

Platt Borough Green And Long Mill	562516 156589	22 June 2012	(A) TM/12/01294/FL (B) TM/12/01951/FL (C) TM/12/01373/FL
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Proposal: (A) Retrospective application for engineering operation to alter archery field by cutting bank to south west and deposit arisings to north west
(B) Retention of detached w.c. block for use by staff and persons using the archery field (retrospective)
(C) Section 73 application to vary conditions 1 (direction of shooting); 2 (maximum number of archers and club use); 6 (maximum weight of longbows) of planning permission TM/10/00875/FL (Engineering operation to extend the size of the archery field to the north east, resiting of existing catch netting, associated landscaping together with variation of condition 9 of TM/05/01396/FL to amend the direction of shooting (retrospective))

Location: Land Rear Of The Butts Beechinwood Lane Platt Sevenoaks Kent TN15 8QN

Applicant: Mr William Terry

1. Description:

- 1.1 Application (A) relates to changes made in 2011/2012 to an archery field to the north of the dwelling of the applicant. These are additional to works started around March 2010 and completed in May of that year which have been approved.
- 1.2 The history of this site is complex but in summary, an archery field was originally formed in the early 2000 following an engineering operation in which the ground was re-profiled to a level area. Essentially, it was cut away in the south and filled on the north. Enforcement action was taken in 2002 and following an appeal, the notice was upheld albeit with a longer period for compliance. However, the appellant made further changes to the profile of the land with the intention to overcome the concerns of the Council and Inspector. The Council was not convinced that the changes overcame its concerns and as a result successfully prosecuted in the Magistrate's Court for non-compliance. The owner appealed this conviction to the Crown Court and that appeal was allowed with the view also expressed by the Judge that original prosecution pursued by TMBC had not been in the public interest.
- 1.3 In 2003, an Article 4 direction was served and confirmed on the land to prevent, *inter alia*, temporary uses (including use of the land for archery) without a grant of planning permission.

- 1.4 A retrospective application to regularise the amended works to create the level field was submitted under ref. TM/04/03680/FL. This application was appealed on the grounds of non-determination but this was eventually withdrawn. The Council subsequently resolved not to take enforcement action against the engineering works, as it was judged not expedient to do so. Therefore, no planning permission was ever expressly granted for the new field profile.
- 1.5 In 2005, as a result of the Article 4 direction, a planning application was made to use the field resulting from the engineered re-profiling for the purposes of recreational private archery for up to 28 days per year. It was granted under ref. TM/05/01396/FL in 2006. It was granted subject to conditions of which 5 were appealed. The Inspector removed 2 of the conditions (relating to hours of use and the keeping of a log book) and varied one condition on the catch netting. He endorsed the other 2 in dispute (private recreational use and details of safety “catch netting”).
- 1.6 The result of the appeal meant that the field was permitted to remain in use for archery subject to a number of conditions, key ones being:
- Use to be restricted to private, recreational and practice purposes.
 - Details of the safety catch netting to be submitted and approved by the LPA and for it to be erected in accordance with manufacturer’s instructions and drawn back to the supporting poles other than during archery sessions.
 - Archery activities to be carried out in strict accordance with the standards and requirements of the Grand National Archery Society (GNAS- now renamed “Archery GB”).
 - Direction of shooting to be as specified in the letter accompanying the application (one way in a west north-westerly direction).
- 1.7 The details of the catch netting were never formally submitted for approval despite several requests from the planning enforcement section. In mid 2008, minor changes were made to the field levels and landscape bunding. This was investigated and it was judged that the impact of the works did not exceed those previously considered as acceptable in principle and it was therefore not expedient to take any enforcement action. This was finally regularised retrospectively in 2010 in the application TM/10/00875/FL.
- 1.8 In March 2010, significant engineering operations of a new nature involving an enlargement of the archery field beyond anything previously considered were undertaken and resulted in the submission of a retrospective planning application in April 2010 under ref TM/10/00875/FL. However, the works continued to completion during April and May 2010 and the enlarged field was used for archery without the benefit of planning permission. A retrospective application was

intended to facilitate/accommodate 2 way shooting (as promoted by the British Long Bow Society) with a Longbow in the York Round: which involves target distances of 60, 80 and 100yds and comprised the following elements:

- Enlarging of the field to its north west corner involving raising of the level (said by the applicant to be an extra average of 900mm) over a roughly triangular shaped area said to be 44m in length with a width ranging from 4m to 25m.
- The maximum bank height on the northern boundary shown to be 2m from the level field down to the newly planted rough.
- Installation of surface water drainage associated with the above comprising of 10 sumps over the approved archery field continuing northwards via 100mm wide drains discharging at original level to the newly wooded area to the north of the archery field (i.e. to the south of The Barn and Pigeons Green both on Potash Lane).
- Rearrangement of catch netting alignment and submission of information on the archery backstop netting manufactured by Knox.
- Replacement and repositioned catch netting poles. Originally installed at 5m high but later reduced to 4m high.
- Change in direction of shooting from the approved WNW to SE-NW line.
- Change to 2-way shooting from 1- way shooting.
- Longbows to be 50lb which is understood to be a weight appropriate to experienced archers aiming for 100yd targets. The greater the bow weight, the longer the flight of the arrow.

1.9 The case was complex and raised a lot of public concern. It was resolved that the element of the proposal that involved the introduction of southwards-facing shooting was not acceptable due to the impact on actual and perceived safety. Members agreed with my recommendation that the engineering works themselves and the adjustment of the direction for northwards-facing shooting did not warrant refusal.

1.10 Permission was granted for the amendment of condition 9 of planning permission TM/05/01396/FL to permit the change in the direction of northerly shooting, and to regularise the engineering works and the associated extension of the archery field, subject to conditions that reflected those that applied to the remainder of the archery field and a further condition to **preclude** the introduction of 2-way shooting (i.e. the southward-facing element).

1.11 It has been witnessed that the precluded southwards shooting of bows has taken place and a Breach of Condition Notice was served in March 2013.

- 1.12 Application (A) seeks to regularise further engineering works to the archery field, being a cut in the south west corner of approx 3m depth over an area of 80m by an average width of 7m. Arisings from this excavation (plus those from excavations for a pool building allowed on appeal) have been deposited in the north west corner of the archery field and the plans show the area to be planted with trees (hornbeam, ash, rowan, crab apple, hazel and oak). The application states that the deposits covered an area of 400 sqm to an average depth of 900mm, said to infill an irregular indent in the field.
- 1.13 Application (B) is also retrospective and is to retain a toilet block comprising 2 WCs, annotated male and female on the application drawings. This building measures 4.2m by 1.7m and is flat roofed to a height of 2.16m. This is sited on part of the garden land that has planning permission on appeal for the pool building. The walls are clad in green stained timber weatherboarding and there is a felt roof.
- 1.14 Application (C) is to re-apply for south and south east shooting (i.e. 2-way); to allow a club use with no restriction on numbers and to allow bows more than 50lb draw weight. The submitted plans indicate a car park area of 40 spaces. The rationale for this application which is to vary conditions imposed on a planning application granted early last year is summarised as follows:
- Two way shooting can be accommodated by the widening of the field at its southern end.
 - To the south the overshoot will be not less than 20 yards for the maximum range of 100 yards and arrows will be contained by high banks in keeping with BLBS and GNAS guidelines. The recommended 20 yards side safety margin from the boundary hedge/fence as this applies to Boneashe Lane would become a mandatory condition should two way shooting be approved.
 - Restricting the participation to 8 archers as any one time is unreasonable and punitive. The limitation should be determined by the size of the field and the number of targets that can be safely erected - 4 archers could shoot at one of 8 bosses - giving a maximum of 32 in attendance. The condition is not required for rural amenities or highway safety, Comp Gardens attracts over 100 visitors per day in the Summer, the numbers in no way compare.
 - All archers would be members of the British Longbow Society and would be a collective body recognised as a de facto club. Public indemnity insurance would pertain for each shooting member. A properly constituted club offers a more regulated form of shooting.
 - Two-way shooting will allow for controlled competitive shooting. This does not disturb residents and this is not a spectator sport by serenely blending with a rural environment. Initial hostility alleging congestion in sunken lanes has not been substantiated.

