

Platt	562677 156528	(A) 22.10.2004	(A) TM/04/03680/FL
Borough Green And		(B) 29.04.2005	(B) TM/05/01396/FL
Long Mill		(C) 21.09.2004	(C) TM/04/02533/FL
		(D) 08.09.2005	(D) TM/05/02804/FL
			(E) 03/00076/UNAWKS

Proposal: (A) Retention of engineering works relating to land re-grading
(B) Use of land for the practice of Archery for not more than 28 days in total in any calendar year
(C) Construction of garage between existing retaining walls
(D) Garage and store (retrospective)
(E) Alleged erection of unauthorised walls

Location: Beechin Wood Farm Beechinwood Lane Platt Sevenoaks Kent TN15 8QN

Applicant: Mr W Terry

1. Description:

(A) TM/04/03680/FL

1.1 The application has been submitted on a retrospective basis and seeks permission to retain unauthorised engineering works that have taken place on the field to the north of the dwellinghouse known as Beechin Wood Farm. The proposal is that retrospective planning permission be granted to retain the land in its current form/topography. The application is currently the subject of an appeal on the grounds of 'non-determination' by TMBC and a Public Inquiry is scheduled for June this year. The purpose of this report is to seek a resolution from Members as to what stance the Council should take in respect of this appeal – i.e. whether or not a planning permission would have been forthcoming from the Council in the event that it had the power to determine the case.

Members will be aware that various unauthorised engineering works have been carried out on this field over the past few years. The original earthworks created a large area of levelled terrace together with a tall earth bund and these changes in landform were principally instigated through significant 'cut and fill engineering'. The Council served an Enforcement Notice in respect of those original works requiring the restoration of the land to its former condition.

The Enforcement Notice was subject of an appeal dealt with at a subsequent Public Inquiry. The Inspector ultimately concluded that the terms of the Enforcement Notice should be substantially upheld – albeit with an extension of the time period for compliance. In response to that appeal decision, the appellant remodelled the land on two further occasions in attempts to overcome the planning

objections identified by the Council and the Inspector.

Following these works the landowner was successfully prosecuted in the Magistrates Court for non-compliance with the Notice. That prosecution was appealed to the Crown Court and the conviction was quashed on the grounds that the evidence did not prove that the landowner had not done all he could reasonably be expected to do to comply with the terms of the Notice. Also, the Judge was not satisfied that there was sufficient harm to show that prosecution was in the public interest. Formally, despite this Crown Court decision, the requirements of the Enforcement Notice (i.e. restoration of the land to its condition before any works were executed) remain in force today.

(B) TM/05/01396/FL

- 1.2 This application seeks permission to use part of the field referred to above to practice archery for a period of 28 days per calendar year. (Normally, land can be used for temporary leisure uses for 28 days per year under “permitted development” (PD) entitlements, but an Article 4 Direction is in force on this land withdrawing those PD entitlements.) The applicant states that there would be a limit of 8 archers attending the site and that shooting would only take place between 10-00am and the early evening – mostly during the spring & summer months. It is also confirmed that there would be no artificial lighting or amplified noise and that all targets and similar paraphernalia would be removed after use.
- 1.3 The applicant envisages that shooting would take place in a two way manner – towards the north-west and back in a south-easterly direction over a range of approximately 120 yards.

(C) TM/04/02533/FL

- 1.4 This application seeks planning permission for a single detached garage with a pitched roof incorporating a dovecote. The garage has been created partially through the use of unauthorised brick walling which connected with walls around the periphery of the site as mentioned in section (E) of this report. (The unauthorised walling has been used for the side elevations of the building.) As a result of the erection of this garage and other hard and soft landscaping works, the original access onto Boneashe Lane has been completely closed. This garage is accessed from within the application site. The elevation facing the road is in brick with no openings. A new/replacement access has been provided to the west of the house onto Beechin Wood Lane pursuant to a grant of planning permission.

