

**Appendix F – Bishops Stortford Lawn
Tennis Club Decision Notice (Appeal ref:
APP/J1915/W/21/3272506)**

Appeal Decisions

Site visit made on 25 January 2022

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2022

Appeal A Ref: APP/J1915/W/21/3272506

Bishops Stortford Lawn Tennis Club, Cricketfield Lane, Bishops Stortford CM23 2TD

- 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 Bishops Stortford Lawn Tennis Club against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/2355/FUL, dated 23 November 2020, was refused by notice dated 23 February 2021.
 - The development proposed is Construction of two padel courts with canopy over & with associated floodlights & external works.
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Appeal B Ref: APP/J1915/W/21/3275195

Bishops Stortford Lawn Tennis Club, Cricketfield Lane, Bishops Stortford CM23 2TD

- 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 Bishops Stortford Lawn Tennis Club against the decision of East Hertfordshire District Council.
 - The application Ref 3/21/0638/FUL, dated 11 March 2021, was refused by notice dated 13 May 2021.
 - The development proposed is Construction of two padel courts with associated floodlights & external works.
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Decisions

1. Appeal A is allowed, and planning permission is granted for the construction of two Padel courts with canopy over and with associated floodlights and external works, at Bishops Stortford Lawn Tennis Club, Cricketfield Lane, Bishops Stortford CM23 2TD, in accordance with application Ref: 3/20/2355/FUL, dated 23 November 2020, and subject to the conditions in the attached schedule.
2. Appeal B is allowed, and planning permission is granted for the construction of two Padel courts with associated floodlights and external works, at Bishops Stortford Lawn Tennis Club, Cricketfield Lane, Bishops Stortford CM23 2TD, in accordance with application Ref: 3/21/0638/FUL, dated 11 March 2021, and subject to the conditions in the attached schedule.

Main Issues

3. The main issues common to both appeals are:
 - i) whether the proposals would constitute inappropriate development in the Green Belt;

- ii) the effect on the character and appearance of the surrounding area; and
 - iii) whether the proposals make appropriate provision for car parking, and if not, the effect of any under provision.
4. In addition, in relation to Appeal A, a further main issue is whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

5. The fundamental aim of Green Belt policy in the National Planning Policy Framework (the Framework) is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
6. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate development in the Green Belt. However, an identified exception set out within the Framework relates to the provision of appropriate facilities (in the 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.
7. Both proposals relate to the provision of new facilities for outdoor sport. Specifically, the proposals would make provision for Padel courts to facilitate and encourage participation in a growing sport. In both instances, the courts would be located in the same position on the site. This would be close to the entrance of the site and adjacent to existing tennis courts with their associated means of enclosures and floodlighting.
8. The principal difference between the two appeals relates to the proposed enclosure of the courts. Appeal A would introduce a tall structure with a barrelled roof thereby enabling use of the courts in all weathers. Appeal B does not propose such a structure.
9. The appeal site is a tennis centre and due to this use, there are a number of enclosures and lighting columns as well as courts themselves. This provides the site with an active use which impacts upon the openness of the Green Belt. In addition, there is a large building to the west of the specific location for the courts proposed. Built form is also apparent beyond the site and also opposite and it is in this context that the site for the proposed courts is experienced.
10. Despite this, Appeal A would introduce a degree of built form that would materially alter the openness of the site. It would be located on an area which currently has no built form, and which enables views to the existing courts. It also helps to provide the site with a degree of spaciousness when viewed from the site entrance and the public realm beyond. The introduction of a structure, albeit one with open sides, would, by its very nature, demonstrably alter the openness of the site. It would impact upon existing views both within and beyond the site and reduce the spaciousness that the site currently helps to

afford. Consequently, both visually and spatially, the proposal in Appeal A would reduce the openness of the Green Belt. Despite this effect, due to the surrounding context, I find that the impact on openness would only cause limited harm to the Green Belt.

11. Appeal B would introduce the same number of courts but without the associated structure. The built form would therefore only consist of the courts and associated enclosures and lighting columns. In light of the context in which the area would be experienced, I am satisfied that views into the site would not be materially altered, and the existing spaciousness would be preserved. Consequently, from both a visual and spatial perspective, this proposal would not harm the openness of the Green Belt.
12. I therefore conclude that having regard to Appeal A, the proposal would represent inappropriate development within the Green Belt. On this basis it would fail to comply with the Green Belt protection aims of the Framework as well as Policy GB1 of the East Herts District Plan (2018) (DP).
13. In contrast, in my judgement, due to the context of the appeal site, I am satisfied that Appeal B would preserve the openness of the Green Belt. I therefore conclude that it would not represent inappropriate development within the Green Belt, and that accordingly, it would comply with the Green Belt protection aims of the Framework as well as the same Policy identified above.

