



Appeal Decision

Site visit made on 26 October 2010

by Andrew S Freeman BSc(Hons) DipTP DipEM FRTPI FCIHT MIEEnvSc
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 November 2010

Appeal Ref: APP/M1900/A/10/2126390

**Barkway Park Golf Club, Nuthampstead Road, Barkway, Royston,
Hertfordshire, SG8 8EN**

- 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 G Cannon against the decision of Hertfordshire County Council.
 - The application Ref 1/1165(CM903), dated 19 May 2009, was refused by notice dated 20 October 2009.
 - The development proposed is redevelopment of the current golf practice range and adjacent field into a three hole golf academy and golf practice area using imported inert material, primarily sub-soil.
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Decision

1. I dismiss the appeal.

Procedural matter

2. There were five reasons for refusal in this case; also scores of objections from third parties. In an attempt to overcome the objections the appellant has submitted, at the appeal stage, revised / additional information including a revised plan (layout of the course); clarification of the source of the material to be imported and lorry routing; a rights of way risk assessment; tree planting proposals; and an archaeological assessment and geophysical survey.
3. The County Council's appeal statement indicates the additional information appears, in principle, to overcome the reasons for refusal or means that certain detailed matters could be dealt with by way of planning conditions. Be that as it may, there has been no further consultation with the public or statutory consultees and no further resolution of the County Council. In the circumstances it is only fair to judge the proposals as originally submitted.

Main Issues

4. The main issues are:
 - (a) the effect on the bridleway crossing the site and its users;
 - (b) the effect on the character and appearance of the area;
 - (c) the effect on the best and most versatile agricultural land;
 - (d) the effect on archaeology; and
 - (e) whether appropriate environmental benefits would stem from the land raising.

Reasons

Effect on the bridleway and its users

5. Under Waste Local Plan Policy 39, applicants are required to illustrate how rights of way would be safeguarded. In the present case a bridleway crosses the site. However, it was not clear how this right of way would be maintained during the construction phase. In addition, the bridleway would cross the fairway of one of the holes and be close to the green on another. Users of the right of way, including horses, would be at risk of being struck by golf balls.
6. I appreciate that the right of way could be maintained and protected during the tipping operations; also that, through adjustments in the course layout, users of the bridleway could be safeguarded. However, as originally submitted, the bridleway and users of the bridleway could be materially harmed contrary to the objectives of Policy 39.

Effect on the character and appearance of the area

7. I saw that the area north of the bridleway is laid out as a golf driving range. The land to the south is a weed-infested field. A golf course lies to the west although the area generally is in arable use. There are areas of extensive woodland in the general area; also newer plantations. Wider views of the appeal site are partially restricted by the topography.
8. Waste Local Plan Policy 24 indicates that disposal of waste by land raising will only be permitted where, amongst other things, it would result in significant agricultural, land drainage, landscape enhancement or other environmental benefits. With regard to the character and appearance of the area, the submitted scheme gave little detail of how the proposal would fit into the local landscape or improve local landscape character.
9. The finished contours would not be entirely in keeping with the local landform. However, I can see that substantial planting would help break up and screen obvious changes in levels. In addition, it would strengthen and restore elements of the local landscape character as well as bring biodiversity benefits.
10. The planting necessary to ensure landscape enhancement and to successfully accommodate the new use and landform would be considerable. It would be wrong to assume that such a matter could be addressed in a condition. As originally submitted there was a failure to illustrate a scheme that would enhance the landscape and safeguard the character and appearance of the area.

Effect on best and most versatile agricultural land

11. The appeal site comprises land of the best and most versatile quality. Under Waste Local Plan Policy 38, planning permission for temporary waste disposal operations will be refused unless the applicant can demonstrate the original quality of the land will not be permanently or irreversibly reduced. In this regard, I note that the application contains details of the soils on the site and intentions for the stripping and storage of the soils and their placement above the inert fill.
12. The site would not be used for agricultural purposes. Indeed, it is not so used at the moment. However, given careful management of the soils in accordance with appropriate conditions, I am satisfied that the quality of the land would

not be permanently or irreversibly reduced. The inherent quality of best and most versatile agricultural land would not be prejudiced.

Effect on archaeology

13. Under Waste Local Plan Policy 37, and where the local planning authority considers that archaeological remains of importance may exist (as in this case), an appropriate archaeological evaluation will be required. None accompanied the application that I am considering. Archaeological interests would be materially prejudiced contrary to the objectives of the Waste Local Plan.

Environmental benefits

14. Relevant requirement of Waste Local Plan Policy 24 are set out above (Paragraph 8). The proposal would not result in any significant agricultural or land drainage benefits. Landscape enhancement and other environmental benefits (biodiversity) would be dependent upon the planting proposals previously discussed. There is clear potential in this regard. However, as it is, appropriate environmental benefits would not be derived from the submitted proposals.

Overall conclusion

15. As indicated above, there would be material harm in connection with the bridleway crossing the site and its users, the character and appearance of the area and archaeology; and appropriate environmental benefits would not stem from the land raising. This would be contrary to the provisions of Waste Local Plan Policies 24, 37 and 39. The appeal should be dismissed.

Andrew S Freeman

INSPECTOR