part of the site, it would not be conspicuously positioned.
27. I note from the appellant's visual impact assessment that for receptors in most existing public viewpoints the clubhouse would not be a noticeable feature. My observations on site corroborated this and I found that existing, recently planted and proposed vegetation together with intervening landforms would generally obscure the building, particularly from users of the footpath on the western side of the A41, from most vehicles on the A41 and from the bridleways along Edgwarebury Lane and Clays Lane closest to the cemetery.
28. Elsewhere along Edgwarebury Lane, the land rises and the elevation is accentuated so that the bridleway can over-bridge the M1 motorway. I note that vegetation is growing well along the M1 boundary and this would be supplemented by landscaping as part of the appeal proposal, however, I still consider that the built form of the clubhouse would be discernible in the landscape from this perspective<sup>18</sup>. However, because of its scale, materials and intervening distance I do not consider that it would be prominent. The environmental quality of the M1 makes this part of the bridleway an unpleasant point to stop and take in the panorama, including the appeal site. At this point the eye is instinctively drawn beyond the appeal site to the dominant modern high-rise urban edge at Canons Park beyond the appeal site and further afield to the rising landforms of Hampstead and Harrow and specific landmark London buildings on the horizon.
29. I have also considered the impact on openness for those using the public footpath from Edgwarebury Lane to the Spur Road roundabout on the A41. For large parts of this path the clubhouse would not be visible. At the closest point I am satisfied that landscaping between the fairway for the 13<sup>th</sup> and the clubhouse, together with the topography would significantly lessen any visual impact on openness arising from the built form.
30. Taking all of the above into account I find that the clubhouse would only have a very limited visual impact on openness once landscaping has become established. I note and attach significant weight to a similar conclusion in the

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<sup>18</sup> As per appellant's visual impact assessment of Viewpoint 7 (also referred to as Viewpoint F).

advice to the LPA from the Greater London Authority (GLA) at the time of the planning application.

31. There is little to suggest that the appellant's assessment has underestimated the significance of the visual effects<sup>19</sup> arising cumulatively from the clubhouse and the change in land cover from farmland to golf course. From my observations on site I agree that in 8 out of the 9 viewpoints the visual magnitude of change at Year 15 (as per the GLVIA guidance assessment point) would be no more than slight (and often negligible), such that there would be no particular adverse impact. I am not persuaded that evidence submitted by the LPA<sup>20</sup> undermines the veracity of the appellant's visual impact evidence in this case. Overall, I find the appellant has robustly assessed that there would only be a limited visual effect from the appeal proposal.
32. I recognise the appeal site is currently devoid of any built form. However, NPPF paragraph 89 clearly envisages, albeit on an exceptional basis, built form in Green Belts. Spatially, the clubhouse avoids any profligate or superfluous floorspace. It is an inherently ancillary structure of modest proportions, which together with the maintenance building, access road and car park, accounts for just 1.2%<sup>21</sup> of the total site area. The clubhouse would stand isolated within the expanse of the appeal site and adjoining tracts of intervening open land which further separate the appeal site from the defined built edge of Edgware. The clubhouse would not converge with other development and in the limited public views available it would be seen at distance as a slight, stand-alone structure, even when taking into account the other proposed operational development.
33. Consequently in both spatial and visual terms I am satisfied that the clubhouse would preserve openness. It would also not represent unrestricted sprawl or encroachment into countryside or conflict with Green Belt purposes.

*Operational development – proposed earthworks including tee-mound and bunkers, access road and car park.*

34. The topography across the majority of the site would essentially remain the same. The site rises such that the northern boundary along the M1 motorway is the highest part of the site. Additional bunds would be created here of varying heights of between 4 and 7 metres. These bunds would be experienced against the backdrop of the motorway earthworks and then visually blend into the rising land to the north. They would not be prominent and would be largely experienced as part of the existing man-made motorway corridor.
35. The rising topography of the north-west corner of the site would also be re-profiled to create the surface area to accommodate the 7<sup>th</sup> hole. Having regard to the submitted sectional drawings<sup>22</sup> the re-profiling would not materially raise the overall land levels in this part of the site and the resultant sharper incline would not project out significantly. Accordingly, I find these proposed earthworks would preserve the openness of Green Belt and would not conflict with the purposes of Green Belt.