Character and Appearance

14. As identified above, the appeal site is host to numerous structures and courts that are associated within the Tennis Centre use. In addition, the surrounding environment contains a substantial presence of built form. As a consequence, the location of the proposed Padel Courts would be experienced within this well-established built context.
15. The location of the proposed courts would be close to the entrance of the site. However, due to the topography of the broader site, they would be located at a lower level than much of the existing built form. Accordingly, the courts would not dominate the site or be imposing when viewed from the site entrance. Instead, in both instances, I am satisfied that they would appear as a complementary addition to the well-established tennis centre which would not compromise the appearance of the broader site.
16. As a consequence, I conclude that for both appeals, the proposals would not harm the character and appearance of the surrounding area. They would therefore comply with Policies DES2, DES3 and DES4 of the DP. Taken together, these seek amongst other things, development of a high standard of design which conserves the character of the district's landscape.

Car Parking Provision

17. The Council point to an under provision of car parking on the site for the existing number of courts. Accordingly, in their view, an additional two courts would worsen the current situation. They also state that the appellant has not provided justification for what is perceived to be an under supply.
18. The under provision of car parking spaces is acknowledged. However, despite the Council's concerns relating to this matter, no evidence has been provided

to substantiate their concerns. For example, it has not been demonstrated that the existing parking provision is giving rise to indiscriminate car parking that is causing highway safety concerns. Nor has it been implied that the additional courts would worsen such a situation, or even generate one.

19. The concerns of the Council are understood. However, without substantive evidence, I have no reason to consider that an under supply of car parking spaces on site would give rise to highway safety concerns.
20. Consequently, based on the evidence before me, I conclude that the amount of parking spaces provided on the site would not have any detrimental effect on highway safety. The proposal would therefore comply with Policy TRA3 of the DP which establishes the parameters for sustainable transport.

Other Considerations

21. Due to my findings set out above, it is not necessary to consider this matter in relation to Appeal B. Accordingly, the following assessment relates solely to Appeal A.
22. Based on the evidence before me, the proposal stems from the national desire to integrate, build, accelerate and scale Padel as a sport within Great Britain. The Lawn Tennis Association seeks to provide 400 Padel courts by 2023 and accordingly, they have provided support to the proposal. The appellant also points to the housing growth that is forthcoming in the area and the need to provide additional sport and recreational facilities. The proposal would play a role in providing such facilities and the evidence suggests that it would also create opportunities for collaboration with schools to promote participation. In addition, the appellant suggests that the proposal garners support from the Council's Open Space, Sport and Recreation Supplementary Planning Document, as well as the Neighbourhood Plan.
23. The Framework is clear in how it promotes healthy and safe communities. Paragraph 98 confirms that access to a network of opportunities for sport and physical activity is important for the health and well-being of communities, and the benefits of physical activity for mental health are incredibly well-documented. As a consequence, I find that the opportunities of the proposal for promoting physical and mental well-being are a fundamental benefit of the proposal. Accordingly, this matter attracts very substantial weight in favour of the development.
24. Paragraph 148 of the Framework requires that substantial weight is given to any harm to the Green Belt. It also confirms that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
25. As identified above, the proposal would represent inappropriate development and would cause some limited harm to the openness of the Green Belt. Due to the limited harm to openness, despite giving substantial weight to this matter, I find that this should be on the lower end of the spectrum of substantial weight. In contrast, due to the benefits that the proposal would facilitate, I find that the contribution towards a healthy community should attract very substantial weight, to such an extent that would clearly outweigh the harm that would be caused to the Green Belt. Consequently, on the basis of the other

considerations before me, I conclude that the very special circumstances necessary to justify the proposal do exist.

Conditions

26. In light of my findings for both appeals, conditions are necessary to control and manage the implementation of either proposal. Due to the nature and similarity of the proposals, I am satisfied that the conditions can be duplicated but two schedules are set out below because two decisions are being made.
27. Conditions 1 and 2 are necessary in the interests of clarity and precision. Condition 3 is necessary to the archaeological sensitivities of the site, and condition 4 is necessary to ensure proposed lighting is sensitive to its surroundings. This condition has been amalgamated with other suggested conditions by the Council so as to provide a clearer decision.
28. Condition 5 is necessary to promote sustainable modes of transport, and condition 6 is necessary to ensure that the developments are sympathetic to their surrounding context. Condition 7 is necessary to ensure a suitable landscaping scheme is proposed and conditions 8 – 10 are necessary to protect the amenities of neighbouring land users. Finally, condition 11 is necessary to ensure suitable tree protection.
29. Where conditions require information to be provided prior to the commencement of development, the appellant has confirmed their acceptance in writing.
30. The Council suggested additional conditions in relation to the provision of electric vehicle charging, and turning space on site. However, on the basis of the evidence before me, I find that these conditions fail to meet the tests established within the Framework. Accordingly, they have not been imposed.

