

# Case for Very Special Circumstances for inappropriate development on the MOL

Case number: [24/P0040/PREAPP](#)

Address: [Strawberry Hill Golf Club, Wellesley Road, Twickenham, TW2 5SD](#)

Proposal: [Erection of a golf ball stop netting measuring 7.4 metres in height and 30 metres in length](#)

## 1. Very Special Circumstances (VSC)

### 1.1. Basis of the assessment

As the proposal is inappropriate development, it is necessary to consider if the proposal would meet the requirements of VSC.

The applicant must make a case for VSC.

Paragraph 148 of the NPPF states “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘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.” The final assessment for VSC, therefore, must be made looking at the case as a whole.

### 1.2. Critical factors that must be demonstrated

#### 1.2.1 The need for the proposals

This could also be titled the need for the facility, or the need for the use.

*First assess the need - there are a number of steps to go through:*

- a) *The first step is to articulate the impact of ‘do nothing’ (the status quo) and why it is not an option.*

[Strawberry Hill Golf Club \(SHGC\) received notification in late 2022 from St James’s School advising the discovery of golf balls on the school’s premises and requesting that SHGC implement enhanced safety measures to mitigate the possible risks to students, staff and property. A particular concern was golf balls crossing into the school playground, which is located behind the fourth hole of the golf course.](#)

In response, SHGC commissioned a Risk Assessment of the fourth hole (received in July 2023) from a Chartered Safety Practitioner specialising in golf courses. This report recommended that the erection of golf ball stop netting of the height proposed would provide a total mitigatory impact of the risk of golf balls entering the school playground. It also proposed a range of physical safety measures for the hole (including removing bunkers, lifting tree canopies to facilitate low chip and run shots, growing a rough area behind the hole to penalise overhit shots), as well as installing improved signage warning members and visitors of the risks posed by errant golf shots. These risk mitigatory measures, with the exception of the netting, have now all been implemented by SHGC. However, there still remains a risk to the students, staff and property of St James's School.

Therefore 'doing nothing' is not an option. If the recommendation of the Chartered Safety Practitioner to install golf ball stop netting cannot be implemented, there would be a risk of physical injury and potentially of loss of life in the school playground. The golf ball stop netting is not being erected for any commercial gain. Its purpose is solely to reduce the risk of physical injury and of potential loss of life.

*b) Then, is there an alternative way of meeting the objectives that does not require the use of MOL*

There is no alternative way of meeting the objectives without the use of MOL. Given the layout of the fourth hole, to prevent errant golf balls from travelling over into the school, the additional risk mitigation measure of ball stop netting is crucial.

*c) Next, consider whether the proposal is the right scope. Does it include elements that are desirable but not NEEDED?*

The Chartered Safety Practitioner recommended that the ball stop netting should extend for the full width of the playground and from the top of the existing fencing to the height of the canopy of the existing trees along the boundary behind the fourth hole. Therefore, it is necessary that the dimensions of the golf netting are 30 metres wide and 7.4 metres high to ensure complete coverage of the boundary next to the playground.

*d) Then, set out the reasons why the proposal is in the public interest; not something that solely meets the needs of the applicant.*

The netting, when in place, will materially reduce the risk of an accident occurring within St James's School playground, and therefore be of protection and benefit to the life, health and safety of schoolchildren. If an accident occurred, it could

impact children, staff, families and friends. As a responsible neighbour, we are convinced that it is in the public interest for the golf netting to be erected.

### **1.2.2 The location**

To justify using MOL for inappropriate development, it must be shown that there are no sites outside of MOL (or Green Belt), or existing buildings within the MOL, for the proposal. Depending on the proposal, this may be a short or an extensive site search.

There is no other alternative location due to the nature (and purpose) of the proposal and the design of the golf course. The location of the school playground was sited in its current position next to the boundary of the golf course during the school redevelopment in 2001. The specified location of the ball stop netting is necessary to mitigate the impact of any errant golf balls crossing into the school playground.

## **1.3. Additional factors to weigh in the balance**

### **1.3.1 Minimum specification**

This is about the efficiency of the proposals. *Are the buildings laid out in a way that minimises the amount of MOL that is required? Is it demonstrated that the proposed new building is the absolute minimum spec required?*

The proposed development is of minimum width to achieve its purpose, is narrow and uses a very small amount of area. It is noted that the golf netting will use 22mm mesh polypropylene which is very thin. It is calibrated so that a golf ball cannot pass through.

### **1.3.2 Character of MOL (if used)**

This is not always necessary but can be a useful factor to assess. If this is used, assess the character of the specific piece of MOL in which the proposal is located.