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<sup>19</sup> Summarised at Appendix D to Philip Russell-Vick Proof of Evidence

<sup>20</sup> ID.20

<sup>21</sup> ID.3

<sup>22</sup> Drawing No. 02-450-400 Rev A

36. The LPA also submits that the various tee mounds (noting the various teeing off points for each hole), sand bunkers, green flags, tee-markers and other paraphernalia including golf buggies and signage would fail to preserve openness. I find the submissions to disentangle the acceptability of the principle of the golf course land use from what are innate elements to be particularly thin. I have very little to demonstrate that golf courses could be practicably or successfully designed without these key characteristics.
37. Looking at the submitted plans and on the site visit I am satisfied that the design of the course has sought to correspond to the existing environment of the site such that many of the tee-mounds and greens would be appropriately nestled into the existing landscape framework of the site. Additionally, I do not find the layout would result in any harmful concentrations of incongruously undulating ground. In short, the number, scale and predominantly grassed designs of the tee-mounds and bunkers would preserve openness and not conflict with the purposes of Green Belt.
38. In terms of essential structures such as flags, tee-markers and signage I find that these elements would only be very modestly sized and sparsely distributed around the large scale of the appeal site. In this context there would be no credible effect on reducing openness. The appeal proposal would not include any extraneous external lighting, flagpoles or fencing around facilities such as the driving range.
39. Regarding the presence of golf buggies, these are generally modest sized vehicles such that they would not be prominent. I consider their impact on openness to be little different to the presence of farm and equestrian vehicles and other vehicles that clearly use the farm track across the appeal site.
40. The access road from the A41 would be unlit, unfenced and modestly cut in places within the topography. The new length of access road should be balanced against the removal of 300 metres of existing farm track such that there would be, in effect, little net difference in the extent of vehicular access within the appeal site. As such the access road would preserve openness and would not represent urban sprawl or encroachment into countryside.
41. From the submitted plans before me, the appeal proposal would provide car parking for 96 general spaces, 7 disabled spaces and a small drop-off area. I have little evidence that the level of parking proposed would be excessive. It is recognised that the nature of the outdoor sport necessitates participants to travel by car and I have not been directed to any examples of car-free golf courses. It is not a sport where participants can generally walk, cycle or catch the bus, to turn up and play. Accordingly, a car park is an inherent, functional element of any golf course. The car park would be towards the lowest part of the site and largely concealed by topography and landscaping. Accordingly, I find this element of the appeal proposal would preserve openness and not conflict with the purposes of Green Belt.

#### *Conclusion on Inappropriateness*

42. The LPA asserts that the appeal proposal would moderately harm openness and has drawn my attention to the recent judgment in *R.(oao Boot) v. Elmbridge Borough Council* where an outdoor sports facility proposal was reasoned to have only a limited *adverse* impact on openness (my emphasis) and thus not within the exception at bullet point 2 of paragraph 89 of the NPPF. In such

circumstances, the judgment reaffirms that there is no latitude to a decision-maker to find such developments not inappropriate. Whilst I have few details of the proposal, it is described at paragraphs 4 and 6 as an array of football and athletics development including floodlighting and two storey buildings. The appeal proposal before me is plainly distinguishable from that case.