Conclusion

31. For the reasons identified above, both appeals should be allowed.

Martin Chandler

INSPECTOR

APPEAL A - SCHEDULE OF CONDITIONS

- 1) The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.
- 2) The development hereby approved shall be carried out in accordance with the following drawing numbers: 08B.20.LP Rev A; 08B.20.10; 08B.20.11; 08B.20.12.
- 3) No development or groundworks shall take place until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme, and this condition will only be discharged when the required archaeological reports are submitted to and approved in writing by the Local Planning Authority.
- 4) Prior to commencement of the development hereby approved, details of external artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following:
 - a) Lighting contours to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals Guidance Note 01/20 'Guidance notes for the reduction of obtrusive light'.
 - b) measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires.
 - c) a plan detailing the aiming angle and light spill of the proposed lighting for each Padel court.
 - d) Confirmation that the intensity of illumination shall be controlled at a level that is within the limit recommended by the Institution of Lighting Professionals in the publication 'Technical Report No 5: Brightness of Illuminated Advertisements' and 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011'.

The approved details shall be implemented prior to use of the development and thereafter be permanently retained.

- 5) Prior to the first use of the development hereby permitted, a scheme for the parking of 8 cycles shall be submitted detailing the position of the cycle parking and the dimensions of the cycle storage and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.
- 6) The exterior of the development hereby approved shall be constructed in the materials specified on the submitted application form/plans, or in materials which have been approved in writing by the Local Planning Authority.
- 7) Prior to first occupation of the development hereby approved, details of landscaping shall be submitted and approved in writing and shall include full details of both hard and soft landscape proposals, finished levels or

contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.

- 8) In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.
- 9) The use of the Padel courts hereby approved shall be restricted to the hours 08:00 to 22:00.
- 10) Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular(but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site.
- 11) All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

APPEAL B – SCHEDULE OF CONDITIONS

- 1) The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.
- 2) The development hereby approved shall be carried out in accordance with the following drawing numbers: 08B.20.LP Rev A; 08B.20.10A; 08B.20.11A; and 08B.20.12A.
- 3) No development or groundworks shall take place until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme, and this condition will only be discharged when the required archaeological reports are submitted to and approved in writing by the Local Planning Authority.
- 4) Prior to commencement of the development hereby approved, details of external artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following:
 - a) Lighting contours to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals Guidance Note 01/20 'Guidance notes for the reduction of obtrusive light'.
 - b) measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires.
 - c) a plan detailing the aiming angle and light spill of the proposed lighting for each Padel court.
 - d) Confirmation that the intensity of illumination shall be controlled at a level that is within the limit recommended by the Institution of Lighting Professionals in the publication 'Technical Report No 5: Brightness of Illuminated Advertisements' and 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011'.

The approved details shall be implemented prior to use of the development and thereafter be permanently retained.

- 5) Prior to the first use of the development hereby permitted, a scheme for the parking of 8 cycles shall be submitted detailing the position of the cycle parking and the dimensions of the cycle storage and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.
- 6) The exterior of the development hereby approved shall be constructed in the materials specified on the submitted application form/plans, or in materials which have been approved in writing by the Local Planning Authority.
- 7) Prior to first occupation of the development hereby approved, details of landscaping shall be submitted and approved in writing and shall include full details of both hard and soft landscape proposals, finished levels or

contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.

- 8) In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.
- 9) The use of the Padel courts hereby approved shall be restricted to the hours 08:00 to 22:00.
- 10) Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular(but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site.
- 11) All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Appendix G – Brentwood Hard Court Tennis Club Delegated Report (Brentwood BC, ref: 23/01586/FUL)

DELEGATED REPORT



DATE LIST EXPIRES: 16th February 2024

OVERALL CONSULTATION EXPIRY DATE: 6 February 2024

Reference:
23/01586/FUL

Site:
Brentwood Hard Court Tennis Club
Childerditch Lane
Little Warley
Brentwood
Essex
CM13 3FD

Ward:
Warley

Proposal:
Installation of free standing cover to existing Padel Courts.

