



Appeal Decision

Hearing held on 29 and 30 November 2022

Site visit made on 30 November 2022

by M Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2023

Appeal Ref: APP/N2739/W/22/3294868

**Scarthingwell Golf Course, Scarthingwell Park, Barkston Ash, Tadcaster
LS24 9PF**

- 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 Scarthingwell Golf Club against the decision of Selby District Council.
 - The application Ref 2020/1013/FULM, dated 16 September 2020, was refused by notice dated 20 September 2021.
 - The development proposed is erection of 99 holiday lodges with reception building, reconfiguration of the golf course and use of building as a golf academy and greenkeeper's store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the appellant's details and the description of development from the appeal form.
3. A number of documents were submitted shortly before the hearing¹. The Council had an opportunity to comment on these documents and raised no objection to their submission. I am also satisfied that these documents do not materially alter the substance of the planning application the Council originally considered and interested parties would not be unduly prejudiced. Therefore, I have accepted these documents as evidence in determining this appeal.
4. As the proposal relates to the impact on the setting of Grade II listed buildings, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

5. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies, and the effect of the proposal on the openness and purposes of including land in the Green Belt;

¹ Annex B: HD1 – HD4

- The effect of the proposal on the character and appearance of the area;
- The effect of the proposal on the setting of heritage assets including Grade II Listed 'East range of farmbuildings at Scarthingwell Hall Farm' (Ref: 1148446), 'West range of farmbuildings at Scarthingwell Hall Farm' (Ref: 1261614), and 'Barn at Scarthingwell Hall Farm' (Ref: 1253732);
- The effect of the proposal on the living conditions of existing residents; and,
- Whether any harm by reason of inappropriateness, and any other harm (if found), would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

6. The impacts of the proposal focus mainly on the lodge scheme, unless otherwise stated. The Council raises no objection to the proposed use of the buildings associated with the existing golf club.

Green Belt

7. Paragraphs 149 and 150 of the National Planning Policy Framework (the Framework) advise that the construction of new buildings and certain other forms of development are inappropriate development unless they meet at least one of the exceptions listed. The main parties agree that the lodge scheme would represent inappropriate development in the Green Belt. I have no reason to disagree.

Openness

8. Paragraph 137 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with openness comprising an essential characteristic of Green Belts.
9. There is no definition of 'openness' in the Framework, although it is commonly taken to mean the absence of built or otherwise urbanising development. I consider it to be a three-dimensional concept which requires an understanding of the spatial and visual implications of a proposal in relation to its surroundings.
10. During the Hearing the appellant made reference to the Stage 1 Green Belt study commissioned by the Council in 2015² (Green Belt study). This document was intended as an evidence base to inform site allocations in the upcoming local plan; thus, was not intended as a document to inform decision making on individual planning proposals. Nevertheless, I have afforded it weight as an objective and independent assessment of all Green Belt land within the District, and it provides an analysis of the appeal site's immediate locality³.
11. I concur with the findings of the Green Belt study insofar as the golf course and the surroundings represent the most enclosed area of this part of the wider landscape as depicted by the study. It is contained by numerous trees both within and close to the golf course boundaries, and the additional landscaping

² Appendix B: HD1

³ Page 18-21 of HD1

proposed would provide further enclosure. Therefore, as perceived from outside the site, the proposed lodges would have no more than a minor effect on openness.

12. However, the appeal site itself exhibits unobstructed open swathes typically formed by fairways and greens; each hole being generally divided by trees and landscaping forming an overall framework typical of a rural parkland golf course. The proposal would cover an area of approximately six hectares, most of which would constitute these existing open playing areas. Even taking into account the single storey height, use of rustic materials, and the modest scale of each individual lodge⁴, the collective mass of 99 lodges laid out in a compact spatial arrangement and covering a substantial area would diminish the site's openness considerably.
13. The Council state that the landscaping proposed would also diminish openness. I disagree. The fundamental aim of policy is to prevent urban sprawl by keeping land permanently open⁵, indicating concern principally in relation to human-made structures.
14. Be that as it may, such would be the extent of development proposed on land characterised by an absence of built form, I conclude that the overall impact on openness would be significant.

Purposes

15. The provision of lodges, access roads and other development would result in encroachment into the countryside, in conflict with one of the purposes of including land in the Green Belt⁶. Even taking into account the modified golf course landscape, and the existence of nearby buildings, the proposal would introduce built form across a large area of existing grassland. Therefore, this would amount to a significant degree of encroachment.
16. Aside from encroachment, I find no other conflict with the purposes of including land in the Green Belt.