- It is not practicable nor enforceable to limit the maximum draw weight to 50lbs. Longbows crafted by artisans are not stamped with a bow weight; “string follow” will quickly let down from 56lbs to 50 lbs; a bow weight greater than 50lbs is normally needed to hit targets at 100 yd distance. Bow weight does not affect actual or perceived safety.
- The application is accompanied by a letter from the Regional Judge which states that the Longbow shooting entails bows of up to 70lb weight and that provided the BLBS Rules are adhered to, then shooting can be safely carried out at the Butts.
- The Regional Judge has signed a layout which shows the outer extents of safety lines for side and overshoot purposes.

2. Reason for reporting to Committee:

- 2.1 The complex planning history, the retrospective nature of 2 of the applications and the locally controversial nature of the application.

3. The Site:

- 3.1 The site lies outside any settlement and is thus in the countryside. It is in the MGB and adjacent to a Conservation Area.
- 3.2 The site was originally part of Beechin Wood Farm but has been renamed The Butts. It is a detached dwelling with former agricultural land to the north and north west which the submitted drawings show naturally slopes down from south to north (total drop of approx 4.5m) but which has been reprofiled into a level area dropping only approx 1.1m by the combination of cut at the south and fill at the north. It is laid to closely mown grass and is used as an archery field. Scaling from the submitted drawings, it now measures 34m wide at the southern end and 55m wide at the northern end. It has a length of 95m along the eastern side increasing to 105m along its western side.
- 3.3 The southern part of the archery field, nearest the applicant’s dwelling, is set down in a cutting and is shown to be 12.5m from the rear garden of the host dwelling. The northern extent is on top of the newly formed bank and shown to be set approx 47m from the rear garden boundaries of The Barn and Pigeons Green.
- 3.4 The eastern flank of the archery field tapers along the eastern boundary with Boneashe Lane, shown as being 10m away from the boundary fence/hedge at its closest. The western flank of the enlarged archery field is now within 10m of the boundary to the commercial units which remain at Beechin Wood Farm but outside the ownership/control of the applicant.
- 3.5 A visitor car park and a WC building [Application (B)] are shown on the raised garden land, south of the archery field.

4. Planning History:

TM/01/02682/FL Refuse 13 December 2001

First floor extension

TM/02/00353/LDCP Certifies 30 October 2002

Lawful Development Certificate Proposed: First floor extension

TM/02/01896/FL Refuse 19 September 2002

Continued occupation of existing dwelling without complying with agricultural occupancy condition attached to planning permission ref: MK/4/65/93

TM/02/03560/FL Non-determination 15 December 2003
appeal
Allowed

Continued occupation of existing dwelling house without complying with agricultural occupancy condition attached to planning permission MK/4/65/93

TM/03/01789/FL Grant With Conditions 15 January 2004

Replacement pool house

TM/03/01821/FL Application Withdrawn 7 November 2003

Re-contouring of agricultural land to provide an area of level terrace

TM/04/00356/FL Grant With Conditions 16 August 2004

Proposed garage/garden store

TM/04/01799/FL Section 73A Approved 13 January 2005

Vehicular access

TM/04/02533/FL Grant With Conditions 22 June 2006

Construction of garage between existing retaining walls

TM/04/02898/FL Refuse 11 November 2004

Swimming pool enclosure, including changing facilities

TM/04/03680/FL Non-determination appeal 2 February 2005

Retention of engineering works relating to land regrading

TM/04/03900/FL Grant With Conditions 31 January 2005

Proposed garage/garden store

TM/04/03680/FL Non-determination appeal – withdrawn 2 February 2005

Retention of engineering works relating to land regrading

TM/05/00899/FL Refuse
Allowed on appeal 25 August 2005
8 December 2006

Swimming pool cover and changing rooms

TM/05/01135/FL Grant With Conditions 14 September 2005

First floor conservatory built over existing ground floor extension

TM/05/01396/FL Grant With Conditions 5 July 2006
Appeal on conditions 4, 6, 10 partly allowed 16 November 2007

Use of land for the practice of Archery for not more than 28 days in total in any calendar year

TM/05/02804/FL Grant With Conditions 16 June 2006

Garage and store (retrospective)

TM/07/01131/FL Approved 30 September 2008

Erection of sectional timber shed with mineral felted roof 12ft by 8ft

TM/10/00875/FL Approved 3 February 2012

Engineering operation to extend the size of the archery field to the North East, resiting of existing catch netting, associated landscaping together with Variation of condition 9 of TM/05/01396/FL to amend the direction of shooting (retrospective)