Parish:

Plan Number(s):

DA-BPC-PL-ARC-SP-100; DA-BPC-PL-ARC-LP-101; DA-BPC-PL-ARC-RP-102;
DA-BPC-PL-ARC-ELEV-201; DA-BPC-PL-ARC-PV-301; Planning Statement;

Applicant:
Mr Keith Gilbert

Validated:
20 December 2023

Date of expiry:
20 February 2024

Extension of time (if applicable):
20.02.2024

Case Officer: Miss Georgia Taylor

1.0 RELEVANT HISTORY

- 01/00840/FUL: Amendments To The Replacement Clubhouse Approved Under Ref: Brw/261/2000 Incorporating Increased Eaves Height & Overall Width, Alterations To The Roof Design And Fenestration Pattern Together With The Formation Of A Foyer And Enlargement To Clubroom. - Application Permitted
- 02/00529/FUL: Erection Of Replacement Clubhouse. - Application Permitted

- 21/00344/FUL: Extend the area of an existing tennis court to construct three new floodlit padel courts, including associated chain link fencing. - Application Permitted
- 23/00471/S192: Application for a Lawful Development Certificate for a proposed use or development to replace the existing Tennis Courts with Padel Courts. - Lawful
- 23/01162/FUL: Increase glass height by 1meter and install 1meter of netting as per drawings (Retrospective) - Application Permitted

2.0 SUMMARY OF CONSULTATION RESPONSES

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link:

<http://publicaccess.brentwood.gov.uk/online-applications/>

No Consultations were received.

3.0 SUMMARY OF NEIGHBOUR COMMENTS

Where applications are subject to public consultation those comments are summarised below. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link:

<http://publicaccess.brentwood.gov.uk/online-applications/>

This application has been advertised by way of Public site notice. At the time of writing this report, no representations have been received.

4.0 POLICY CONTEXT

The Brentwood Local Plan 2016-2033 (BLP)

- Policy BE14: Creating Successful Places
- Policy MG02: Green Belt
- Policy NE05: Open Space and Recreational Facilities

The Plan was adopted as the Development Plan for the Borough on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked.

- National Planning Policy and Guidance
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

5.0 ASSESSMENT

The starting point for determining a planning application is the Development Plan, in this case the Brentwood Local Plan 2016-2033. Planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed in section 4 above.

Assessment

Planning permission is sought to install a free-standing cover to the padel courts at Brentwood Hard Court Tennis Club, Childerditch Lane.

The application site is located entirely within the Green Belt. The site is surrounded mostly by dense woodland, with the exception of the access to the site from Childerditch Lane in the form of an asphalt drive and low-level gate. This access and partial views through the woodland fronting the carriageway are the only means to view the site from the public realm. Within the site, the site level rises away from the carriageway (east) as the existing tennis courts and padel courts are located on a higher level, to provide a flattened ground for the tennis courts.

The site consists of 7 tennis courts and 6 padel courts, The tennis courts are all surrounded by chain link fencing approx. 2.75 to 3 metres in height with supporting floodlighting. The six padel courts are surrounded by 3 metres of glass and 1 metre of netting, with supporting floodlighting. In addition to this, a club house is located to the western boundary (screening views into the site) as well as parking provision.

Planning History

The relevant padel courts which this application applies were permitted through utilisation of permitted development rights under reference 23/00471/S192, and a further full application was permitted to erect an additional 1 metre of fencing to the padel courts under reference 23/01162/FUL. This application was a retrospective application, as the additional 1 metre fencing was constructed following the permitted development application (23/00471/S192).

Principle of Use

The NPPF under paragraph 96 states planning policies and decisions should aim to achieve healthy, inclusive and safe places which: c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Local Plan Policy NE05 is supportive of maximising opportunities to enhance existing sport and recreational facilities for health and well-being provided they are easily accessible as part of the network of high quality facilities within the borough.

The application is supported by a statement that details Padel is the fastest growing sport in Europe, and notes that the proposal would allow all-weather use of the facilities, providing health benefits through sport and recreation to the community all year round.

The six padel courts are existing and the proposed development would improve sport and recreation facilities for the community at the existing and establish Brentwood Hard Court Tennis Club. Whilst there are no immediate public transport services that run past the site, it is well positioned with transport links to Brentwood Town Centre, Warley and wider areas of Thurrock via the A127.

Therefore, the principle of the development is considered acceptable subject to other planning considerations, including the impact on the Green Belt, as outlined below.

