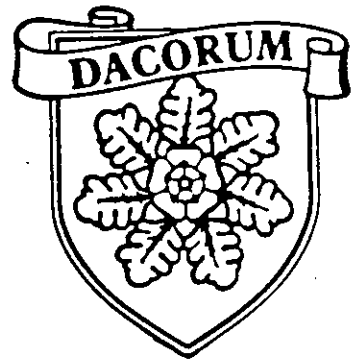


TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/1064/92

Shooters Golf Driving Range
Shootersway
Berkhamsted
Herts

Mr A.King
Osborne Lodge
Wick Road
Wigginton
Nr. Tring
Herts.

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

Shooters Golf Driving Range, Shootersway, Berkhamsted

EXTENSION TO CLUBHOUSE, USE OF LAND FOR FOOTBALL PITCH, 3 HOLE GOLF PRACTICE
COURSE, ALL WEATHER SPORTS FACILITY AND 6 FLOODLIGHTS

Your application for *full planning permission* dated 01.07.1992 and received on
19.08.1992 has been **REFUSED**, for the reasons set out on the attached sheet(s).

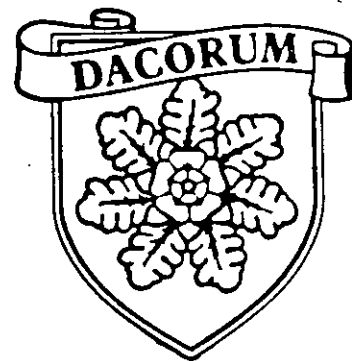
Director of Planning

Date of Decision: 22.10.1992

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/1064/92

Date of Decision: 22.10.1992



1. The site is within the Metropolitan Green Belt on the adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No such need has been proven and the proposed development is unacceptable in the terms of this policy.
2. The site lies within the Chilterns Area of Outstanding Natural Beauty where the prime consideration is the preservation of the beauty of the area. The proposed multi-surface floodlit sports area is a completely alien feature and will be visually intrusive in this sensitive area. Only informal outdoor recreation allowing the quiet enjoyment of the countryside is encouraged and the use of these pitches does not represent a quiet pursuit and is inappropriate in the Area of Outstanding Natural Beauty.



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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Mr A E King
Osbourne Lodge
Wick Road
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Herts
HP23 6HQ

Your Reference:

Our Reference:

T/APP/A1910/A/93/221273/P2

Date

15 SEP 1993

Received 16 SEP 1993

Comments

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY SHOOTERS GOLF DRIVING RANGE
APPLICATION NO: 4/1064/92

1. I have been appointed by the Secretary of State for the Environment to determine your client's appeal. The appeal is against the decision of the **Dacorum Borough Council** to refuse planning permission for clubhouse extension, use of adjacent land for football pitch, golf practice course and all weather sports facility on land at and adjoining **Shooters Golf Driving Range, Shootersway, Berkhamsted**.

2. I conducted a hearing into the appeal on 28 July 1993 and inspected the site following the hearing. I have also considered those representations made directly by interested persons to the Council which were handed to me at the hearing. Lists of those who took part in the discussion and documents are appended to this letter.

3. From all that I have heard, seen and read I am of the opinion that the main issues in this appeal are; firstly, whether the proposal would be appropriate development within the Green Belt, and secondly, if that is the case, whether the proposal, by reason of its siting, nature and intensity of use would cause demonstrable harm to the aims of the designation of Area of Outstanding Natural Beauty.

4. The appeal site is in open countryside to the east of Berkhamsted at fairly high level towards the top of the southern side of a valley. The land was previously used for clay extraction and has been subsequently landfilled. Part of the original landfill site, to the south and east of the appeal site, is still active; and there are also 2 warehouses close to that land. The appeal site forms 2 roughly rectangular portions, together with the access drive off Shootersway. Your client's existing golf driving range, car parking and club house occupies the western rectangular part of the appeal site.

5. The eastern portion of the site is mainly roughly surfaced tipped land. The land is heavily scarred, but having a reasonably level surface. There is little if any top soil over most of the area. Builder's rubble mixed with bits of metal lie on the surface. There is however a small copse at the south eastern corner. Apart from an extension to the club house, it is this eastern section which forms the area of the main part of your client's current



proposals. The surface of the appeal lands is higher by reason of tipping than the farm lands immediately to the north.

6. The recent site history, as set out in the Council's Statement, is not disputed. Planning Permission for the western part of the appeal site was granted for a Golf Driving Range, together with clubhouse in 1988, and was later implemented. Subsequently, in 1990, planning permission was granted for a 5 hole pitch and putt golf course on the eastern part of the appeal site (the main area of the appeal proposals), but has not been implemented.

7. It is not disputed that the site lies within the Metropolitan Green Belt and Chilterns Area of Outstanding Natural Beauty. Nor is it necessary to reiterate the policies which provide special protection for those areas, since they were set out in the Council's statement. The Council accepted, in the light of the evidence you produced, that there was a demand for additional football pitches. It was also agreed that the Green Belt policies provided for small scale participatory sports facilities within the Green Belt. They conceded that the sports pitches would be acceptable in Green Belt. On the first issue I therefore consider, that since the proposals are for relatively small scale participatory sport, they would be appropriate development in the Green Belt. However the Council pointed to paragraph 14 of Planning Policy Guidance 2, which specifically seeks to prevent injury to visual amenities in the Green Belt. I see that national guidance as strengthening the arguments in this case relating to the damage to the visual qualities of the Area of Outstanding Natural Beauty.