43. In any event, the *Boot* judgment<sup>23</sup> does not unseat leading case law on inappropriateness by reference to openness, notably in *Europa Oil and Gas*<sup>24</sup>, as recently endorsed in the *Lee Valley Regional Park Authority*<sup>25</sup> case. As this case law affirms that the physical presence of development in Green Belt is not in itself harmful to the openness of Green Belt within the parameters of paragraphs 89 and 90 of the NPPF and nor is it inimical to the fundamental aim of Green Belt to keep land permanently open. This was reaffirmed in the very recent High Court judgment in North Yorkshire<sup>26</sup> which specifically considered that the *Europa* approach does not fall foul of *Boot* in that it does not necessarily follow (in applying judgement) that an adverse spatial or visual impact is to be translated as meaning harm (not preserving) to openness.
44. Accordingly, openness is a concept that needs to be refracted through the lens of the intricacies of being a "particular type of development" as well as more implicit considerations such as scale, volume, visibility and location. As such it remains for a decision-maker to take a more rounded assessment of openness in the context of paragraphs 89 and 90 of the NPPF. I am guided in this assessment by case law<sup>27</sup>, notably in *Turner*<sup>28</sup> which acknowledged that openness is an "open textured concept". In my view, the focus of this appeal proposal is on the spatial impact. The visual impact is distinct but also relevant given adjoining public highway and rights of way.
45. I have carefully considered the various development components of the scheme and found that because of their purpose, minimal scale, considered design and sympathetic locational treatment, the inherent spatial and visual impacts arising from the totality of the appeal proposal would not harm the overriding sense of greenness and freedom from development at the appeal location. There would be no "death by a 1,000 cuts" as the LPA puts it. To apply the phraseology of Sales LJ. in *Turner*, I find "the eye and spirit" would remain "relieved from the prospect of unrelenting urban sprawl."<sup>29</sup> It therefore follows that the appeal proposal would preserve the important concept of openness, which is at the very essence of defining Green Belt. It would also not conflict with the purposes of Green Belt in terms of constituting unrestricted urban sprawl or encroachment into the countryside.
46. My assessment accords with the GLA assessment at the determination of the planning application which advised that the appeal proposal would have "a very limited impact on the openness of the Green Belt" and the degree of landscape change "will not have a detrimental impact on the openness of the Green

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<sup>23</sup> Paragraph 31 accepts that a judgement on the effect of openness must be taken in the round

<sup>24</sup> Ouseley, J. in ID.10 Paragraph 66 "...considerations of appropriateness, preservation of openness and conflict with Green Belt purposes are not exclusively dependent on the size of buildings and structures but include their purpose..." Also applied in the context of facilities for outdoor sport in ID.12 at paragraph 33 (Fordent Holdings).

<sup>25</sup> Lindblom, LJ. R.(oao Lee Valley Regional Park Authority) v. Epping Forest District Council [2016] EWCA Civ 404 – paragraph 25.

<sup>26</sup> ID28. Paragraphs 14, 15, 48 and 54-56.

<sup>27</sup> Usefully distilled in ID.9a and generally agreed by the main parties.

<sup>28</sup> ID.13 paragraphs 14 and 15

<sup>29</sup> Paragraph 15

Belt<sup>30</sup>. There is nothing in the GLA assessment that the impact on openness would be adverse, which is the threshold in *Boot* to find inappropriateness.

47. I therefore conclude that the appeal proposal represents the provision of appropriate facilities for outdoor sport and would not be inappropriate development in Green Belt. Consequently, it would accord with LP Policy 7.16, BCS Policy CS7 and DMPDPD Policy DM15. It would also comply with the relevant exceptions in paragraphs 89 and 90 of the NPPF. By virtue of not being inappropriate the appeal proposal would accord with the overarching objectives for Green Belt at paragraphs 79-81 of the NPPF.

### **Main Issue 2: Would there be other harm?**

#### *Character and appearance*

48. The appeal site is at a transitional location between the edge of the wider London conurbation and the distinct landform of the rim of the Thames basin. It is an area, however, where urbanising influences are strong, including the very busy M1 and A41 roads along its boundaries with associated lighting columns and gantry signs, the prominent modern high rise buildings at Canons Park and incongruous electricity pylons across the northern part of the site. It is not a pristine landscape nor is it inherently rural or tranquil. I note there is nothing in terms of the national level (North Thames Basin) or 2011 pan-London landscape character assessments which denote this farmland as having any particular landscape value. The appeal proposal would not be discordant with the character of the host Barnet Plateau Natural Landscape Area which is typified as a patchwork of farmland, cemeteries and golf courses.
49. The farmland may well have medieval origins with earlier Anglo-Saxon and Roman influences but that can be said for many areas such that I do not find the appeal site to be more than ordinary farmland. Modern farming and the construction of the M1 have unfavourably affected the appeal site in terms of its topography and land cover. The site is devoid of known heritage assets and matters of chance archaeology can be dealt with by condition. The character of the ancient Edgwarebury Lane to the east would remain unaffected by the appeal proposal. I therefore find the appeal proposal would have no detrimental effect to any historical landscape attributes.
50. The proposed golf course has largely been designed to incorporate the existing landscape framework such that none of the protected trees on the site or other notable tree specimens or hedgerows would be removed. I am satisfied this positive measure together with extensive new tree planting would enable the appeal proposal to settle into its context and complement the landscape objectives for the Watling Chase Community Forest.
51. The appeal proposal would change the character and appearance of the appeal site, including introducing areas of manicured grassland. This would, however, be subservient at 25% of the site area<sup>31</sup>. The predominant characteristic would remain an open verdant area with an almost parkland quality from the retained mature trees. Accordingly, I do not consider the landscape change to be either significant or harmful to the character and appearance of this edge of London.