Inappropriate development

17. In addition to being a form of inappropriate development in the Green Belt, the proposal would have a significant impact on openness and one of the purposes of including land within the Green Belt.

Character and appearance

18. The appeal site is located within the North Selby Farmland Landscape Character Area (LCA)⁷. The LCA is defined, in part, by low-lying farmland with a strong woodland presence providing a frequent sense of enclosure, a medium-scale field pattern, and a sparse settlement pattern. Alongside the evidence submitted I also visited the site and I have therefore, also used my own judgment based on the observations I made.
19. In this regard, I accept that some of the key characteristics detailed above in the LCA are not reflective of the appeal site and its surroundings. Primarily,

⁴ 12m x 4m according 3.2 of appellant Statement of Case

⁵ Paragraph 137 of the Framework

⁶ Paragraph 138 of the Framework

⁷ Selby Landscape Character Assessment 2019

this is because the appeal site is part of a golf course landscape, comprising manicured lawns and greens, with vegetation arranged to provide aesthetic and functional structure to the course; this in contrast with the general lack of enclosure associated with the farmland to the north, east and west. Nevertheless, the appeal site is not without appreciable verdant qualities, and it retains a pleasant, peaceful character. As a result, the appeal site is of medium sensitivity to change.

20. The lodge scheme would replace several existing fairways and greens with 99 lodges sited along new access drives. It would cover a relatively large area of countryside, and despite this being a modest proportion of the wider golf course, it would undoubtedly change the character of the site area through the significant encroachment of new buildings and development.
21. Moreover, the lodges would include a raised platform/decked area, with the footprint of each lodge being generally consistent. Even assuming the use of traditional materials in their construction, the layout and number of lodges proposed would be at odds with the immediate locality which lacks notable areas of higher density residential accommodation.
22. In addition, the relatively undeveloped character of the site area promotes the peaceful appreciation of the rural surroundings. To some extent this has been diminished by the managed golf course and associated development. However, whilst I accept the appellant's assertion that vehicle trip generation would not be significant, it is inevitable that the comings and goings of vehicles associated with 99 lodges, along with other domestic activities associated with lodge occupation, would create a greater degree of disturbance. This would further diminish the appeal site's tranquillity.
23. In terms of visual impacts, views of the lodge scheme from public vantage points would mainly be limited to close-range, particularly from Moor Lane public bridleway immediately to the south⁸. The additional planting proposed would effectively reduce obtainable views of the lodges. Although there would be some views of the proposed access, these would be from a limited stretch of the bridleway. Overall, adverse visual effects would be limited.
24. In conclusion, I am in general agreement with the appellant's LVIA⁹ insofar as the proposal would not result in wider landscape and visual effects. However, there would be localised impacts by reason of the significant scale, condensed layout and the somewhat urbanising form of the development proposed which would also affect tranquillity. Given the limited obtainable views, the baseline landscape context, and extensive landscaping proposed which would strengthen the woodland character, I find that the harm to the character of the area would be moderate.
25. As a result, there would be conflict with Saved Policy ENV1 of the Selby District Local Plan 2005 (Local Plan) and Policies SP18 and SP19 of the Selby District Core Strategy 2013 (Core Strategy) and the Framework which requires that development safeguards the natural environment including landscape character, and is sympathetic to the local character, including the built environment and open countryside.

⁸ Viewpoints 4 and 5 in appendix 3 of Council's Statement of Case

⁹ Landscape and Visual Impact Assessment – Appendix 4 of appellant's Statement of Case

