



Appeal Decision

Site visit made on 17 April 2019

by **Rory MacLeod BA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 May 2019

Appeal Ref: APP/L3815/W/18/3206819

Foxbridge Golf Club, Foxbridge Lane, Plaistow RH14 0LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by KPM Property Developments Ltd against the decision of Chichester District Council.
 - The application Ref PS/17/02726/OUT, dated 16 September 2017, was refused by notice dated 30 January 2018.
 - The development proposed is the demolition of the existing golf club house and commercial premises of KM Elite Products Ltd, and the construction of 10 dwellings, together with vehicular access, replacement clubhouse, access and car park.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for outline planning permission with all matters reserved for subsequent approval. Illustrative drawings have been submitted to show how 10 dwellings could be constructed on land in the northern part of the site and a replacement clubhouse, car park and access road provided on land to the south of this.
3. Subsequent to the submission of the appeal, the appellant has prepared a planning obligation in agreement with the Council on the making of a payment towards provision of affordable housing. The Council has now withdrawn its third reason for refusal of the proposal relating to affordable housing.

Main Issues

4. The main issues therefore are (a) whether the appeal site would be suitable for housing having regard to its location and the effect of the development on the character and appearance of the countryside and (b) the impact of the proposal on availability of employment land.

Reasons

Suitability for housing

5. The appeal relates primarily to land at Foxbridge Golf Club, which has a 9 hole course covering some 24 hectares (60 acres). The proposed housing would be on land occupied by the existing club house and adjacent buildings, the car park to the south of this and parts of a practice green and the golf course adjacent to the car park. It would utilise the existing vehicular access. A new

- access on to Foxbridge Lane would be formed to the south of this and a road constructed inside the boundary hedge to the road frontage leading to the site's south-western corner where the replacement club house and car park would be provided; this would be mainly on rough grassland within the golf course. As the proposal would impact on the present layout of the golf course, it would be necessary for parts of this to be laid out in an alternative manner.
6. Policy 1 of the Chichester Local Plan (2015) (CLP) reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (the Framework), whilst Policy 2 sets out a development strategy and settlement hierarchy that directs development to locations within the boundaries of identified settlements. Plaistow/Ifold are identified as service villages suitable for small scale housing. The site is located in a rural area to the south of Ifold, beyond its settlement boundary. As such, the proposal would not accord with the development strategy set out in Policy 2.
 7. Policy 45 of the CLP states, "*Within the countryside, outside Settlement Boundaries, development will be granted where it requires a countryside location and meets the essential, small scale, and local need which cannot be met within or immediately adjacent to existing settlements*". The policy is compatible with Paragraphs 78 and 79 of the Framework which state that housing should be located where it will enhance or maintain the vitality of rural communities but generally avoid the development of isolated homes in the countryside.
 8. The site is not isolated in that it is close to a few other buildings, but at some 670m from Ifold, neither is it immediately adjacent to an existing settlement. It is in a location not ideally suited to new housing. The proposed housing does not require a countryside location, but it is part of a wider proposal that seeks to maintain the vitality of the present golf course.
 9. The appellant has submitted a Landscape Visual Impact Assessment (LVIA) in relation to short and long term impacts of the proposal on the surrounding area. The replacement of conifers to the Foxbridge Lane frontage with more appropriate planting would result in an adverse effect during the construction period. However, the LVIA concludes that the longer term visual effect arising from the proposal would either be negligible or slight adverse depending on the viewpoint towards the proposal.
 10. Whilst the impact of the proposal on the landscape of the area may not be severe, the proposal would nonetheless have an adverse effect on the undeveloped character of this part of the countryside. In the fullness of time, the boundary screen to Foxbridge Lane would largely conceal the housing from the public highway, but it would still be seen as a substantial built development in a rural setting through the site access, from within the golf course itself and from public rights of way and buildings in the surrounding area.
 11. Policy 5 of the CLP sets the indicative parish housing numbers for the whole of the plan area and for Plaistow/Ifold identifies 10 units to be allocated through the Neighbourhood Plan process. To date, no Neighbourhood Plan has been adopted for this area. Whilst the location of the proposal does not accord with Policy 45, the harm arising from its location and in relation to the impact on the character and appearance of the area nonetheless needs to be weighed against benefits of the scheme.

12. There would be a benefit of additional housing, but there is disagreement between the parties on the degree to which the Council has five year housing land supply as required by the Framework. Whilst there has recently been an under supply against objectively assessed need, a Local Plan Review is currently underway to address this. The Council's land supply position, as of 1 April 2018, identifies that there is a 5.7 years supply. The Housing Delivery Test results for 2018 that accompanied the update to the Framework in 2019 show that Chichester has delivered homes in excess of its target for the past three years. This is a positive indicator. Overall, on the basis of the evidence available to me, it would appear that the Council does have a five year housing land supply. The tilted balance in Paragraph 11 of the Framework would not therefore apply. Nonetheless, the proposal would still provide 10 units that would contribute towards the general housing need and would also make a contribution towards the provision of affordable housing elsewhere.
13. The appellant contends that the proposal would result in other benefits. Firstly, it would address the current financial difficulties experienced by Foxbridge Golf Club. The capital raised would be used to provide a replacement club house and car park, invest in an irrigation system, and purchase machinery for grounds maintenance all to promote a more financially viable leisure use. The appellant has submitted a unilateral undertaking to use reasonable endeavours to procure a golf club tenant as soon as reasonably practicable following the grant of planning permission. However, this obligation would only apply for 12 months from the date of the permission. I am not persuaded that this would be long enough to procure a tenant given that obtaining approval of reserved matter following the grant of outline planning permission may take more than 12 months and there would be uncertainty on the overall nature of the golf enterprise. Furthermore, the unilateral undertaking and suggested planning conditions do not provide certainty that the new golf club house would definitely be provided as part of the development.
14. I have noted the representation from the present director of the Foxbridge Golf Club that the replacement club house of a size more relevant to the size of the club with modern fixtures and fittings would be a significant step forward in securing the viability of the club, and that the limited land take for housing would not hinder the operation of the club. However, whilst capital from the housing development could provide a short-term boost for the golf club, it has not been demonstrated that the investment would enable the club to remain a viable proposition given its relatively remote location from catchment areas and the prevailing economic climate that has led to its recent unprofitability. The difficulties facing golf courses highlighted in the Syngenta Report submitted by the appellant include poor facilities but also poor accessibility.
15. The proposal includes another benefit through an offer to refurbish and reopen a vacant village shop in Ifold which is in the appellant's ownership. The unilateral undertaking proposes to use reasonable endeavours to procure a village shop tenant for a 12 month period from commencement of any dwelling unit at the appeal site. A rent free period of 4 years would be offered to a new tenant to help in the establishment of the new business.
16. Whilst the reopening of the village shop would be a boost for the vitality of the community at Ifold, there is no certainty that the proposal would lead to the opening of the village store if a tenant could not be found within 12 months or that the business would thrive if a tenant is found. I note that the village shop