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<sup>30</sup> Paragraph 59 of the GLA representations dated 25 March 2015

<sup>31</sup> ID.3 – fairways and greens



52. I therefore conclude that the appeal proposal would not adversely affect the character and appearance of the locality. It would not conflict with BCS Policy CS5 and DMPDPD Policy DM01 which seek to protect and enhance the character of the borough. It would also accord with the objective of the NPPF at paragraph 17 to take account of the different roles and character of different areas.

#### *Biodiversity*

53. Whilst no part of the site has any formal biodiversity designation, the appeal site adjoins various local sites of importance for nature conservation. I am satisfied that the proposed layout of the course includes appropriate buffers to these sites such that their integrity would not be adversely affected. Elsewhere the appeal site is exposed to human influences such that it is not an especially undisturbed or secluded site. In my view, from all the evidence before me, including the submitted Environmental Statement (ES), the site only has a moderate biodiversity value inherent to farmland at an edge of city location.
54. This is not to diminish that the site notably accommodates an assemblage of bird species as well as bats and badgers. At a broad level the appeal proposal would retain all but 3 of the mature trees on the site and most of the existing established hedgerows. In addition some 6hectares of new woodland planting is proposed as part of a wider area of almost 51hectares of undeveloped, open land which would not comprise "maintained" fairways and greens. This amounts to almost 75% of the appeal site and I see no reason why this substantial area, including the five proposed sizeable water-bodies, could not appropriately conserve and enhance biodiversity on the site.
55. I have found the ecological survey work to be adequate and I am confident that the biodiversity value of the site, including bats, has not been underestimated. Consequently, a reliable baseline position has been established from which appropriate mitigation can be devised and which can be monitored and managed. Accordingly, a detailed Landscape and Ecological Management Plan (LEMP) is proposed for the site. The mechanism of a LEMP assures me that the high quality international standard golf course would provide not only a habitat and predominantly naturalistic green lung for this part of London but also a challenging and attractive environment in which to play golf.
56. Specifically, the site hosts two breeding bird species which require particular consideration. The first is Hobby Falcons which are protected species under Schedule 1 of Wildlife and Countryside Act 1981 (as amended). This species has been recorded as breeding on the site for many years. I am satisfied that the appeal proposal without mitigation would have the potential to adversely affect the species, particularly disturbance when construction phases coincide with the nest establishing period.
57. The proposed mitigation during the multi-year construction phase is an ecological clerk of works, whose responsibilities would include monitoring the site, including for Hobby Falcons. Where a nesting activity is observed and a nest established an agreed exclusion zone<sup>32</sup> for construction would need to be created. The RSPB advocate an alternative approach of no construction during the breeding season (April-September/early October). In light of the evidence of the geographical extent of Hobby Falcon territories and the fact that nest

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<sup>32</sup> Applying a stand-off distance informed by Figure 3, p.20 Forestry Authority & RSPB guidance document 1997.

site locations vary each year, dependent on the availability of discarded corvid nests I am satisfied that the appellant's suggested mitigation would provide a suitably cautionary approach for this protected species that would not unduly inhibit the implementation of the appeal proposal.