The MOL has been used as a golf course for almost 125 years. The specific piece of MOL in which the proposal is located is situated on the edge of the golf course behind the green to the fourth hole.

It is noted that planning permission was approved in June 2011 (ref. 11/0996/FUL) on the golf course behind the ninth hole. This was not implemented due to the wishes of neighbours. However, golf ball stop netting of a similar height and character to that of the proposal (please see attached photographs) was erected by LBRuT on the boundary of the golf course to protect children/adults in the Strawberry Woods Play Area. This Play Area is operated by LBRuT and was constructed in 2015 on MOL that was previously leased to SHGC.

### **1.3.3 Measures to reduce impact on openness**

This takes the proposed schemes built form and sets out the impacts that it has on openness, showing how the choices made are either harmful or beneficial to openness.

The proposed development is located on the edge of the golf course and will not impede views across the MOL. In particular, it will not impact openness for any neighbouring housing. The golf netting has been divided into six different sections of 5 metres each, which reduces the visual impact of the golf netting on the MOL.

### **1.3.4 Measures to mitigate impact on openness**

This section articulates how the impacts on openness have been mitigated (if they have) such as by materials, planting etc.

The proposed netting will have a green appearance. The netting posts will be painted woodland green to mitigate the visual impact on the trees and the wider MOL. To this extent, the netting will hardly be noticeable across the MOL.

### **1.3.5 Local Plan policy considerations**

Part C of Policy LP13 of the adopted Local Plan (2018) encourages “improvement and enhancement for the openness and character of the MOL and measures to reduce visual impacts”. *Does the application address this?*

The proposed netting will have a green appearance. The netting posts will be painted woodland green to mitigate the visual impact on the trees and the wider MOL. To this extent, the application reduces the visual impact of the proposed development on the MOL.

To mitigate the ecological impact of the development, the proposal will include the planting of five new trees, native shrubs (to create sheltering areas for wildlife) and the installation of two bat boxes (to provide additional roosting habitat for bats). As such, these biodiversity enhancements comply with the aims and objectives set out in the Strawberry Hill Village Plan Guidance (2018), specifically Section 6 Character Area 3 (Wellesley).

Part C of Policy 35 of the draft Regulation 19 (Publication Version) Local Plan requires that ‘very special circumstances’ must result in the “improvement and enhancement of the openness, character and use of the Green Belt and MOL”, with measures defined as including improvements or enhancements to landscape quality (including visual amenity), biodiversity (including delivering biodiversity net gain) or accessibility. *Does the proposal make an improvement that meets this test?*

The submitted Preliminary Ecological Appraisal (prepared by Arbtech) recommends mitigation measures to offset the impact on the Site of Importance for Nature Conservation.

Additional biodiversity enhancements from the PEA report will be implemented. They include the planting of five new trees within the wider golf course site boundary (this will be advantageous for visual amenity and biodiversity as well as reducing carbon footprint), the installation of bat and bird boxes, and siting of log/brush piles. This will add ecological benefit to the site. To this extent, the proposal does result in improvements to biodiversity and landscape quality.

### **1.3.6 Benefits**

Economic benefits:

*Other benefits: These are the benefits that only arise because of the inappropriate development being permitted. Be sure not to include matters that are required to be compliant with other policy issues – for example good design is already a local plan requirement, so that is not a ‘benefit’ for this section.*

The golf course has existed on its present site, and with essentially the same layout, continuously since 1900. The economic benefits arising from the proposal are that SHGC can continue to operate the golf course for the benefit of its members and the local community by significantly reducing risks of incurring liability and costs arising out of potential personal injury claims resulting from golf balls landing in the school playground.

Adopting the mitigation measures recommended in the Preliminary Ecological Appraisal will add further landscape related benefits.

The following benefits are provided by SHGC to the local community:-

- An accessible and affordable golf course (Strawberry Hill Golf Club Limited has a CASC status).
- Operating a thriving junior section with around 70 junior members.
- Junior coaching for around 70 boys and girls each weekend in term-time (they are mostly non-members).
- Coaching to local schools, including those with special needs students.
- Junior summer camps, which include participation in the England Golf ‘Girls Golf Rocks’ initiative (the Club is a signatory of the England Golf ‘Women in Golf charter’).
- Hosting the annual Richmond Schools Golfway Festival for primary students in the LBRuT (around 90 boys/girls and junior leaders).
- Opportunities for adults to take up golf through ‘Get into golf’ coaching and a thriving adult academy.
- Coaching offered through Age UK Richmond.
- Taster sessions for special needs adults’ groups (United Response), Richmond Young Carers and autistic young people (Action Attainment).

*It is important not to repeat the public interest benefit which will have already been taken into account in assessing need (above).*