Green Belt

Paragraph 142 of the National Planning Policy Framework (NPPF 2023) states that the Government attached great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Is the proposal inappropriate development in the Green Belt:

Paragraph 154 of the NPPF 2023 states that a Local Planning Authority (LPA) should regard the construction of new buildings as inappropriate in the Green Belt.

The glass enclosure surrounding the padel courts is existing as permitted under application (23/00471/S192). The proposed canopy is a new building and would therefore constitute inappropriate development in the Green Belt. Paragraph 154 identifies exceptions that is relevant to the proposed canopy:

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;

The proposed canopy is considered to be an appropriate facility for the existing outdoor sport. It would have a bulky appearance because of its length, width, height and design. The pitched roof design would result in a degree of prominence viewed from north and south, and the material use of the canopy which would to all intents and purposes appear solid.

Its wider visibility would be interrupted by trees to some degree; however it would nonetheless have a substantial presence. Its support structures would in turn have a degree of prominence greater than the existing lighting columns and fencing for example.

The proposal would not preserve the openness of the green belt and therefore would be harmful. The impact upon the openness would be a result of the scale and position of the proposed canopy. Although it would provide for sports facilities, it would not preserve the openness of the Green Belt and therefore be inappropriate development, and by definition, harmful to the Green Belt.

It is therefore necessary to consider whether there any very special circumstances (VSC) arising from other considerations that in this instance would outweigh the harm to the Green Belt.

The Green Belt Balance and Any Very Special Circumstances

Paragraph 96 of the NPPF states that planning decisions should support social interaction, and enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.

Paragraph 96 of the NPPF states that access to opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 103 states that *“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless...(c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”*

This is consistent with Policies MG02, NE05 and BE14 of the Brentwood Local Plan. Policy MG02 is the Local Plan policy for Green Belt development, and seeks to enhance the beneficial use of the Green Belt to provide and enhance opportunities for outdoor sport and recreation. Policy NE05 seeks to protect open space and enhance the opportunities for access to a network of high quality sport and recreation facilities.

The development would provide additional sport and recreation facilities for the community. A supporting statement has been provided stating padel cannot be played in wet conditions, as the courts become too slippery and therefore the canopy would allow for all weather use of the facilities. The development would provide health benefits through the sport and recreation to the community all year round.

In terms of preserving the openness of the Green Belt and purpose of including land within it, the proposed canopy is a maximum height of 9 metres with a pitched roof due to the existing floodlights set underneath the canopy. The technical drawing provided indicates that the proposal would be the minimum size necessary for the development to stage a successful Padel game. The technical drawing shows the low eaves height of

5 metres in relation to the existing fencing, with the pitched roof to accommodate the height of the existing floodlights which are to be retained.

The development would not result in the loss of any part of an existing playing field. The proposal would provide improved facilities to widen tennis participation within the Borough, which is supported by Sport England and consistent with Policy NE05 of the Local Plan. The proposal is, in this respect and in general principle, in accordance with Policies MG02 of the Local Plan.

The proposed canopy would be the minimum size effective and the minimum size technically suitable, while achieving the significant community and sporting benefits outlined. It is found that although the development would have an impact on the openness of the green belt and be in conflict with planning policy in this regard, very special circumstances, in the form of the design of the proposal combined with the community and sporting benefits it offers, is sufficient to outweigh this harm and any other harm resulting from the proposal as there are a limited number of all weather outdoor facilities available in and around the Borough.

In terms of visual impact, the tennis club is surrounded mostly by dense woodland with the exception of the access to the site from Childerditch Lane, and this access and partial views through the woodland fronting the carriageway are the only means to view the site from the public realm. The padel courts are located on a higher level and are set back approximately 85 metres from Childerditch Lane. The proposed canopy would be positioned with the eastern elevation facing towards the highway, and therefore the slopes of the canopy would only be visible within the Tennis Club grounds once customers approach the site. As a result, it is not considered the proposed canopy would be prominent within the landscape, and the eastern elevation would only be partially visible from the roadside.

Overall, it is considered the development would provide a substantial benefit to the provision of outdoor sporting facilities and this outweighs the harm to the openness of the Green Belt. The proposal would provide a facility that would enhance the opportunity for outdoor sports and recreation, in line with paragraphs 96 and 153 of the NPPF, and policies BE14 and NE05 and MG02 of the Brentwood Local Plan.

Impact on Living Conditions

Given the location of the site, the proposed padel courts would not result in undue overlooking or overbearing impact to adjoining residents and would comply with BE14.