(D) TM/05/02804/FL

- 1.5 Members may recall that planning permission has previously been granted for a detached garage and store (TM/04/00356 - see planning history). As a result of enforcement investigations, it is clear that the applicant has constructed a new

garage store in the approved location but in a significantly different form to the approved drawings. Consequently, planning permission is now sought for the alternative garage store structure 'as built'.

- 1.6 The building, as constructed, has a roughly 'L' shaped layout and features a pitched, gabled style roof. It has been constructed from brick elevations with tile hung gables under a roof of concrete pan tiles. The building provides a double garage, a kitchen area, a small bathroom and a loft room that was shown on the plans as storage. There was an (unwrapped) bed in the loft and what appeared to be storage cupboards under the coved roof.

(E) 03/00076/UNAWKS

- 1.7 In February 2003 it was reported to the Local Planning Authority that various walls were being erected at the above site. The Authority considered it appropriate to serve an Article 4 Direction removing certain permitted development rights including those for the erection, improvement or alteration of a gate, fence, wall or any other form of enclosure. The effect of serving the Article 4 Direction is that any such walls etc. that would otherwise be permitted development would, instead, need to be the subject of a specific application for planning permission. This action was taken so that a judgement might be made, in the context of a formal application, on the potential impact of any walls etc. in terms of whether they would harm the character of this rural lane and/or the openness of the Metropolitan Green Belt and rural amenities of the locality. The Article 4 Direction was confirmed by the Secretary of State.
- 1.8 Various walls were erected after the service of the Article 4 Direction and subsequently an Enforcement Notice was served on the owner of the site on 4 March 2004 requiring the owner to remove the walls from around the boundary of the site.

The owner appealed against this Enforcement Notice and on the 5 November 2004 the Planning Inspector quashed the Enforcement Notice on the grounds that he was not satisfied that the Notice identified with sufficient clarity the walls referred to in and the subject of the Enforcement Notice.

(F) Other Issues

- 1.9 There are several other planning enforcement issues relating to Beechin Wood Farm that I wish to take this opportunity to report to Members for information purposes. These matters are listed in the section below but do not feature any further discussions or recommendations.
- **05/00151/UNAWKS – Alleged unauthorised works to form access.** In March 2005 it was brought to the Local Planning Authority's attention that works had been carried out to create a new access onto Beechin Wood Lane opposite Beechin Wood Oast. The applicant was invited to submit an

application for the works as they were in breach of the Article 4 Direction. Although an application has not been forthcoming, the design, appearance, visual impact and highway implications of the access are such that it is not expedient to take any further action.

- **Excavation of a pit** - A large pit has been excavated adjacent to the north side of Beechin Wood Lane approximately 200m west of Beechin Wood Farm. A letter was sent to the owner requesting an explanation and he claims that a large amount of household and farm waste has been removed from what he calls a "Dew Pond" which will be reinstated and will benefit wildlife in the locality and hopefully encourage more. This development poses no harm to any interest of acknowledged importance and so it is considered that no further action is justified.
- **Erection of fencing** - As indicated above, an Article 4 Direction at the site that was served in February 2003 removed certain Permitted Development rights including those for erection, improvement or alteration of a gate, fence, wall or any other form of enclosure. Various sections of fencing have continued to be erected around the site along Boneashe Lane, the site's frontage and along the boundary with an adjacent site. The owner was made aware by Council Officers that an application would be required for the fencing works, however, further fencing continued to be erected and an application has not been forthcoming. Nevertheless, the visual impact of this fencing is acceptable and it is not appropriate to take further action.

2. The Site:

- 2.1 The site comprises a modern detached dwellinghouse and an adjacent field which both fall outside the rural settlement confines of Platt and, therefore, lie within open countryside designated as Metropolitan Green Belt.
- 2.2 The site is surrounded to the south, east and west by open countryside and to the north by residential properties located within the village of Platt. Part of the adjacent built confines of Platt (known as Pigeon's Green) is designated as Platt Conservation Area with some of the neighbouring residential properties in that area being Grade II Listed Buildings.

3. Planning History:

- 3.1 TM/05/01135/FL Approved

First floor conservatory built over ground floor extension.

- 3.2 TM/04/02898/FL Refused 11.11.04 Appeal Pending.

