

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; (B) TM/05/01396/FL; (C) TM/04/02533/FL;
(D) TM/05/02804/FL & 03/00076/UNAWKS:

- 1.1 As Members will be aware, consideration of these various matters was deferred at the March meeting of this Committee so that a site inspection could be held. A site inspection duly took place on the 4th April 2006. My previous Report is Annexed.
- 1.2 Since that time, the applicant has withdrawn his appeal against the Council's failure to determine TM/04/03680/FL within the statutory time limit. Accordingly, the Council does not need to resolve its position on that particular planning application – although Members still need to resolve whether or not there is any justification for further enforcement in terms of the re-profiling of the land.
- 1.3 *The applicant has asked that it be made clear that the withdrawal of the appeal was instigated entirely because of the refusal of the Planning Inspectorate to postpone the Inquiry date of the 13.06.06. and the subsequent needless expense of time and money that the Council and the appellant would incur as a result. The appellant wishes to record therefore that the withdrawal was not made due to weakness of case. The applicant further requests that the existing Enforcement Notice be withdrawn in the light of this fact and the outcome of previous legal proceedings.*
- 1.4 In respect of item (B), the applicant has provided illustrative details regarding the direction of shooting of arrows to assist Members with their consideration of the case as was suggested at the site meeting. This will be displayed at the meeting.

1.5 Various speakers at the last Committee meeting urged the Council to look at the site as a whole and I have therefore include some comments about the cumulative impacts of planning issues for the site at the end of the Determining Issues section.

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. Consultees:

(A) TM/04/03680/FL:

3.1 PC: Further comments have been received from the PC since my original report on these matters. These are reported verbatim below.

"Undoubtedly the greatest concern from residents and the PC about this application relates to safety issues and these split into two points (1) where the arrows will be shot from/to (2) the safety features that will be installed on the site.

1. The longitudinal axis of the application site as shown on the plan submitted is exactly on a Southeast/Northwest line, with a total length in the centre of 150m, and the rear boundaries of Pigeons Green house and The Barn are on the Northwest boundary of the application site. Paragraph six of the letter from Robinson Escott Planning dated 27th April 2005, which accompanied the application, refers to shooting in both a Northwesterly and Southeasterly direction but claims that these two residential properties would not be in the direction of shooting. In our comments on this application dated 27th May 2005 we pointed out this anomaly and suggested that the application should show a plan of the actual proposed shooting and target lines. We are not aware of this easily produceable information having been forthcoming from the applicant but feel it is essential that it forms part of the basic application and is not left to be decided after any approval.

2.. The suggested conditions 7 & 8 could lead the planning system into a corner. The safety standards of the Grand National Archery Society are the natural way to go but does anyone currently know what these call for in terms of perimeter netting etc.? It could be that the requirements of Condition 8 are such that they call for

extensive high thick netting that may be considered visually intrusive and not acceptable under Condition 7. As with the shooting/target lines, if the safety features required by the GNAS are provided as additional information to the basic application there will be no doubt about what is required and what is being approved, if approval takes place.

I feel sure that if satisfactory additional information is forthcoming on these two very basic safety issues then there will be a much reduced fear and objection to the proposals. Alternatively, of course, if these details are detrimental to the acceptability of the proposals then it may make for an easier refusal decision. Would you all therefore please push the applicant to provide these details.

The PC would also like to see a slight re-wording of three of the suggested conditions that could be applied to any granted application. Condition 5 is very straightforward in saying that there shall be no public address system etc. whereas the similar conditions 2 and 3 relating to tournaments/events and Illumination end with the phrase without the prior written consent of the Local Planning Authority. We feel that this phrase should be deleted from conditions 2 & 3 to be in line with condition 5. I think we all know that a future application can still be made to vary such conditions, as it is often done with the standard condition 1 in respect of time to commence development, but the conditions would appear much more definite without that phrase. The application has only asked for operation of archery from 10.00am so why has condition 6 allowed operation from 8.00am on weekdays, and presumably Saturdays, and from 9.00am on Sundays. Is there some technicality whereby restriction to a 10.00am start would not count as a whole day from any allowed 28 days? If not why have these start times been relaxed from the applicants requirements?"