TM/11/02625/RD Approved 30 November 2011

Details of landscaping pursuant to condition 2 of appeal decision TM/05/0899/FL allowed 8th Dec 2006 (Swimming pool cover and changing rooms)

5. Consultees

(A) TM/12/01294/FL:

- 5.1 PC: We strongly object to this application, urge you to refuse it and commence enforcement proceedings on this site. This is another retrospective application and, according to our records, some 11 applications out of 26 to date have been retrospective with the works already executed. This applicant just proceeds with whatever they feel they require without any deference to planning control. This work is to enable 2-way shooting which has not been approved, so why is it necessary? These works should have been stopped by you as soon as you were aware of it. The adjoining owners and parishioners are running out of patience with this applicant and are asking how long you will allow these proceedings to continue? We would also refer to our objections to the previous applications.
- 5.2 Private Reps: (50/4R/0S/0X) plus CA press and site notice. Four objections have been received as follows:
- We are writing to object strongly to this retrospective application. Yet again the applicant has failed to observe the correct procedure for planning. This work was initiated before his previous retrospective application for similar work had been considered. If the work has already been carried out it is extremely difficult to confirm that it has been carried out in accordance with the details submitted. To alter the contours of the land has to affect drainage and surrounding land/property.
 - It would appear that the applicant intends to shoot arrows in both directions across the field. Most people would expect this to be the subject of another application. Is it not time for this applicant to be asked to adhere to the planning procedure the same as other residents in this parish, and for no more retrospective applications be permitted?
 - This has already been covered at a hearing. No reason for this to be approved and should be put back to how it was.
 - This is a useless idea and folly.

- The lorries to do this work have been passing through neighbouring land, abusing access rights to an extreme and the fence line has been moved.
- The applicant is immune to listening to people and to TMBC and does what he likes.
- Stray arrows are dangerous to walkers and residents and passing cars.
- The applicant uses the designated archery field at Dorton House.

(B) TM/12/01951/FL:

5.3 PC: There appears to be a continuous stream of retrospective applications for this site, with works already completed to the knowledge of T&M. This is a further overdevelopment of this site. There are toilets in the existing dwelling and as archery here is only for private usage, then surely this will be adequate. During the application for the garage/store (now in use as a residential dwelling!) we queried the need for a toilet/shower. We were informed that this was for the site workers. Do we now assume that there are more workers on the site? Therefore, if archery is for private use only, the applicant's friends can use the dwelling house toilets and the worker can use the garage toilet, there is no need for a "toilet block". Unless, of course, some expansion may occur in the future, which as you pointed out before, will be subject to a further application, perhaps retrospectively! We urge you to refuse this application.

5.4 Private Reps (59/2R/0S/0X) plus CA press and site notice. Two objections:

- Assume built without the relevant permission.
- We are writing to object strongly to the retention of this building. Another retrospective application for this site. When the dwelling house had the agricultural status lifted there were toilet facilities (ladies & gents) included on the ground floor. Likewise when the garage/store was built it included toilet and shower supposedly for the staff. However, it is understood the latter is to be the subject of yet another application for retrospective change of use. No evidence has been provided to explain the need for these extra toilets. It is noted that the present application does not have facilities for disabled people.

(C) TM/12/01373/FL:

5.5 PC: Strong objections to this current application and request that their previous comments and concerns raised in July 2010, February and November 2011 be taken into consideration. The activities on this site have been on-going for some ten years and changes made following retrospective planning applications. The Parish Council fully endorses the conditions laid down by TMBC in February 2012 and do not see any justification for the Borough to make any changes to those conditions. In particular, condition 2, which in effect changes the site for

personal use to a club facility. It is believed this has been the applicant's intention all the time. However, the Parish Council believe that if the status/use of the land is to be changed then a new application for a club should be submitted which shows all the required facilities, toilets (including disabled facilities), parking and turning and storage of targets. It is questioned whether there would be sufficient parking particularly when competitions take place. The Parish Council has always been very concerned about safety with regard to local residents, walkers and horse riders. The Parish Council object to shooting both ways because of the closeness of the shooting area to the site boundary with Boneashe Lane.