Swimming Pool Enclosure, including changing facilities.

- 3.3 TM/04/01799/FL Approved 13.01.2005
Vehicular access.
- 3.4 TM/04/00356/FL Approved 16.08.2004
Proposed garage/garden store.
- 3.5 TM/03/01789/FL Approved 15.01.2004
Replacement pool house (changing rooms).
- 3.6 TM/03/03714/FL Refused 03.02.2004
Vehicular access.
- 3.6.1 TM/02/03560/FL Appeal (non-determination): Allowed 06.05.2003
The continued occupation of existing dwelling without complying with agricultural occupancy condition attached to permission ref. MK/4/65/93.
- 3.7 TM/02/01896/FL Refused 19.09.2002: Appeal Withdrawn
Continued occupation of existing dwelling without complying with agricultural occupancy condition attached to permission ref.: MK/4/65/93.
- 3.8 TM/02/00353/LDCP Certified 30.10.2002
Lawful Development Certificate for first floor extension.
- 3.9 TM/01/02682/FL Refused 13.12.2001; Appeal Withdrawn
First floor extension.
- 3.10 TM/01/01616/FL Withdrawn 17.08.2001
Construction of replacement garage and a conservatory and first floor extension to form a farm manager's flat.
- 3.11 Unauthorised Development: The unauthorised construction of a first floor extension.
Enforcement Notice Served & Withdrawn.
- 3.12 TM/93/0900 Approved 17.09.1993
Erection of cover over swimming pool.
- 3.13 TM/92/0693 Approved 14.08.1992
Erection of cover over swimming pool

3.14 TM/80/0128 Approved 24.03.1980

Erection of enclosure over existing swimming pool.

3.15 TM/79/0125 Approved 23.03.1979

Ground floor extension to form farm office.

3.16 TM/79/0123FL Approved 12.05.1979

Concrete frame structure to house existing swimming pool.

3.17 MK/4/75/0564 Approved 15.08.1975

Erection of cover over swimming pool.

3.18 MK/4/65/93 Approved 11.3.1965

Farmhouse, carport and vehicular access.

4. Consultees:

(A) TM/04/03680/FL

4.1 PC: The PC objects to this proposal and to all of the reasons put forward to try to justify the application.

This site is within the MGB and is adjacent to the central Platt Conservation Area. Development within this site must therefore (a) have exceptional justification to meet MGB policy and (b) should not detract from the outlook of the Conservation Area. Prior to the earthmoving works that commenced in March 2002, this area of land was part of an open field that had a gentle slope from the SE down to the NW and the boundary with the Conservation Area, creating clear open views of the countryside.

The re-graded land that currently remains, after partial implementation of the requirements of the April 2002 Enforcement Notice and appeal hearing APP/H2265/C/02/1091455, still exhibits an alien and manmade feature within this area, the land now being relatively flat over a significant area with surrounding banks that are much steeper than the rest of the original field. The claim by the applicant that the re-graded land is now seen only through a thick belt of newly planted trees and a thick boundary hedge is of little benefit because when these plantings become mature, the whole of the distant views from the Conservation Area will be destroyed. We would actually welcome the removal of some of these plantings when the land is returned to the original profile as currently required. Indeed, the whole of the woodland area on the adjacent field is of relatively low value to the local environment and the community as we already have much larger areas of mature mixed woodland nearby at Platt Woods and Hurst Woods which

are totally accessible by the public.

The applicant claims that this open space within the woodland area was part of the plan approved by the Forestry Commission for their Woodland Grant Scheme. There was indeed an open space identified within that scheme but it was not shown as being re-contoured from the pre-2002 profile. We have a letter from the Forestry Commission (copy available if required) relating to the grant made to Beechin Wood Farm for the generation of the woodland in which they say 'We encourage the incorporation of managed open space within new woods for the ecological diversity this provides. However, we do not recommend changes to landform as has taken place on part of this site'.