Conclusion

The proposed development has demonstrated very special circumstances that outweigh the harm to the Green Belt and therefore the proposal is compliant with local and national planning policy and is recommended for approval.

6.0 RECOMMENDATION

The Application be APPROVED subject to the following conditions:-

1 TIM01 Standard Time - Full

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 DRA01A Development in Accordance with Drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved documents listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

Informative(s)

1 INF00 Community Infrastructure Levy (CIL)

The developer is advised that Brentwood Borough Council is a Community Infrastructure Levy (CIL) Charging Authority effective from 15 January 2024. CIL is a locally set charge on most types of new development based on the size and type of development. Where developments are CIL liable, payment is mandatory and non-negotiable.

It is strongly recommended that you read the CIL process in full by visiting the Councils CIL webpage - www.brentwood.gov.uk/cil.

Otherwise, when planning permission has been granted for a development that is liable to pay CIL, a CIL Liability Notice will be issued following the issuing of the Decision Notice. Once a Liability Notice is issued, the CIL charge will be registered on the Land Charges Register.

Prior to starting development, you will need to send us at least two forms as below. Please email cil@brentwood.gov.uk with the relevant forms and application reference number.

Form 2: Assumption of Liability - this informs us who will be liable for paying the CIL relating to the development and must be received prior to commencement. If no one assumes liability to pay, then liability will rest with the landowner.

Form 6: Commencement Notice - this informs us when the development is going to commence, and forms the basis of the dates that CIL payments become due and must be received prior to commencement.

If we do not receive both the Form 2: Assumption of Liability and Form 6: Commencement Notice before you start work, this will result in a requirement to pay in full immediately; loss of any potential exemption and relief; and could also result in surcharges.

Other forms, such as exemption forms (self-build including residential annexes and extensions and charitable and/or social housing relief) should also be submitted where that is claimed.

Once we have received a Commencement Notice, we will issue a Demand Notice to the person(s) that have assumed liability to pay the CIL. This notice sets out the deadline date for CIL payment.

If payment is not made by the due date, penalty surcharges apply. We do not have the flexibility to defer CIL in the same way that we can for planning obligations, and payment of CIL is enforceable through both the courts and the planning process.

2 INF01 Reason for Approval (no objections)

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below.

3 INF04 Amendments to Approved Scheme

The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

4 INF05 Policies

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: BE14, MG02; National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

5 INF21 Approved Without Amendment

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the

presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

6 U0010304 - Extent of permission

Please note that this permission only relates to the description of development and no other works or changes to hours of use.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://www.brentwood.gov.uk/-/applicationsviewcommentandtrack>

Appendix H – Holly Park Decision Notice (Appeal ref: APP/Y5420/A/13/2198650)

Appeal Decision

Site visit made on 28 January 2014

by Mrs H M Higenbottam BA (Hons) MRTPI

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

Decision date: 24 March 2014

Appeal Ref: APP/Y5420/A/13/2198650

Crouch End Playing Fields, Park Road, London N8 8JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Holly Park Tennis Club against the Council of the London Borough of Haringey.
 - The application Ref HGY/2013/0039, is dated 5 December 2012.
 - The development proposed is erection of translucent polythene membrane inflatable dome to cover three tennis courts between 1st October and 31st March annually.
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Decision

1. The appeal is dismissed.

Main Issues

2. The site lies within Metropolitan Open Land (MOL) and as such the main issues are:
 - whether the development would be inappropriate development in the MOL for the purposes of the development plan;
 - the effect of the development on the openness of the MOL;
 - the effect on the character and appearance of the area; and
 - whether any harm by way of inappropriateness, and any other harm, is clearly outweighed by other considerations and, if so, whether there exist very special circumstances that justify the development.

Planning Policy

3. Policy 7.17 of the London Plan 2011 states that the strongest protection should be given to London's MOL and inappropriate development refused except in very special circumstances giving the same level of protection as in the Green Belt. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL. The supporting text to the policy states that appropriate development should be limited to small scale structures to support outdoor open space uses and minimise any adverse impact on the openness of the MOL.
4. The supporting text to the London Plan Policy 7.17 also states that policy guidance of PPG2 on Green Belts applies equally to MOL. PPG2 has been cancelled by the National Planning Policy Framework (the Framework). Section 9 of the Framework sets out national policy on Green Belt.