Therefore, we strongly object to the changing of condition 1. Boneashe Lane is a recognised road that is regularly used by walkers. The Parish Council has been in touch with Highways about the hedge on this boundary which has not been cut back for some time and has in recent times made it difficult for vehicles to use. Platt Parish Council do not feel there is any new evidence for this application and trusts that the Borough Council will not change their previous decisions on the conditions listed in this application. There is great concern that to do so will set a precedent. Beechinwood Lane is a Quiet Lane and is part of the link to other walking routes in the area. I believe this is an important point to take on board because local residents/walkers often complain about the traffic on the Quiet Lane network which started off as being safe and walker friendly. Recently the applicant complained about lorries using this Quiet Lane but does not see other additional traffic a problem.

- 5.6 KCC (Highways): The applicant wishes to remove the condition limiting the numbers of archers, in other words, to an unlimited amount. Although in reality there would be an operational limit and it is noted in the applicant's letter of 14 March that reference is made to 32 archers. It is further noted that a car parking layout comprising 40 spaces is included in drawings although it is unclear if this is indicative only as the application does not appear to include car park construction as part of the proposals. I understand from the Inspector's decision of 16 November 2007 that the limit to 8 archers at any one time was in the context of private use and operational safety but that reference was also made to the possibilities for tournament events. The applicant has made reference to arrivals and departures occurring between the hours of 10.30am and 6.00pm and to tournaments limited to 3 no. per shooting season (April to September). I would consider that with appropriate conditioning following the above arrangements, there would be no grounds to recommend refusal on highway grounds.
- 5.7 Private Reps (45/13R/0S/0X) plus CA press and site notice: A total of 13 letters of objection have been received, summarised below:
- This site has been the subject of several applications over the years many of which have been retrospective. The applicant generally flouts planning rules by carrying out work and subsequently seeking approval.

- Back in 2002/3, along with your planning team, you became involved when the land was being subjected to unauthorised engineering works, much to the horror of local residents. Following protracted efforts by all of you, on 19 September 2003 you wrote to the residents of Platt, explaining the Council's view that you felt the correct approach was to approve the then relevant application for archery to go ahead but with conditions that would regulate and restrict the use of the land. This was respected by local residents, hopeful that the matter would rest there.
- Unfortunately this was nothing but the start of a lengthy saga. Virtually every one of the conditions was appealed against.
- This has been turned down in the past at what must have been an expensive operation for we council taxpayers. This borders a conservation area for the quiet enjoyment of all.
- Condition 2 - which limits the number of participating archers and targets and states '*....the use of the site shall be restricted to use for the applicant's own private and recreational and practice purposes and no tournaments or events shall be held at the site.*' was appealed, not allowed, and remains in force.
- No limit on numbers of archers allowed and club use would no doubt lead to competitions involving much more traffic on Beechinwood Lane – designated a 'Quiet Lane' – and parking difficulties, which could affect other surrounding and very narrow lanes.
- Our worst fears will have been realised and we will have a busy archery club on a totally inappropriate site in our village.
- A de facto club was always the intention of the owner but has taken 10 years to reach this stage by the steady accretion of one application after another.
- The integrity of green belt land should continue to be protected as will be the amenities of the residents of surrounding properties. With regard to the site all the considerations that guided the Council in their earlier decision to limit the scope of the use of the land to informal, private archery appear to remain unchanged.
- Beechinwood is still designated a Quiet Lane for the benefit of everyone. It is still single track and totally unsuitable for extra cars and traffic both for an official club and for club activities involving other clubs. Boneashe Lane is even more impossible as an approach road.
- The site has planning approval for a small number of archers to meet for occasional shoots but it now appears the applicant wishes to create an archery club which would be used by far greater numbers. This would be a totally

inappropriate development for this rural village site that can be approached only by single-track roads and that has limited parking available. It would put enormous pressure on the local infrastructure.