Heritage

26. The 3 no. Grade II listed buildings¹⁰ form part of an arrangement of buildings at Scarthingwell Hall Farm (the farm). They date from the 18th Century and, despite numerous later interventions, retain impressive architectural detailing, with the buildings generally constructed of traditional materials. Originally part of nearby Scarthingwell Hall, the buildings represent the remains of a 'model' farm. As a result, their significance mainly derives from their architectural interest but also due to their historic interest, the use of the buildings together being an important part of an early model farm which likely displayed advanced farming techniques for its time.
27. Given the original use of the buildings in supporting the historic farming of the surrounding land, the wider rural landscape, within which the appeal site lies, forms part of their setting. However, this has evolved markedly over time, most notably with the use of much of the land surrounding the farm, and encompassing the appeal site, as part of Scarthingwell Golf Club. Consequently, the historic functional link between the farm and the land it relied on to sustain its existence has been eroded by the formation of a golf course. Moreover, agricultural activities at the farm are now limited, with a large part of the complex in the process of being converted to residential accommodation.
28. In addition, I saw no evidence of a historic agricultural field pattern on the appeal site on my site visit. On the contrary, the appeal site has a park-like quality in the form of a manicured golf course. Therefore, insofar as the appeal is concerned, I find the contribution the setting makes to the significance of the heritage assets to mainly comprise its verdant rural character.
29. The proposed lodges would lie on a part of the golf course which is appreciably separate from the farm, with visibility of the lodges being largely screened by existing trees. However, the proposed access to the lodges would lie closer to the farm and there would be a limited degree of intervisibility between the access and the heritage assets.
30. The map regression analysis contained in the appellant's heritage statement appears to indicate a route once existed in this location. Be that as it may, and despite more recent changes to the function and appearance of the surrounding landscape, the golf course retains a fortuitous visual appeal. The proposed access, and the vehicles travelling along it in association with the lodge use, would interrupt the perceived rurality through an increase in noise and activity associated with traffic and minor urban encroachment. This would result in limited harm to the significance of the heritage assets associated with the farm.
31. The Council's RfR alleges harm to several other designated and non-designated heritage assets. However, the Council's Statement of Case clarifies that there would be no impact on the historic interest of the Battlefield of the 'Battle of Towton, 1461'¹¹ and given the distance involved and the extent of screening between the asset and the proposed lodge site, I agree.
32. In respect of 'Scarthingwell Hall Historic Park and Garden', this is not a designated heritage asset and, according to the Council, comprises

¹⁰ Historic England List Entry Numbers 1148446, 1261614, 1253732

¹¹ Historic England List Entry Number - 1000040

Scarthingwell Park and the former landscaped ground of Scarthingwell Hall¹². If I was to accept the Council's position that these constitute non-designated heritage assets, I agree with the Council's statement that there would be no impact on the setting of Scarthingwell Park¹³. As historic links between the hall and the proposed lodge site were substantially diminished by the change of use to a golf course, I find no harm to the historic landscape grounds of the hall either.

33. In terms of the 'Locally Important Landscape Area' (also referred to in the Council's RfR), no substantive evidence had been advanced to suggest its important characteristics relate to its heritage interest. I am not persuaded that it constitutes a non-designated heritage asset and even if it did, there would be limited intervisibility such that its significance would not be harmed.
34. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of the asset and that any such harm should have clear and convincing justification. Given the above, I find that the proposal would fail to preserve the special interest of the listed buildings, and I find the harm to be at the lower end of less than substantial in this instance but nevertheless of considerable importance and weight.
35. As a result, there would be conflict with Policy ENV1 of the Local Plan and Policies SP18 and SP19 of the Core Strategy which, amongst other things, require developments to safeguard the historic environment, contribute positively to heritage and have regard to adverse effects on significant buildings. Given my findings above concerning the battlefield and locally important landscape, I find no conflict with Policies ENV15 or ENV17 of the Local Plan.
36. I return to the 'heritage balance', as advocated by paragraph 202 of the Framework, later in my decision.

Other harm

37. Notwithstanding my foregoing conclusions on character and heritage, I have no substantive evidence before me to suggest that vehicles travelling to and from, or within the site, would generate unacceptable levels of noise to the extent that the living conditions of nearby occupiers would be unacceptably affected. I note the Council's Environmental Health raised no objections to the proposal.
38. In terms of lighting, planning conditions could be imposed restricting light spill in the interests of the living conditions of nearby occupiers and the character of the area.

Other considerations/Benefits

39. It was agreed during the Hearing that the 'other considerations' associated with Green Belt would be equally applicable in determining the extent of public

¹² Respective Historic Environment Record numbers detailed in the Historic Environment Supporting Statement by Lanpro dated July 2022

¹³ See paragraph 9.2.5 of Historic Environment Supporting Statement by Lanpro dated July 2022

benefits in relation to the heritage balance. Therefore, I will consider both of these elements below.