58. In terms of the long term management of the species at the appeal site I note the RSPB's concerns that daily human activity on the course may disturb the species during the breeding season. I observed on the site visit, however, that the current unauthorised but well-used recreational route across the site is proximate to the 2016 nesting site. Additionally farming and equestrian activities (including the regular checking on horses) and the unremitting background drone of vehicular traffic from the nearby M1 and A41 would also appear not to have deterred breeding. I am also assured that a combination of artificial nesting sites<sup>33</sup>, the retention of existing mature trees and the provision of quieter areas within the expanse of the appeal site would continue to provide suitable areas for Hobby Falcons to breed. I also consider it beneficial to the species that the appeal proposal would provide water for its prey species such as dragonfly.
59. The second breeding bird species of concern is the Lapwing, which is a priority species identified in the Natural Environment and Rural Communities Act 2006. As such it is an important species whose numbers are to be bolstered rather than weakened. To mitigate the loss of breeding habitat the appellant proposes a similar strategy of monitoring and phased construction to avoid disturbing nesting sites during this period. I consider this would be an appropriate approach. The principal mitigation once the site is operational would be a sizeable low profile gravel island on the large water body adjacent to the 14<sup>th</sup> fairway. This would provide an isolated environment free from direct disturbance. I am satisfied this would provide appropriate mitigation for breeding together with the extensive 'rough' grassland areas across the site. In respect of both Hobby Falcons and Lapwing I also consider it a benefit of the appeal proposal that the current 'rough' shooting (principally the sporadic control of pigeons) at the site, which has the potential to be unintentionally indiscriminate, would cease.
60. Survey work has also determined an outlier badger sett which would need to be relocated in accordance with the requisite licencing regime. I am satisfied, however, that the appeal site is sufficiently large and diverse that an appropriate alternative site could be created which avoids conflict with the operation of the course<sup>34</sup>. Again, it is vital that the replacement badger sett is managed and monitored within agreed parameters established in the LEMP.
61. The submitted UU obligates the appellant to submit and await approval of the LEMP from the LPA prior to commencement of development. There are also provisions for the targets and objectives of the LEMP to be monitored and reviewed. I am satisfied that the obligation meets the lawful tests and would ensure appropriate ecological mitigation in line with the comprehensive summary of mitigation by species presented at Table 5-14 of the ES.
62. I therefore conclude that the appeal proposal would preserve and provide opportunities to enhance biodiversity, including protected and priority species,

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<sup>33</sup> As trialled by the Oxfordshire Ornithological Society and applying the principles in the paper by Freeman, A & Wixley P. (2014)

<sup>34</sup> Map 1, Outline Ecological Management Plan, ECOSA 2015.

subject to appropriate mitigation to be structured and regulated through the detailed LEMP. It would therefore accord with LP Policy 7.19, BCS Policy CS7 and DMPDPD Policy DM16 in protecting existing site ecology and appropriate contributions to enhance biodiversity. It would also accord with the objective of paragraphs 109 and 118 of the NPPF to conserve biodiversity and secure net gains where possible.

#### *Public Access*

63. A public footpath follows the track westwards from Edgwarebury Lane before cutting across open farmland to emerge adjacent to the Silk Stream flood alleviation scheme and then to the A41 Spur Road roundabout. From my observations on site the footpath across farmland is not used and alternatively walkers and horse riders use the well-made farm track across the centre of the site although passage through to the A41 has been closed off. I have no evidence that the farm track is a designated right of way and I am advised by the appellant that its use by members of the public has not been authorised by the landowner. Accordingly, the removal of this farm track and the retention of the designated public footpath would not result in any detriment to public access at the site.
64. Additionally, the appeal proposal includes provision for a permissive circuit bridleway extending to some 3.25 kilometres around the boundary of the appeal site. Concern has been expressed about the quality of experience of this route given it would be adjacent, in parts, to the M1 and A41 roads. In my view, however, the proposed bridleway would be an attractive proposition, particularly for those wishing to make an off-road circuit route without negotiating the busy A41. It would also enable unrestricted public access to large parts of the Green Belt which are currently inaccessible.
65. I therefore find that the appeal proposal would enhance not diminish public access to Green Belt and thus accord with the objectives in the development plan at LP Policy 7.16 and BCS Policies CS7, CS9 & CS11 as well as the NPPF at paragraph 81. The mechanisms for securing its provision and future retention are contained in the submitted UU. I find the site specific provision of the bridleway would meet the 3 tests in the CIL Regulations in terms of its compliance with policy objectives and being reasonably related to the scale and kind of development. As such I have taken it into account in making my decision.