- The applicant said he wanted this arena for him and a few personal friends. The decision of the Council was that the site was unsuitable for use as a Club holding tournaments and events. All the relevant factors that influenced the Council's decision remain exactly as they were when the original decision was taken, and the Council should therefore refuse this application.
- Find it extremely worrying about the proposal to increase the MAXIMUM number for archers and club use.
- There is already a large movement of traffic to the industrial area. It is already dangerous, especially at weekends, and any increase in traffic has to be a very serious consideration
- It is ridiculous to allow an increase in traffic when KCC is proposing traffic calming. There should be no more increase in traffic in Platt especially from a non-resident of the Parish.
- Boneashe Lane is too narrow for 2 cars to pass, competitions with spectators will cause gridlock on a designated Quiet Lane.
- This will disturb the dogs at the kennels, causing them to bark.
- There will be litter if food is served.
- This latest application to extend the use of the facility to over 30 archers would result in vastly increased traffic, parking facilities and noise. It would not restrict the number of spectators and friends of the archers also attending the site on the chosen days for these events. Unfortunately for the owner he has located his proposed archery arena in the wrong location and did not take into account when he first constructed it that the area was surrounded by "Quiet Lanes".
- The whole point of the Council's decision to make the lanes around this area limited in use to allow the public to enjoy "Quiet Lanes" for walkers and horse riders etc would be completely destroyed by permitting this part of the owners application. The use of the premise as a "club" facility should equally be refused as this too would encourage vastly increased numbers of use of the facility at all times of day and night.
- We are also concerned about safety as the proposed archery would be taking place with arrows being shot towards a public road with, as we understand it, no restrictions on the power of the longbows.

- Because the site is so close to the boundary with Boneashe Lane, varying the direction to the north east is potentially very dangerous since the narrow lane is regularly used by walkers, dog walkers, cyclists and horse riders.
- The direction of shooting and the use of a heavier and stronger type of longbow must be considered carefully to ensure that the safety of the owners and public use of Boneashe Lane and the Pigeons Green area are not endangered by using arrows which could reach these areas by accident. I would suggest that the applicant is requested to provide information as to why stronger longbows are required as he has been using the facility up to now with a less strongbow and the need for a more dangerous one in the light of the distance an arrow can travel should not be accepted without good reasons being given.

6. Determining Issues:

- 6.1 Policy DC5 of the MDE DPD relates to tourism and leisure. It is my view that DC5 does now apply to this application which is no longer intended as private recreational archery but a leisure facility intended to be encompassed by that policy. In addition, Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 includes safety as a material planning consideration in a general sense.
- 6.2 The site is close to Platt Conservation Area and paragraph 137 of the NPPF states that opportunities for new development within the setting of heritage assets should enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 6.3 Policies CP1 and CP24 of the TMBCS and policy SQ1 of the MDE DPD require the character and amenities of a locality to be safeguarded, including prevailing levels of tranquillity.
- 6.4 The archery field adjoins 2 residential gardens to the north, the garden of the host dwelling to the south and Boneashe Lane to the east. Residential amenities are to be protected as per policy CP1 and CP24 of the TMBCS.
- 6.5 There are a number of more detailed issues to assess in this application which includes inter-related elements of
- Land level changes and drainage implications.
 - Lifting of restrictions on the use of the range to allow for a club use with unrestricted numbers of participants.
 - Increase in the weight of the longbows.

- Introduction of 2-way shooting and perceived safety thereof.

Green Belt/Countryside

- 6.6 The issues in terms of the MGB and countryside are the visual impact and the impact on openness of the land level changes. Relevant policies are CP1, CP3, CP14, CP24 of the TMBCS.
- 6.7 Paragraph 17 of the NPPF requires protection of the Green Belt and recognition of the intrinsic character and beauty of the countryside. It is the case that the extension of the archery range by engineering works is not inappropriate development in the MGB if it preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt, which are detailed in paragraph 80 of the NPPF.
- 6.8 On its planning merits, I am of the view that the additional area of cut/fill does not amount to a loss of openness or conflict with the purposes for identifying the land as MGB. These works are in the immediate setting of an approved archery field that is already an alien landform. As is detailed in paragraph 81 of the NPPF, the MGB can provide opportunities for outdoor sport and recreation. The engineering has been carried out to facilitate an open recreation use suited to a rural environment – a recognised function for the Green Belt and thus in compliance with paragraph 89 of the NPPF.
- 6.9 On this basis, it is not realistic in my view to argue that the engineering is harmful to the beauty of the countryside.
- 6.10 In my opinion, the changes on levels works are appropriate in MGB terms, do not harm it significantly and there is no need for the applicant to demonstrate a case of very special circumstances or overriding considerations as per paragraphs 88 and 89 of the NPPF.
- 6.11 I share objectors' concerns that the land level changes are yet another unwelcome revisit to the series of unauthorised engineering works carried out in the last 10 years and it is extremely disappointing that a similar breach of planning control by the same applicant has had to be investigated by enforcement officers and be the subject of a retrospective planning application.
- 6.12 The WC block is small and in place on an area of land that has planning permission on appeal for a much larger pool building. Whilst I note the concerns of the PC and the objectors who say it is to facilitate use of the site for club tournaments, there are no planning policy reasons in MGB or countryside terms to resist a small scale facility that might accompany open recreational use suited to a rural location which is private recreational archery. This should not be taken as endorsement of competitive or club use as it is perceivable that the private recreational archery use could make use of the facility.