40. The appellant's case is largely predicated on the golf club's apparent decline due to a reduction in golf participation, partly reflective of a general trend across the UK. To arrest the club's decline and viability concerns, the lodge development is proposed to ensure the golf club remains operational in the long-term. The funding mechanism would involve the rental income from the lodges over a long-term period subsidising the operation of the golf course¹⁴.
41. Both the appellant and the Council appointed independent consultants with expertise in golf related development, the appellant's consultant a chartered surveyor. The surveyor's report included a financial summary of the club's economic performance in terms of earnings before interest, taxes, depreciation, amortisation and rent (EBITDAR). According to the appellant, EBITDAR is a robust indicator of economic performance for leisure facilities such as this.
42. The appellant's surveyor explained that a yearly EBITDAR figure ranging between £50,000 and £150,000 for 18-hole golf courses would generally represent economic sustainability. The EBITDAR figures for 2018 and 2019 show that the club was making a loss and prior to that, from 2011, was in general decline. I have no reason to disagree with the main parties that, up until 2019, the golf club was in steady decline, representing a financial performance of concern¹⁵.
43. As with many other golf courses in the UK, the effects of COVID-19 significantly increased golf participation at Scarthingwell. This was due to a range of factors, including the widespread furlough of workers, and the imposition of lockdown limitations which restricted the availability of other leisure and recreation facilities. This is also borne out by the financial figures provided, which show an EBITDAR of *circa* £97,400 for the year ending March 2021. No figures were presented to show the economic performance for the year ending March 2022, but I was told by the appellant that the club's golf revenue had exceeded March 2021. This supports the Council's assertion that increased golf participation levels have been retained post-COVID.
44. However, it is also apparent to me that the recent uplift does not appear to have arrested the long-term unsustainability of the club's finances. This is because a range of other costs have been excluded from the EBITDAR figures presented. Most notably, the general manager and support member roles are undertaken by family members, thus their salaries are drawn independently and outside the EBITDAR calculation. In practice, this means that these family members of staff are likely being paid a minimal amount.
45. If those staff costs were included, the 'true' EBITDAR figure should be reduced by *circa* £55,000 to account for staff wages. This would leave the March 2021 EBITDAR figure short of the range deemed acceptable for economic sustainability. When further trading costs are factored in which, again, fall outside the EBITDAR calculations, this figure would be considerably lower¹⁶. The Council provided no substantive evidence to question the veracity of these figures.

¹⁴ See Unilateral Undertaking

¹⁵ Appendix 4 of Council's Statement of Case

¹⁶ See Appendix 1 of appellant's statement 'Statement of Case on the Economic Viability of the Golf Club dated March 2022'

46. Moving forwards, it is difficult to predict with any degree of certainty whether the number of new golfers attracted to the sport in the last few years will be retained in the long-term. However, even assuming high retention of participants at Scarthingwell for the foreseeable future, economic performance appears to remain unsustainable, underlining a need to improve the club's income long-term.
47. Be that as it may, I am concerned that other alternative ways of generating income have not been considered in a more comprehensive manner. Alternative options including a driving range, adventure golf, or diversifying the club to offer hotel accommodation/conference and leisure facilities were briefly discounted mainly due to the site's rural location and competition from other golf facilities in the wider locality. The Council also point towards a lack of innovation in the way the club is run, including membership types. I also note limited evidence that modern marketing strategies, including extensive use of social media, have been pursued by the club with any vigour, particularly given the recent upsurge in interest and participation in the sport¹⁷.
48. Even if I was to accept the appellant's assertion that none of these alternatives would comprise suitable 'stand-alone' projects, and that innovative marketing techniques would be nothing more than a 'sticking plaster' which would fail to address the club's underlying locational disadvantage; no comprehensive analysis as to the suitability of potential options in combination has been advanced. This may inform other ways of increasing the club's income without causing the same Green Belt harm. All of which leads me to question whether the provision of a scheme as extensive as 99 lodges in the Green Belt is the *only* economically viable solution.
49. Notwithstanding this, there is no reason to doubt that the lodge scheme would be capable of sustainably funding the golf club in the long term. This would ensure the retention of 13 existing jobs. There would be financial benefits to the local economy by reason of additional expenditure and the creation of direct and indirect jobs. The holiday lodges would satisfy a demand for this type of accommodation. Local planning policies support tourist accommodation and developments which promote a prosperous rural economy.
50. The lodge scheme would also cross subsidise the golf club indirectly, with occupiers of the lodges likely visiting the club facilities thus further boosting the club's income. Golf also contributes to health and well-being which this scheme would support long-term, and the proposal would also include a new state of the art club academy which would help attract new golfers. Furthermore, this is a community facility which hosts a range of community events, as well as hosting events for local schools, which the proposal would contribute to. These are notable benefits but, in light of my observations relating to potential alternative measures, I attribute moderate weight to the social and economic benefits.
51. The proposal would reduce involve a partial redesign and reduction in the course length in a manner which may be more conducive to modern day golfing preferences. Whilst I appreciate that the lodges would allow capital to be invested to make the proposed course alterations, it is not clear to me whether other less comprehensive course alterations could be made to attract new users. Therefore, this matter carries limited weight in favour.