4. Determining Issues:

(A) TM/04/03680/FL:

- 4.1 Given that this appeal against the non-determination of this case has been withdrawn, the application itself is also deemed to be withdrawn and Members no longer need to resolve the Council's position in relation to this retrospective application to retain the engineering works. However, as indicated above, a position still needs to be reached in relation to any further enforcement action that could be taken under the extant Enforcement Notice.
- 4.2 As Members will be aware from my previous report, my view is that the current form of the land is now acceptable under Green Belt policy considerations and in terms of its impact upon the rural character of the area. The level terrace now features relatively gentle and visually unobtrusive gradients and embankments in contrast comparison to the original landform that gave rise to the service of the Enforcement Notice. As such, I would recommend that no further action be taken.

(B) TM/05/01396/FL:

- 4.3 As Members will recall, my principal concerns related to the potential for noise, the potential risk to public safety posed by the shooting of arrows, the potential problems arising from additional traffic generation of the activities and its subsequent impact upon highway safety. Additionally there were the inter-relationship issues arising between this particular proposal and other developments at the site.
- 4.4 In respect of residential amenity, the applicant stated at the last meeting that there were no plans for any spectators and it was further commented at the site inspection that the archery was principally for private use with guest invited from time to time. Condition 2 of my recommendation restricts use to private purposes only and I consider that this, coupled with the restrictions imposed relating to illumination, hours of use and amplified sound etc. will ensure that residential amenities are adequately protected. The PC have commented that some of these conditions should be more 'absolute', indeed, preferably that details are submitted before permission is granted. A general principle in determining planning applications is that conditions should be utilised where possible rather than requiring all details at the outset. I am recommending the conventional approach of the application of conditions. I have looked at the amended wording suggested and consider that the revised wording suggested would be reasonable and appropriate. However, I do not consider that the suggested changes With regard to conditions 7 & 8 are necessary as I am satisfied that there are satisfactory catch fencing systems on the market and that if the GNAS rules are followed that the activities will be safe. PPG 2 does contemplate the existence of supporting facilities for open recreation uses in the Green Belt.
- 4.5 The applicant has asked that there is no restriction on Public and Bank Holidays whilst the PC have asked that the applicants own suggested hours are conditioned rather than the hours that I have sought to impose. Taking into account these various viewpoints leads me to conclude that it would be acceptable to reduce the hours in line with the PC's suggestion and the applicant's proposed hours but also to allow those activities to take place on Sundays and Bank and public holidays given the relatively quiet nature of archery and the other controls to be applied.
- 4.6 The 'private use' condition similarly deals with the issue of highway implications in my view since a private use would not give rise to significant levels of additional traffic generation. Were regular events involving several people to occur then this would be likely to amount to more than what can reasonably described as private use and the Council would be able to take appropriate Enforcement Action.

4.7 Returning to safety issues, the illustrative material shows that shooting could take place in a direction away from the nearest properties and, in any event, with appropriate safety netting and obedience with the rules set out by the GNAS I am satisfied that the activities will be safe. DHH concurs.

4.8 I propose to deal with the issue of interrelationship at the end of this report in the section dealing with the site as a whole.

(C) TM/04/02533/FL:

4.9 No additional issues have arisen since the site meeting and my previous report on this matter.

(D) TM/05/02804/FL:

4.10 The issue of whether or not this outbuilding was being used for residential purposes was raised at the site inspection. It was evident that the building was being occupied and the applicant confirmed that this occupation was on an ancillary basis. A further planning permission would be required if this use were to take place on an independent basis and, as such, the present issues remain the acceptability of the size, design and appearance of the structure within this rural MGB setting. Such issues were addressed in detail in my original report.

(E) 03/00076/UNAWKS :

4.11 No additional issues have arisen since the site meeting and my previous report on this matter.

Cumulative Impacts

4.12 The view has been expressed by some that the Council is not looking at the various issues arising at this site on a holistic basis. The Council must judge each planning application and/or enforcement issues entirely on their own individual merits. It is true that the cumulative impact of development may have a small part to play in that judgement but it is not an overriding factor.

4.13 I am aware that there is concern that the site would be provided with facilities that could enable it to be used as an archery clubhouse but the Council can only treat such fears as speculation. Any material change of use of the land or buildings would of course require a specific planning permission and so would fall under the control of the Council and will be judged in the policy context that applies at that time.

5. Recommendation:

(A) TM/04/03680/FL:

5.1 No further enforcement action be taken with regard to securing compliance with the Enforcement Notice relating to the re-profiling of the land.

(B) TM/05/01396/FL:

5.2 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.

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.

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 10-00 hours to 21-00 hours on weekdays or 10-00 hours to 13-00 hours on Sundays and 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:

5.3 **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:

5.4 **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 :

5.5 **No further action be taken.**

Contact: Kevin Wise