was listed as an Asset of Community Value in 2014. The Council consider that the proposed tenancy would be too short term to trigger the Community Right to Bid, that the lease terms might be too short term to attract a viable tenant and that Local Plan policy would require active marketing of a property for 2 years before an alternative use could be considered. Moreover, the village shop is not part of the application site and its reopening whilst a positive factor is not a necessary factor to make the development acceptable in planning terms. The unilateral undertaking would not therefore satisfy the necessity test set out at Regulation 122 of the Community Infrastructure Levy Regulations (2010) as a reason for granting planning permission.

17. The appellant has referred to Policy 25 of the CLP which relates to development in the north of the plan area. It seeks to safeguard existing local facilities and to expand their range. Benefits arising from enhancement of the golf course and reopening of the village shop would be sympathetic to this aim. However, Policy 25 seeks to undertake measures through the Neighbourhood Plans or through a Site Allocations DPD rather than in response to individual proposals. Policy 25 also seeks to conserve and enhance the rural character of the area, a matter in which I have found some harm.
18. Having regard to all relevant considerations, my findings are that the benefits arising from additional housing and the potential benefits in relation to investment for the golf course and the reopening of the village shop in Ifold would be outweighed by the unsuitable location for the housing and the harm resulting on the character and appearance of this rural area. The proposal would result in a block of housing remote from the nearest settlement and only partly built on brownfield land. Occupiers would be heavily reliant on private cars as the site would not be close to public transport and there are no footways along Foxbridge Lane. It would not amount to sustainable development and would not accord with the development strategy for additional housing set out in the CLP. The proposal would thereby be contrary to Policies 1, 2 and 45 of the CLP. There are no material considerations that lead me to a decision other than in accordance with the development plan.
19. The appellant has quoted from an appeal decision¹ at Threals Lane in an adjacent district in which permission was granted for 8 houses. Whilst that proposal was also for housing outside of a settlement boundary, the Inspector found only limited conflict with one part of the development plan and this was outweighed by other benefits. That site had a relatively close functional relationship with the settlement at West Chiltonton whereas the current proposal by comparison is remote from Ifold and does not result in benefits that would outweigh harm arising from policy conflicts.

Employment

20. The housing site would incorporate commercial premises recently occupied by KM Elite Products Ltd, a wholesaler of equestrian equipment that has sought to relocate elsewhere in the district to larger, more suitable premises. The commercial premises are one of two sets of barns accessed from the present golf course entrance. The other has been converted to residential use following a grant of planning permission in 2010. The Council states that a condition to the permission restricts the barns to be used as incidental to the occupation and enjoyment of the dwelling house known as Foxhanger Barn.

¹ APP/Z3825/W/16/3150965

21. Policy 26 of the CLP seeks to retain existing employment sites to safeguard their contribution to the local economy unless it has been demonstrated that the site is no longer required and is unlikely to be re-used or redeveloped for employment uses. There has not been a marketing exercise to test the suitability of the premises for alternative employment use.
22. However, there are constraints to alternative employment use in the proximity of the residential conversion at Foxhanger Barn and the incidental nature of the use of the barn to the residential use. I have not been provided with evidence on the availability of or demand for employment premises of this size in the district or on the impact that the loss of these premises would have in relation to that demand. However, from the information available, it seems unlikely that an independent alternative employment use is likely to arise or that the loss of the barn to employment use would significantly impact on the availability of premises of similar size in the district. As such there would not be substantive conflict with the requirements of Policy 26.

Other matters

23. There have been many representations both for and against the proposal and comment from the Plaistow and Ifold Parish Council. Reasons frequently cited in support for the proposal include the reopening of the village shop, retention of the golf club, enhancement of the golf course and provision of a more appropriate club house which could be used by the local community. These are laudable aspirations, but for the reasons set out there is considerable uncertainty that the proposal and the unilateral undertaking offered would deliver the outcomes hoped for. There is also favourable comment on the housing in comparison to an alternative housing proposal under consideration in a draft Neighbourhood Plan; this is not a matter for my consideration.

Conclusion

24. The housing element in the proposal would have a detrimental effect on the character and appearance of the countryside and would not be a sustainable form of development in relation to its location some distance beyond the nearest settlement boundary. The benefits offered in relation to the golf club and the reopening of a village store in Ifold do not outweigh this harm and there remains uncertainty that these benefits would be delivered. For the reasons given and having regard to all other matters raised, the appeal is dismissed.

Rory MacLeod

INSPECTOR