#### *Highway safety and sustainable transport*

66. The appeal proposal would be accessed from the A41 Edgware Way. This is a wide, single carriageway route of straight alignment which descends from Junction 4 of the M1 and the interchange with the A5 to the north to the Spur Road roundabout with the A410 to the south. It is a designated 'Red Route' clearway, with lighting, limited side roads, restricted parking and subject to the national speed limit. A shared footpath/cyclepath exists on the opposite side of the carriageway to the proposed appeal site entrance.
67. The A41 at the appeal location is clearly a very busy road with evident capacity issues at peak periods at the Spur Road roundabout. The appellant has undertaken Transport Assessment (TA) work, incorporating a Stage 1 Road Safety Audit. The evidence demonstrates that notwithstanding the volumes of

traffic on the A41 the appeal site can be safely accessed within required standards.

68. I have taken account of personal injury accident data in the vicinity of the appeal location illustrating that accident levels are moderate (when including all approaches to the Spur Road roundabout). The few serious incidents were, however, primarily due to driver error rather than traffic flows or highway character. Quantitatively, the appeal proposal would have a negligible impact on overall traffic volumes such that there is very little to substantiate the assertions that it would have a detrimental effect on highway safety or capacity. I note that Transport for London have considered the highways implications and raised no objection subject to conditions. I attach significant weight to this professional assessment.
69. The appeal proposal would involve the importation of some 245,000 cubic metres of inert waste (soil and stones) over a phased period of some 4-6 years. I note that during the re-profiling process generally some 50-80 lorry movements per day (up to a maximum of 120 per day) to the site would be generated. Again, I am satisfied that this level of HGV movement via a principal major highway route would not be detrimental to highway safety. I am also satisfied that the appellant's updated evidence<sup>35</sup> demonstrates that the HGV movements during the construction phase would not have a detrimental effect on local air quality.
70. At the Inquiry the LPA submitted that the appeal proposal would be unsustainably located in that users would be reliant on private cars. The reality is that participants of golf would be inherently car borne. In this regard, I do not consider golf to be out of kilter with a number of other outdoor sports where participants are required to bring cumbersome kit or equipment such that walking, cycling or public transport to participate would not be the prime option. I find little in the evidence or development plan or NPPF that the appeal proposal would unacceptably compromise the wider objective of securing sustainable movement patterns.
71. The appeal site is not isolated and has the benefit of being within reasonable walking and cycling distance of large parts of Edgware and public transport. This would provide travel choice, particularly for members of staff. Accordingly, the appellant has committed through the UU to a sustainable travel plan for the business. The commitment to be bound to a travel plan would meet the tests in the CIL Regulations and I have therefore taken it into account.
72. I therefore conclude that the appeal proposal would not adversely affect highway safety or result in unsustainable travel patterns. The proposal would accord with BCS Policy CS9 and DMPDPD Policy DM17 and would not result in the severe residual cumulative impacts cautioned against at paragraph 32 of the NPPF.

#### *Existing equestrian business*

73. Parts of the appeal site are used by an adjacent equestrian enterprise, principally in terms of pasture for grazing. The appellant has secured appreciable replacement land adjacent to and in the immediate vicinity of the

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<sup>35</sup> Air Quality Assessment, Phlorum, January 2017.

existing enterprise at Bury Farm. These provisions, including plans of the location of the proposed alternative land, are contained within the UU. I note that the equestrian business has indicated that it would be content with what is proposed<sup>36</sup>. Accordingly, I find the appeal proposal would make satisfactory alternative provision and the existing business would not be adversely affected. The related obligation in the UU would meet the necessary tests and as such I have taken its provisions into account. The proposal would therefore satisfy BCS Policy CS15 and accord with paragraph 28 of the NPPF.

#### *Other Matters*

74. There has been considerable local concern that the re-profiling of parts of the site would necessitate the importation of putrescible waste. There is no evidence to substantiate this contrary to the confirmation that the appellant seeks to use inert waste comprising soil and stones. There is no objection from the Environment Agency who would be responsible for issuing a permit to govern the amount and quality of imported inert material. The Agency's permitting regime sits outside of the planning system but I have no reason to find that the importation of the proposed volumes of inert waste would be harmful to the environment or human health more generally such that it is unlikely that a licence would not be issued. As such this would not form a reasonable basis for dismissing the appeal proposal.
75. There is also appreciable local concern that the site would exacerbate flood risk downstream on the Silk Stream. The appeal proposal would contain a number of sizeable water bodies which would also function as a sustainable drainage scheme for the site. I am satisfied from the submitted flooding and hydrology evidence contained in the ES that the proposed drainage strategy would be effective in principle and its implementation could be secured through a condition to any permission. I also consider it noteworthy that there is no objection to the proposal on flood risk grounds from the Environment Agency.
76. It has also been put to me that the loss of productive farmland would be detrimental. I note the appeal site is classified as Grade 3b and is thus not the best and most versatile land. Accordingly, the appeal proposal would have a negligible impact on national food production capacity and there would be no conflict with LP Policies 2.18 and 7.22.