5. LP Policy 7.19 requires developments, wherever possible, to make a positive contribution to the protection, enhancement, creation and management of biodiversity and not adversely effect the population or conservation status of a protected species or a priority species or habitat.
6. SP Policy SP11 of the Haringey Local Plan Strategic Policies 2013 – 2026 (SP) requires development to be of the highest standard of design that respects its local context and character and historic significance. SP Policy SP13 requires new development to protect and enhance designated MOL from inappropriate development. The supporting text to this policy states that MOL is defined as open land within a built-up area which has wider than borough significance and it receives the same presumption against development as Green Belt Land. SP Policy SP14 seeks to improve health and well being in Haringey.

Reasons

Inappropriate development in the MOL

7. The LP Policy 7.17 supporting text states that appropriate development should be limited to small scale structures to support outdoor open space uses. The proposed development would extend across three tennis courts and be about 9m high. In my view, this is not a 'small in scale' development. Moreover, the purpose of the enclosure is to allow tennis to take place under cover or 'inside'. As such, it would not support the use of the outdoor open space. The development is therefore inappropriate development in the MOL. This would be contrary to LP Policy 7.17 and SP Policy SP13.

Openness

8. The dome would be inflatable and formed from a translucent polythene membrane. The plans show that it would cover three hard tennis courts and the existing lighting columns, extending to 9m above court level. The enclosure of the courts in this way would introduce a volume of development above ground level and whilst it would only be in situ between 1 October and 31 March each year it would reduce the openness of the MOL. This would be contrary to LP Policy 7.17 and SP Policy SP13.

Character and appearance

9. The appeal site is one of a number of recreational/sporting facilities within the area of MOL. The immediate landscape is a patchwork of open recreational fields and hard surfaced sports pitches accessible by tree lined roads and paths. Beyond these are mainly residential properties, although there are some non-residential uses including a school.
10. A row of preserved trees (The Haringey (Woods Path, Crouch End Playing Fields, London N8) Tree Preservation Order 1978 is adjacent to the appeal site. Also a footpath, connecting Woodvale and Park Road, runs adjacent to the northern boundary of the appeal site. The existing tennis courts have high fencing and lights on top of tall lighting columns.
11. The appellant has carried out a 'Character Study of Shepherds Cot/Metropolitan Open Land'. It identifies that the appeal site is within the identified second category of landscape, being smaller, separated and more inward looking bounded by mature trees and shrubs which create a sense of enclosure.
12. To my mind, due to the scale, form and materials of the inflatable dome structure, it would be clearly viewed from the adjacent public footpath and in some longer distance views from higher ground. As the dome would cover the existing lighting columns and be translucent, when the lights are in use the form of the dome would be illuminated and visible at night. The shape and materials of the dome would not complement the established character of the

area. In my view, the dome would be an alien intrusion which would detract from the character and appearance of the area. This would be contrary to SP Policy SP11.

Other considerations

13. The loss of openness of the MOL would be for a limited period between 1 October and 31 March each year. This would limit the effect of the development on openness; however, whilst it was erected it would harm openness. As such, this does not mitigate the harm resulting from the development and does not weigh in favour of the proposal.
14. The appellant contends that it would improve facilities and provide year round play for the local community, local schools, club members and other frequent club users. It is stated that the 'dome' courts would be made available to a number of local Primary and Secondary Schools. In addition it would support programmes for tennis with disabled children and groups in the areas; work experience and Duke of Edinburgh Awards, Coach Education, competitive opportunities including access to subsidised coaching. The appellant sees these as social, economic and health benefits of the development. Sport England note that the inflatable dome would allow the club to deliver an all year round facility which would assist in increasing participation in tennis. In my view, having the ability to play tennis undercover would result in greater use of the facilities in more inclement weather allowing a more efficient use of the courts. This would support greater participation in sport and encourage physical activity. As such, it would comply with the thrust of SP Policy SP14 and I attach moderate weight to this in support of the proposal.
15. The appellant refers to 'Tennis for Free' and charitable work. It is not clear how 'the dome' would support this aspect of the clubs activities, other than allowing use of the courts in inclement weather, and as such it does not weigh in favour of the proposal.
16. The appellant has submitted an '*extended phase 1 ecological assessment*' produced by Ecological Survey & Assessment (ECOSA) Ltd. This concludes that due to the minor nature of the proposals and the absence of any valuable ecological features within the site boundary, or with the potential to be disturbed or affected, there would be no anticipated impact on any ecological features as a result of the proposal. This does not weigh in favour of the proposal it simply means there is no additional harm.
17. I note that a local interest group has identified that a building and numerous trees near the appeal site indicate 'Significant Habitat Values' the highest indication of the likely presence of bats. The local interest group has provided an '*Initial Assessment Bat Survey*' produced by Arbtech Consulting Limited which concludes that it is not possible to adequately manage or exclude the risk of harm to bats without the need for further survey effort. It recommends that bat emergence surveys be undertaken. The appellant's evidence recognises that bats may use the site for foraging, commuting and linkage to more extensive areas of woodland habitat to the west and bats may forage on the site on occasion. I am therefore concerned that without emergence surveys it is not clear whether the development would have an adverse effect on bats and whether, if there was harm, adequate mitigation could be achieved. Although, I note that the appellant relies on the Council stating that such issues could be dealt with adequately by the use of an appropriate condition, I am not satisfied that the information available demonstrates this. Neither am I satisfied that the proposal has been demonstrated to comply with LP Policy 7.19. This weighs against the proposal.
18. Local interested parties have raised issues relating to car parking provision and the accuracy of submitted plans. However, the proposal does not result in