8. The prime policy consideration within the Area of Outstanding Natural Beauty is the preservation of the natural beauty of the area. I take that to have a wider application to the area as a whole, rather than be limited to the immediate vicinity of the proposal. Policy 89 of the Dacorum Local Plan (now at its post inquiry stage), specifically seeks to prevent intrusive fencing and illumination in connection with open air recreation. The policy also seeks to promote quiet enjoyment and prevent noise and disturbance.

9. The site is well screened from the east and south. However to the north, perhaps the most important aspect facing the valley, screening is fairly thin. The appeal site is situated on a high plateau towards the top of the valley side, and can be seen from a wide area opposite to the north, including Tunnel Fields. It was not disputed that existing lighting to the golf driving range is visible from valley bottom and from a wide area. I am therefore satisfied that new lighting, even though it would be of a lower intensity and spread, would also be visible from a similarly wide area.

10. Although you contend that the principle of lighting at the existing golf driving range has been accepted, there was no clear agreement on that matter by the local planning authority. In the absence of an agreement I am bound to look at the planning permission for the development. I understand, from my reading of the relevant condition, that artificial lighting is precluded from the driving range. I am not able therefore to assume that the lighting now present on the driving range will continue to operate. In the absence of lighting on the driving range, lighting on the proposed all weather surface and or football pitch would be prominently visible over a wide area in the hours of darkness.

11. Even if the lawful use of lights on the golf driving range is established it is necessary to consider the impact of additional lighting now proposed, albeit of a lower intensity and spread than that on the driving range. In my

judgement the width of the area lighted during dark evenings would be substantially extended, spreading light a significant distance further east, and at a skyline level. The impression of an urban area, especially when viewed from across the valley or from the main road in the valley bottom, would be significantly extended. Whether therefore the golf driving range is lighted or not I consider that the impact of the lighting now proposed will be seriously detrimental to the visual amenities of the area, contrary to the policies for the area.

12. The proposals would introduce urban elements into the area, including walls, fencing, lighting and artificial surfaces. Since the pitches would entail team games there would also be a noticeable periodic increase in activity, with noisy team games and the arrival and departure of groups of players. In contrast with the low level activity likely to be generated by a pitch and putt course, which the Council have approved, the current proposals would tend to detract from the visual qualities and quiet enjoyment of the area as a whole, contrary to the aims of the policies. Even though it is proposed to plant a few trees on the northern boundary, the most sensitive aspect, I am not satisfied that an effective screen would be provided. In any case it would take a number of years for the trees to mature.

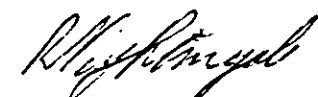
13. I therefore conclude that the proposals, in addition to existing activities on the site, would introduce fresh urban elements to the area with a consequent increase in activities. The proposed lighting would be visible over a very wide area. The proposals would in total be seriously detrimental and cause demonstrable harm to the aims of the designation of Area of Outstanding Natural Beauty. I therefore conclude that the the appeal ought not to be allowed.

14. I accept that there has been no objection from the Highway Authority, nor has the question of highway safety formed part of the reasons for refusal. The County Council, as Waste Disposal Authority, have pointed, in their letter of 23 July 1993, to Conditions imposed on the grant of permission to landfill the appeal site and adjoining lands, and that they will seek to enforce those conditions. The conditions include a requirement to restore the lands to agricultural use. That matter is not however before me. The archaeological significance of the appeal lands was not an issue raised at the hearing.

15. I have carefully examined all the other points raised on behalf of your client, including that planning policies have not materially changed since the golf driving range was permitted, that difficulties in the provision of football pitches are likely to remain in the immediate future, and that the presence of low levels of methane gas recorded at the site are unlikely to inhibit the proposal, but find that they do not outweigh the factors which have led me to my decision.

16. For the above reasons and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully



R Nightingale
Inspector

APPENDIX A

APPEARANCES

Those who took part in the discussion at the hearing were:-

Mr A E King BA (Hons) BPI MRTPI - Agent for appellant

Mr E Smith - Owner of Shooters Golf Driving Range

Mr M Bayliss - President of Berkhamsted Sunday Football League

Mr F Whittaker BSc (Hons) BTP MRTPI - Planning Officer

Councillor G M Scott - for Northchurch Parish Council

Mr M J R Low, 1 The Larches, Shootersway, Berkhamsted, Herts, HP4 3TX

APPENDIX B

DOCUMENTS

Document 1 - Attendance list

Document 2 - Notification of Hearing

Document 3 - Bundle of letters (7) in response to application

Document 4 - Bundle of letters (6) in support of need for football ground

Document 5 - Copy of planning permission for Driving Range, etc, 2 June 1988

Document 6 - Extract from Dacorum District Plan

PLANS

Plan A - Copy of application plans

Plan B - Copy of plans of Driving Range and pitch and putt course