Conservation Area.

- 6.13 The engineering works, the WC block and the indicative car parking area do not impact on the Conservation Area in my view, due to the intervening distances. The area of infill is the part of the archery field closest to the Conservation Area but that is shown to be planted with trees which enhances the setting of the Conservation Area to accord with NPPF paragraph 137.

Weight of Longbow

- 6.14 In the consideration of TM/10/00875/FL, the applicant advised that the form of archery in 2005 was with a Recurve bow, which is more powerful than the Long Bow. He decided to promote the use of Longbows and advised that the average draw weight for men would be 50lbs and 32 lbs by women.
- 6.15 In this application, he comments that was an average figure and that the maximum needs to be 70lbs to allow the 100yd target be realistically met taking into account the range of abilities if competitions were to be held.
- 6.16 This weight is endorsed by the Regional Judge and Members may agree that there is no planning reason to unreasonably control the draw weight of the long bow when powerful recurve bows were approved in 2005. This should not be taken as endorsement of competitive or club use as it is perceivable that the private use may need to factor in the need for 70lb bows for the 100 yard targets by certain recreational archers.

Surface Water Drainage

- 6.17 As with past assessments on this matter, I do not consider that any issues will arise from these works in the light of the wider drainage installed.
- 6.18 However, the Council's drainage engineer may be able to assist if problems persist.

Use of the Archery Range

- 6.19 The restrictions on the use of the range for private recreational use reflected the wishes of the applicant at the time of the 2005 application and the condition was re-imposed by the appeal inspector:

Notwithstanding the provisions of Part 4 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, the use of the site shall be restricted to use for the applicant's own private recreational and practice purposes in strict accordance with the details set out in the letter dated 27.04.05 from Robinson Escott Planning and no tournaments or events shall be held at the site.

- 6.20 The reason given was there was an *“absence of detailed numbers who might attend a tournament or event and there is a potential for problems on local roads which clearly have a limited capacity... Moreover there is at least a possibility of the transmission of noise from a gathering of large numbers of people in area where the ambient noise is very low and where occupiers of properties in the Platt Conservation Area to the north could be affected...5 targets would limit participation to 20 archers. And provided that other attendees (spectators and tournament officials) do not add to this number significantly and there are safeguards in respect of noise, it may well be reasonable for the condition to be varied”*.
- 6.21 This therefore needs to be assessed on its planning merits. Contrary to the comments of the PC and many objectors, the imposition of a condition on a planning permission or on an appeal decision is not set in stone - the applicant has the prerogative to seek a variation and the LPA must consider such requests on their planning merits and factor in the views of the Inspector in his appeal decision as a material planning consideration.
- 6.22 On its merits, Members will note that the objections raised by local residents can be summarised as vehicular access being via designated quiet lanes, single track lanes said to be unsuitable for extra cars and traffic both for an official club and for club activities involving visiting archers from other clubs. Also there are concerns over litter and noise and general concern about impact on the rural amenities, MGB and nearby Conservation Area.
- 6.23 Members will note that KCC Highways do not support a refusal on highway grounds in the light of the applicant advising that the maximum number of participants being 32 and the relatively infrequent number of events/competition. The applicant states that there are normally no officials or spectators in attendance – Target Captains are nominated from within the group of archers and a Field Captain controls overall shooting, and is usually a participating archer. Notwithstanding those submissions from the applicant, that does call into question the need for the indicative 40 space car park indicated on the former tennis court when the applicant estimates the maximum number of vehicles to be 25.
- 6.24 The applicant states that there would be 3 tournaments in the period April to September each year. Fixed rounds would last for between 3-5 hours. Ad hoc practice by club members would be between the hours of 10.30am to 6.00pm on Wednesday and Thursdays and weekends.
- 6.25 In the light of the ability to control the intensity of the non-private use by condition, I would advise Members that there would not appear to be a highway safety reason to refuse this level of non-private use. I form this view in the knowledge that the access roads in the locality are single track and designated as “Quiet Lanes”. There is to be no use of amplified sound and in this context, I do not consider a noise objection to the archery club per se can be substantiated. The