¹⁷ Notwithstanding those detailed in the appellant's Functional and Economic Needs Case 2020

52. There would be significant biodiversity benefits due to additional landscaping on-site, ecological improvement measures, as well as improvements to nearby woodland.
53. I note that sustainable design and construction is proposed, along with a raft of environmental measures including a travel plan and electric charging points, and improvements to pedestrian accessibility. However, fundamentally, the location of the lodge scheme would be outside the nearest settlement. Whilst I appreciate some daily provisions for lodge residents could be sourced from the golf club's shop and restaurant, and sustainable travel opportunities exist to access services and facilities in nearby villages; larger towns and attractions lie much further afield. Therefore, the lodge scheme would be heavily reliant on the private car for access. As a consequence, I attribute limited weight to these environmental benefits.

Other Matters

54. The Council's first reason for refusal references ecology, protected species and the Carr Wood Ancient Woodland. However, their concerns have been addressed through the submission of additional survey work and evidence, as detailed in an additional Statement of Common Ground clarifying the agreed position¹⁸. I am also satisfied that there would be no unacceptable ecological impacts.
55. Reference is made to other examples of golf clubs with holiday accommodation/lodges, but I do not know the precise circumstances of those cases to know the basis on which any planning permission was granted. Reference is also made to an appeal decision at Abbey Farm Caravan Park¹⁹. However, that proposal related to an existing static caravan site, in a different local authority area, and the circumstances of that scheme and the appeal before me are not sufficiently similar to warrant me reaching the same overall conclusions.
56. I note that the Council's officers recommended approval of the associated planning application, and that was subsequently refused at the planning committee against the advice of professional officers. I have taken the officer report into account in determining this appeal, but I have arrived at a different decision, for the reasons set out.

Heritage and Planning Balance

57. In respect of heritage assets, I have identified less than substantial harm to several assets. These 'harms' are at the lower end of less than substantial, but they carry considerable importance and weight. However, I am satisfied that the public benefits in this case would be sufficient to outweigh the heritage harm, as required by paragraph 202 of the Framework.
58. The proposal would be inappropriate development in the Green Belt. It is, by definition, harmful to the Green Belt. There would be a significant degree of harm to openness and significant encroachment. I attach substantial weight to this harm. I have also identified moderate harm to the character of the area.

¹⁸ Statement of Common Ground – Ecology (Ref – ER-0422-10)

¹⁹ Appendix 5 of appellant's Statement of Case

59. In terms of benefits, I have considered the club's viability case, but limited analysis of alternative options and other methods of increasing revenue have been provided. Therefore, I am not convinced that the scheme is the only way of achieving the objectives. As such, I give moderate weight to the economic and social benefits of the scheme. I attribute significant weight to the proposed biodiversity improvements, limited weight to the environmental benefits, and limited weight to the proposed course improvements.
60. My overall conclusion is that these benefits do not clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances necessary to justify the appeal proposal. This is irrespective of the identified heritage harm which, if also included, would further weigh against the proposal. Consequently, very special circumstances do not exist.
61. As a result, the proposal would conflict with Policy SP3 of the Core Strategy which states that inappropriate development will not be approved in the Green Belt unless warranted by very special circumstances. There would be conflict with the development plan taken as a whole.

Conclusion

62. For the reasons set out, the appeal is dismissed.

M Woodward

INSPECTOR

Annex A: Attendees

FOR THE APPELLANT:

John Wyatt	JW Planning Ltd
Mr David Hardy - Advocate	Partner CMS
Steve Wilkinson	Dryden Wilkinson Partnership Ltd
Mark Smeeden	Director Smeeden Foreman
Mark Smith	Smith Leisure
Beth Davies	Director 1Voyage Ltd
Michael Paul	Michael Paul Holidays
Kathy Pick	Owner Scarthingwell Golf Club
Tony Howarth	Golf Professional

FOR THE LOCAL PLANNING AUTHORITY:

Mr William Nichols MRCP(Hons) MRTPI Regional Director	LanPro Services Ltd
Andy Rudge	Heritage Consultant
Wendy Wright	Landscape Consultant
Phil Grice	Financial and Golfing Consultant

Annex B: Hearing Documents

- HD1 A Study of Green Belt, Strategic Countryside Gaps, Safeguarded Land and Development Limits - Stage 1 Green Belt Study – *draft for stakeholder engagement: Summer 2015.*
- HD2 Historic England - The Setting of Heritage Assets – *Historic England Good Practice Advice in Planning Note 3 (Second Edition) 2017.*
- HD3 Pitching the Value – 2019 Economic Benefit Report: Holiday Parks and Campsites Impact Report – UK Caravan and Camping Alliance.
- HD4 Visitor Economy at the Heart of Yorkshire 2022 – 2025 – *Visitor economy strategy refresh for Selby District* – Heart of Yorkshire

Richborough Estates