increased numbers of tennis courts and as such would not, to my mind, require any increased parking provision above that which exists at present.

19. There is little supporting information about how the dome would be inflated or any noise associated with such inflation. I am concerned that without information on these matters the effect of the dome in terms of noise and disturbance on nearby occupiers can not be assessed. As such, it is not clear if the development complies with saved Policy UD3 of the Haringey Unitary Development Plan (July 2006) which requires development proposals to demonstrate that there is no significant impact on residential amenity or other surrounding uses in terms of avoidance of noise nuisance.
20. The appellant has referred to a previously approved scheme for a temporary dome to cover three tennis courts. This planning permission was not implemented and has expired.
21. At the site visit I viewed the Coolhurst Tennis Club inflatable dome. This dome is sited adjacent to an area of Significant Local Open Land and is not within the MOL.
22. Planning Practise Guidance (PPG) was published on 6 March 2014. I have considered the content of the guidance in light of the facts in this case and it does not alter my conclusions on the issues and considerations set out above.

Conclusion

23. The proposal is inappropriate development in the MOL. The Development Plan policies state inappropriate development should not be approved except in very special circumstances. I have also found harm to the openness of the MOL and the character and appearance of the area. For the appeal to succeed the combined weight of other considerations must clearly outweigh the totality of the harm arising. Set against this are the other considerations which I have dealt with above.
24. I conclude that all the harms arising from the proposal are not clearly outweighed by the other considerations set out above and as such the very special circumstances necessary to justify the development proposed does not exist. For the reasons given above the appeal fails.

Hilda Higenbottam

Inspector

Appendix I – Kanda Engagement Report

Georgians – Engagement Report

- 1.1** This document has been prepared by Kanda Consulting, a specialist public consultation company, on behalf of Rivertrade ("the Applicant") in support of a planning application at Georgians tennis and Padel Club ("the Site").
- 1.2** The Applicant appointed Kanda Consulting, a specialist public affairs and consultation company, in November 2025 to undertake stakeholder engagement to support a planning application to install a canopy covering padel courts at the Georgians Club, to facilitate more intensive use of the courts and allow for greater community development work.
- 1.3** Engagement included:
- Outreach to Crouch End Ward Cllrs
 - Meetings with Crouch End Ward Cllrs, Highgate Wood School and the Glasslyn, Montenotte and Tivoli Roads Residents' Association.
 - Outreach to Crouch End Open Space
- 1.4** Further to this engagement activity the applicant remains committed to ongoing engagement with neighbours and stakeholders. Further meetings are in the diary with Crouch End Ward Cllrs to update them on the application.
- 1.5** The Applicant is grateful to all those who have engaged in this process – details of meetings held are below

Date	Attendees	Themes of Discussion
18/12/25	Cllr Buxton Cllr Johnson Georgians Padel WEA Planning Kanda Consulting	• An overview of the proposals at the club • Local planning policy • Local stakeholders to engage
29/1/26	Highgate Wood School Georgians Padel Kanda Consulting	• An overview of the proposals at the club • An overview of extracurricular activities at the school • Potential to work together to provide access to padel facilities for Highgate Wood students



3/2/26	GMTRA Georgians Padel WEA Planning Kanda Consulting	• An overview of the proposals at the club • GMTRA attitude to Padel and the Georgians Club
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- 1.6** Further meetings are in the diary with Crouch End Ward Cllrs. The Applicant remains committed to continued engagement with residents, businesses, and stakeholders throughout the application process and beyond.
- 1.7** This document has been informed by Central Government Guidance within the Revised National Planning Policy Framework (NPPF), December 2024, on community involvement in planning.