#### *Unilateral Undertaking*

77. I have addressed the proposed obligations in the UU against the relevant asserted harms that would arise from the appeal proposal under the second main issue. I have found them to meet the CIL Regulation 122 tests and consequently the various requirements of the development plan and 2013 Supplementary Planning Document (SPD) on Planning Obligations. I am therefore satisfied that the LPA's second, third and fourth reasons for refusal would be addressed by the UU, together with various planning conditions.
78. The UU contains provision for travel plan monitoring costs. Given the implementation of the travel plan meets BCS Policy CS9 and DMPDPD Policy DM17 I find the contribution to be necessary and reasonably related in scale and kind to the development in accordance with the Transport for London

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<sup>36</sup> ID.6

Travel Plan thresholds. The sum involved would fairly reflect the cost set out at paragraph 3.1.19 of the Planning Obligations SPD.

79. The UU makes provision for modest monitoring costs for the LPA. The rationale for the sum is set out in the Planning Obligations SPD and is based on a standard fee of £500 per non-financial obligation as set out at paragraph 4.3.5 of the SPD. The degree of work that would be involved in the complex LEMP and the two other non-financial obligations would be more involved compared to typical administering of planning obligations and as such I find the monitoring contribution would meet the CIL Regulation 122 tests.

### **Conclusion**

80. For the reasons set out in this decision, the appeal proposal would preserve openness and would not conflict with the purposes of Green Belt. It therefore follows that it would not be inappropriate development by virtue of not only an absence of harm to the essential characteristics of Green Belt but also a compliance with the objective to enhance Green Belt as a place for access and outdoor sport. I have also had regard to all the matters raised in relation to the appeal proposal and found there would be no tangible harm. A number of technical matters, especially relating to biodiversity, are readily capable of being mitigated. As such the appeal proposal, fully accords with the development plan and NPPF and should be approved.
81. In coming to my objective assessment I am mindful that there has been appreciable local objection to the appeal proposal and that community representatives including the local MP, Assembly Member and Borough Councillors also objected. This degree of consensus is noteworthy but I have found nothing in the various oral and written submissions to change my conclusion that this appeal should be allowed.

### **Conditions**

82. In allowing the appeal and granting planning permission I have considered the conditions put forward and discussed at the Inquiry. Conditions 1& 2 are required because they set the necessary time limit and the approved plans for the avoidance of doubt. In light of the representations of Historic England and the proximity of known Roman settlement Condition 3 on archaeological evaluation is necessary although I have simplified the wording in the interests of efficiency. A separate condition on an earthmoving methodology is not necessary and can be adequately addressed in Condition 3.
83. Conditions 4-10 and 17 are necessary to protect the character and appearance of the locality and to ensure construction of the proposal does not adversely affect the local environment or retained trees and hedgerows. Conditions 11-13 are necessary to minimise the risk of flooding. Condition 14 is required to ensure significant harm to protected species is avoided and the wider biodiversity value of the site is enhanced. Condition 15 is necessary to ensure the provision and retention of the permissive bridleway in the interest of securing wider public access to Green Belt.
84. Conditions 16 and 24 together with conditions 4 and 6, are all necessary in the interests of highway safety. Conditions 18, 20 and 26 are required to ensure the proposal meets required environmental standards and supports a low carbon future. Conditions 19 and 23 are necessary to ensure the scale,

complexities and various components of the appeal proposal come forward in an appropriately coordinated manner. Conditions 21 and 25 are also necessary for the avoidance of doubt and to ensure that the proposed format and use of golf course are retained and do not evolve to a wider use inappropriate in Green Belt. Finally, Condition 22 is required in the interest of safeguarding the amenities of occupiers of nearby residential properties.

*David Spencer*

Inspector.

## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

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