Although there have been many changes to the appearance of the landscape in the south-east of England over the centuries, they have not in general entailed changes to land profiles. Such changes normally only happen for specific necessary purposes such as the construction of roads and railways or for recreation purposes where a flatter area is needed e.g. football or cricket fields. We know of no instances of land profiles being changed in order to provide an open area within a woodland on privately owned land as in this proposal.

The current profile of the land has been produced by cut and fill operations applied to the pre-2002 profile and the subsequent moving of part of the bund at the NW end. To our knowledge there was no export of spoil from the site boundaries during either of these operations. Although it may be necessary to move thousands of cubic metres of soil from the NW to the SE to return to the original profile, this material is still on site and there is therefore no necessity to import any material for the process. We would consider any attempt to do so to be a Land Fill operation that would in itself need approval from the Planning Authority.

The letter from the applicant's agents refers to local animosity towards the applicant. We would agree that this animosity is present within the community but would point out that it has been self generated by the applicant's cavalier attitude towards the planning system and the residents of Platt. The threat to have to import inert material in order to comply with the outstanding Enforcement Notice and the Planning Inspector's requirements is only going to further inflame this attitude towards him.

We feel that this application must be totally rejected and the full extent of the Enforcement Notice and the conclusions of the Appeal Hearing must be implemented without further delay.

- 4.2 Platt & District Soc (summarised): The bund was not removed as stated by the applicant – the top of it was removed but an alien slope still exists on the northern end of the field. The land has not been reshaped to its original profile as required by the Inspector. Work carried out to the southern end is not visible from public vantage points and so is irrelevant. There would be no need to import further

material to the site to restore the original profiles. An alien man made feature still exists and the Council is urged to reject this application.

4.3 Private Reps: Art 8 Site & Press Notices + 5/0X/9R/0S. Objections received raise the following comments:

- The entirety of the archery arena causes substantial harm to the character and appearance of the area and to the setting of Platt Conservation Area and a number of Listed Buildings.
- The reference to the Forestry Commission is disingenuous. The FC was originally advised by the applicant that he had consulted with villagers regarding his plans for the site, and gave a grant on that basis. No one had been consulted about the earthworks.
- The site is within Greenbelt and is harmed by the proposals. The Green Belt should be protected.
- The application is contrary to the policies set out in PPG7, and RS1 of the KSP 1996, SR2 of the KMSP and P4/11 of the TMBLP.
- The area could not be put to a viable agricultural use in its present state.
- There appears to be no purpose for the application other than to circumvent enforcement action and avert prosecution.
- The Inspector has previously made a clear judgement on this matter and held that the land be restored to its original condition and profile.
- Nothing has changed since the Inspector made his decision and the land has not been restored.
- The bund has not been removed as stated in page 3 Para 2 since the profile of the land is still significantly different.
- As no soil was removed from the site, then surely no imported inert material is required to return the site to its original profile.

4.4 In addition to the above letters, the Council has received a letter on behalf of 14 people urging the Council to ensure that the terms of the Enforcement Notice are upheld. The letter states that a recent previous decision in the Crown Court relating to criminal matters should have no bearing on the deliberations of the planning merits involved in this case and that further action must be taken by the Council to ensure that the land is fully restored to its original profile.

(B) TM/05/01396/FL

4.5 PC: This Council feels that there are a number of points relating to this proposal that require a greater explanation by the applicant.

1. Paragraph 3 of the letter with the application uses the phrase 'practice of archery' almost as if it is for the improvement of the applicant's own abilities. Further on in the letter it would appear that 'practice of archery' is a much more formal running of an archery arena approved by the National Society. Who would be the users of this archery arena and at what level of competence? If used by novices learning the sport then there would need to be a greater consideration of the safety aspects for adjacent properties and users of Boneashe Lane.

2. Although it is said that the use is 'intended' to be limited to eight archers with 'normally' no visitors or spectators, is the applicant prepared to make these specific limitations on the use that would be controllable by conditions to any approval?

3. The application refers to shooting in both north-westerly and south-easterly directions but claims that the properties to the north-west of the application site would not be in the direction of shooting. How can this be when shooting in a north-westerly direction? The application should show the actual positions proposed for the targets and shooting lines.

4. We have been given to understand, through a third party, that it is necessary to give audible warnings when shooting is about to take place, normally in the form of a whistle. If such warnings are required, the type and frequency should be specified as part of this application.

With the information currently contained in the application, this Council objects to the application on the grounds that the activity would be detrimental to the residential amenity of adjacent dwellings and to the recreational amenity of Boneashe Lane for walkers and horse riders.

4.6 DHH: No objections – archery is not an activity that I would normally associate with causing significant noise disturbance. However, in order to test this, I would suggest that any consent incorporates conditions to reflect restrictions identified by the applicant in relation to number of participants, no shooting before 10.00am or after early evening, no amplified sound, no more than four targets and recreational usage only.

So far as safety is concerned, the Grand National Archery Society has requirements on the layout and operation of archery ranges to provide safe conditions for users and neighbours. Provided that these requirements are observed then there should be no unacceptable safety risks.

4.7 KCC Highways: No objections.

4.8 Private Reps: 12/9R/0X/0S. The objections received raise the following material concerns:

- Noise disturbance to nearby dwellings.
- The proximity of the use to dwellings and nearby roads would pose a safety risk.
- The archery can only take place because the land levels have been altered and the terms of an Enforcement Notice not complied with. The terms of the previous Enforcement Notice requiring the land to be restored to its original sloping profile should be pursued by the Council. The changes in the land's profile have altered the setting of the nearby Listed Buildings and Conservation Area for the worse.
- The use would increase the amount of traffic to the site and this would be to the detriment of safety and to the enjoyment of users of the surrounding rural lanes – some of which are single track width.
- The Inspector demanded the return of the field to its former profile, which has not been carried out. The application should not be determined until the application regarding the re-grading of the land has been resolved.
- The applicant is unlikely to comply with a 28 day approval. Enforcement of a temporary condition on this site would be impossible. The same would apply for floodlighting and sound amplification.
- The applicant states that the land could be used for agriculture in the meantime when not in use for archery. However, when the applicant applied for the agricultural occupancy condition to be removed, he argued that there was no agriculture to warrant an occupancy condition.
- To meet safety requirements, major netting would need to be erected which itself would be an alien intrusion into the landscape.
- Use of the land for practice is the first step to the use of the building and land for an archery club/social club.

(C) TM/04/02533/FL

4.9 PC: Platt PC strongly objects to this proposal as it is inappropriate development within the Greenbelt and contrary to Policy P2/16 of the TMBLP. The proposed structure will also be intrusive to the visual amenity of the area. Various developments at this site during the past three years are considered to have utilised more than 'modest extensions' allowed by the Local Plan for properties in

such locations. Within the past month approval has been given to TM/04/00356/FL, allowing a double garage and garden storage building within the site. A second garage structure for a domestic dwelling the size of Beechin Wood Farmhouse cannot be justified

Determination of this application must also consider the two other planning matters that relate to this site as they interact. The retaining walls that this application proposes to use as part of the structure are currently the subject of an Enforcement Notice by TMBC for their removal and an appeal by the applicant against that Notice. Any favourable consideration of this garage proposal would infer acceptability of the walls and therefore be contrary to the existing stance of TMBC against the walls.

If the Appeal is dismissed and the Enforcement Notice upheld then there would be no walls for the garage to be constructed on and this application would have to be revised before it could be determined. Secondly, there is a non-determined application for a second vehicle access to the property from Beechin Wood Lane (TM/04/01799/FL) to which this council has submitted objections, an earlier similar application (TM/03/03714/FL) having been refused. If the second vehicle access to the property is refused in line with this Council's objections then access to the garage approved by TM/04/00356/FL would be from the Boneashe Lane entrance and therefore the structure proposed by this application, with the doors front and back, would become an ornate entrance gateway rather than a garage. Would we then have to consider a further application for a drawbridge and portcullis at this entrance?

There is continuing widespread concern amongst nearby residents and in the village as a whole about the continuing piecemeal developments at this site, most of which are considered to be inappropriate for this Green Belt location. Permitted Development rights and any allowable 'modest extensions' have surely by now been exhausted by these previous developments and this further structure must be considered excessive to the justifiable requirements of a domestic dwelling of this size located in the Green Belt. We would urge that the whole of the recent developments at this site are considered in determination of this application and that it be **refused** permission.

It is noted that this application is in the name of Mr B Terry whilst previous applications at this location have been in the name of Mr W Terry of the same address. Are these the same person or has ownership at the property changed? There is no indication that the applicant is not the owner of the property. Adjoining land owned by the applicant has not been identified on the site location plan submitted with the application. (*sic*) (DPT Note: works now complete)

4.10 KCC Highways: No objections.

4.11 Private Reps: (3/0X/4R/0S + Site Notice)

Four letters of objection received stating the following:

- a new single garage between the high walls of the drive down to Boneashe Lane is in excess of what should be regarded as appropriate extensions to the present house and buildings which have already been significantly extended since purchased by the present owner.
- The applicant has now built a wall across the entrance in Boneashe Lane which looks ridiculous. The applicant required planning permission for the existing walls which are the subject of an inquiry. Surely he should have obtained planning permission for the new walls?

4.12 St Mary's Platt and District Society:

Inappropriate development within the Green Belt. In addition, the walls upon which the garage would be founded are the subject of an Enforcement Notice which requires them to be removed.

It also transpires that a new wall has now been constructed to close off this entrance on to Boneashe Lane. We would therefore be grateful if you could let us know whether the application has been modified to take this into account or perhaps more preferably withdrawn.

(D) TM/05/02804/FL

4.13 PC (summarised): Strongly opposed to this application, to the external appearance of the structure and the range of internal facilities it includes. The structure is considered unacceptable in this MGB location. Similar toilet/kitchen facilities were permitted with the pool house granted permission under ref. TM/03/01789/FL so there is no justification for this proposal.

4.14 KCC Highways: No objections.

4.15 Private Reps: 9/0X/4R/0S. The objections to this development are as follows:

- The property has already been enlarged/extended to an unacceptable degree and now appears out of keeping with the area.
- The building is too high and too residential in character.

5. Determining Issues:

(A) TM/04/03680/FL

5.1 The key issues to consider in this instance are whether or not the engineering works, i.e. the remodelled land levels, are objectionable in terms of either their

impacts upon the functioning of the MGB or upon the rural visual amenities of the locality.

- 5.2 I had serious concerns about the original earthworks that were carried out which gave rise to a huge earth bund and conspicuous arena. Although the more recent engineering operations have resulted in the northern end of the field (i.e. that part adjacent to the Pigeon's Green) having a significantly steeper gradient, the slope is now much more natural in its appearance. Similarly, whilst a relatively large and flat terraced area still remains, the banks containing the terrace are now much shallower and this has significantly reduced the very obvious and stark steep banking that was such an undesirable feature of the initial earthworks at the site.
- 5.3 In March 2003 the Inspector, in deciding the appeal against Enforcement Notice against the bund as it existed at that time, concluded that "I consider that although the development has re-contoured what was already rolling land, it has not affected the openness, as such. I see no conflict with the five purposes of including the land with the Green Belt. On that basis I conclude that the development is appropriate in the Green Belt. It is, therefore, not harmful by definition." He went on to dismiss the appeal because the then form of the bund was of an unnatural man made appearance which had adverse impact on the area generally and nearby residential properties. The question in this case is, therefore, whether these two unacceptable aspects of the previous scheme now arise with the current works.
- 5.4 I do not consider that the current landform is so alien and unnatural that the damaging character of the earlier works continues. I do not feel that the works now under consideration cause undue harm to the visual amenity of this countryside location close to dwellings and therefore do not believe that a refusal on the grounds cited by the Inspector previously would be likely to succeed.
- 5.5 In these present circumstances, my assessment is that the Council should advise the Planning Inspectorate that it would have approved this planning application had it been in a position to determine the case.
- 5.6 For the reasons set out above it is now considered that it would not be expedient to pursue any further Enforcement action in connection with the remodelled/re-profiled land. Consequently, I recommend that no further action be taken – although – I feel that it would not be prudent to formally withdraw the extant Enforcement Notice at this time.

(B) TM/05/01396/FL

- 5.7 In my opinion, the principal issues involved in this case are fourfold. Firstly, there is the issue of whether or not this use of land would give rise to unacceptable noise disturbance to nearby properties. Secondly, there is the issue of risk to public safety posed by the shooting of arrows. Thirdly, there is the potential additional traffic generation of the activities and its subsequent impact upon

highway safety. Finally, one must take into account the inter-relationship between this proposal and those issues surrounding the unauthorised remodelling of the land.

- 5.8 I propose to deal with the last issue first since it is the remodelled/levelled terrace form of the land that enables it to be used for target archery as a sizeable flat area of land is needed to facilitate such a sport. Clearly, in the light of my comments and proposed recommendation in relation to application (A), I now consider that there would not be any conflict in permitting the applicant to use the land for archery purposes for 28 days in any calendar year (a use that would normally be PD and, as a rule, considered an appropriate leisure/sporting activity in the Green Belt).
- 5.9 In terms of possible noise disturbance, this could arise from the archers shouting, clapping or cheering, from sirens or whistles being used to indicate the start and end of sessions or from significant levels of additional traffic visiting the site. I concur with DHH that archery is not normally a pursuit that one would attribute any significant noise or disturbance to. Consequently, providing certain restrictions are imposed to prohibit amplified sound, illumination and to control hours of use, I am satisfied that there would not be any significant harm to the amenities of any nearby dwellings.
- 5.10 With regard to public safety, archery is strictly governed by rules and regulations laid down by the regulating body, the Grand National Archery Society. However, in this location I consider that it would be both prudent and appropriate to attach a condition requiring the provision of a safety catch net at all times that any archery is in progress.

(C) TM/04/02533/FL

- 5.11 The proposal represents a domestic outbuilding and, as such, can be considered acceptable in principle in this rural MGB location providing it does not represent an addition over and above what could be deemed to be 'modest' and proportionate to the host dwellinghouse.
- 5.12 Whilst Beechin Wood Farm has been extended several times in the recent past, I do not consider that this single garage adds additional volume to the extent where it could cumulatively give rise to an unacceptable impact. Accordingly, I find this proposal compliant with Green Belt policy set out within PPG2, policy MGB3 of the KSP and P2/16 of the TMBLP. For similar reasons I also find the proposal to be acceptable under the terms of policy RS5 of the KSP.
- 5.13 The garage itself is not harmful in terms of its design and appearance and its visual impact is, in any event, significantly masked by the fact that it is set into the ground and between existing garden walls. Only the top sections of the structure are visible from outside the site (Boneashe Lane). As a result of the relatively

isolated location of the site, the garage does not have any impacts upon the amenities of any other property.

- 5.14 The garage is served by a suitable vehicular access and turning facilities so is acceptable in highway safety terms.
- 5.15 In conclusion, I do not consider that there are any sustainable grounds to refuse planning permission for this building.

(D) TM/05/02804/FL

- 5.16 As with application (C) above, the proposal represents a domestic outbuilding and, as such, can be considered acceptable in principle in this rural MGB location providing that it does not represent an addition over and above what could be deemed to be 'modest' and proportionate to the host dwellinghouse.
- 5.17 An extant permission (TM/04/00356) exists for the erection of a garage/store of a similar scale in this position within the domestic curtilage and, accordingly, no objection could be raised to this proposal in terms of its size and bulk.
- 5.18 The actual design of the garage/store is, however, significantly different insofar as the previously approved proposals were more functional in their form and appearance (i.e. much less domestic in their character and appearance). Although it seemed sensible that the original proposals for the garage/store were more functional to match with an adjacent barn, the building is of an acceptable design and appearance and could not reasonably be objected to simply because it is of domestic appearance given that the site is domestic curtilage.
- 5.19 The layout and form of this structure means that, as well as providing a garage/storage facility, the building could feasibly be used as annex accommodation to the main house. However, annex accommodation still represents an ancillary use and is not overtly objected to by any planning policy. Clearly, if the building were to be used or occupied as an independent dwelling then a further planning permission would be required.
- 5.20 The garage is served by a suitable vehicular access and turning facilities so is acceptable in highway safety terms.
- 5.21 I consider that there are no sustainable reasons to refuse planning permission subject to a condition requiring the use of revised building to be ancillary to the main building at Beechinwood Farm and recommend accordingly.

(E) 03/00076/UNAWKS

- 5.22 The Enforcement Notice relating to the walls was quashed on appeal and, in light of that fact, I have considered whether or not the Council should pursue issuing a further amended Notice. Since the last Enforcement Notice was served, the

landowner has implemented substantial landscaping to soften the impacts of the new walling – including the planting of trailing ivy which will in time substantially cover and screen the new walling. In my opinion, these measures will alleviate much of the adverse visual impact of the boundary walling. To this extent it is no longer expedient to take any further action against the unauthorised developments.

6. Recommendation:

(A) TM/04/03680/FL

6.1 1) That the Inspectorate be advised that, had TMBC been in a position to determine this planning application, it would have resolved to **Grant Planning Permission** for the retention of the land in its current form subject to:

- 1 The form of the land shall be retained in strict accordance with the approved plans at all times.

Reason: In the interests of safeguarding the rural amenity of the locality and the openness and amenity of the Metropolitan Green Belt.

6.2 2) No further enforcement action be taken with regard to non-compliance with the Enforcement Notice relating to the re-profiling of the land.

(B) TM/05/01396/FL

6.3 **Grant Planning Permission** subject to the following conditions:

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 Notwithstanding the provisions of Part 4 of Schedule 2 to the Town & Country Planning (General Permitted Development) Order 1995, the use of the site shall be restricted to use for the applicant's own private archery purposes and no tournaments or events shall be held at the site without the prior written consent of the Local Planning Authority.

Reason: A more intensive use of the site could harm significantly the amenities of the locality and the free and safe flow of traffic on local highways.

- 3 There shall be no illumination of the site without the prior permission in writing of the Local Planning Authority.

Reason: In the interests of safeguarding the rural amenity of the locality and the openness and amenity of the Metropolitan Green Belt.

- 4 No targets, catch fencing or similar items of archery equipment shall be sited or stored on the land save for during those times that archery is in progress.

Reason: In the interests of safeguarding the rural amenity of the locality and the openness and amenity of the Metropolitan Green Belt.

- 5 There shall be no use of public address systems or other use of amplified sound systems at any time.

Reason: In the interests of residential amenity.

- 6 No archery activities shall be carried out outside the hours of 08-00 hours to 21-00 hours on weekdays or 09-00 hours to 13-00 hours on Sundays with no archery activities taking place on Bank or other public holidays.

Reason: In the interests of residential amenity.

- 7 The archery activities hereby permitted shall not commence until details of appropriate safety 'catch netting' have been submitted to, and approved in writing by, the Local Planning Authority. The approved fencing shall be erected in strict accordance with the manufacture's instructions and retained so at all times whilst archery is taking place at the site.

Reason: In the interests of public safety.

- 8 Any archery activities practised pursuant to this consent shall be carried out in strict accordance with the safety standards and requirements of the Grand National Archery Society (or any body that may in the future supersede such an organisation).

Reason: In the interests of public safety.

(C) TM/04/02533/FL

- 6.4 **Grant Planning Permission** subject to the following conditions:

- 1 No trade, business, recreational or other non-domestic activities shall be carried out within the garage unless expressly permitted previously in writing by the Local Planning Authority.

Reason: To safeguard the amenities and interests of the occupants of other property in this residential area.

(D) TM/05/02804/FL

- 6.5 **Grant Planning Permission** subject to the following conditions:

- 1 The garage shall not be used for any other purpose than the accommodation of private vehicles or for a purpose incidental to the enjoyment of the related dwellinghouse and no trade or business shall be carried on therefrom. (R005)

Reason: To safeguard the amenities and interests of the occupants of other property in this residential area.

(E) 03/00076/UNAWKS

6.6 No further action be taken.

Contact: Kevin Wise