proposal would not breach amenity protection required by Policies CP1 and CP24 of the TMBCS nor Policy SQ1 of the MDE DPD which require prevailing levels of tranquillity to be conserved.

6.26 Similarly, whilst I note the objections that a club use and tournaments would harm rural amenities, the MGB and nearby Conservation Area, I would advise Members that to refuse the application for what purports to be such a low key use is likely to be difficult to sustain on planning grounds, notwithstanding the accepted sensitivity of the locality. I therefore consider that there is compliance with paragraphs 17, 88, 90 and 137 of the NPPF.

6.27 However, I do have concerns with the variation of condition 2 in the light of the S73 application also seeking to vary the condition on the direction of shooting as detailed below. The two issues go hand in hand as the particular form of competitive longbow shooting as is wished to be introduced at this site by the applicant necessitates 2-way shooting.

Change in direction of shooting to allow two-way shooting

6.28 Since February 2012, the approved direction of shooting is west, west-north-west and north west only. This means that the archers would stand with their backs to and shoot away from the host dwelling of the Butts and roughly obliquely towards the gardens of dwellings of Pigeons Green and The Barn. Any overshoot would be into open farmland owned by the applicant. The reason for the condition was “in the interests of public safety”.

6.29 Southwards shooting was not approved due to concerns over the perception of safety, which is a material planning consideration. It is therefore necessary to consider the 2 sets of safety rules pertaining to Archery at the site. The applicant has stated that the BLBS Rules are adhered to. For shooting at 100yds, the BLBS Rules require an overshoot of 50 yds (45m) and a side buffer of 20 yds (18.29m).

6.30 The BLBS safety criteria are Rules. I am of the view that in assessing the “perception of safety” as experienced by local residents or neighbours, they should, as far as possible, need to feel confident that the BLBS Rules for safety are applied as “Rules” and not merely guidance/recommendations. The Rules specify that in terms of Field Safety, Annex A of the Rules shows recommended over-shoot and lateral safety distances. There is nothing in the Rules of the BLBS that specifies any scope for discretion in that the distances can be reduced or any other form of divergence can be introduced below the quantitative dimensions clearly shown in the Annex A.

6.31 In respect of the introduction of 2-way shooting with the Longbow, it is clear in the BLBS Rules that it is “allowed” but not mandatory. Therefore it appears that the introduction of 2-way shooting is only **necessary** in itself to allow formal competitive shooting at the Beechin Wood site. It appears to have arisen solely

from the desire of the applicant to be part of the 2-way Longbow shooting “splinter group” as he described it in the 2010 application.

- 6.32 Notwithstanding the above, the proposal needs to be re-assessed on its own merits. Policy CP24 of the TMBCS refers to the safety of an area as being a policy objective. I still have concerns in terms of the proposed line of southwards target shooting for two reasons.
- 6.33 One is that the garden of the applicant’s dwelling at Beechin Wood (and also the WC block and car park) falls within the 50 yd overshoot and margin recommended by the BLBS. Previously the regional judge (Mr Dimmock) factored in that the dwelling is under the control of the applicant and thus can be kept clear of people/pet animals and he also factored in the boundary fence to Boneashe Lane and the earth bank that rises above the field at that point. Whilst Mr Dimmock has stated that it is safe to shoot to 100yd southwards, he does not appear to have taken into account that facilities for the 32 plus persons on the site (toilets and car parking) are within the 50 yard overshoot area. The overshoot is supposed to be kept free from trespass during any archery shooting.
- 6.34 Secondly, in widening the archery field to move away from Boneashe Lane, the westerly safety buffer of 20 yards now falls outside land controlled by the applicant, being the curtilage of the commercial units of Beechin wood Farm. This is a breach of the BLBS Rules. Again, this does not appear to have been taken into account by Mr Dimmock in his signing off of the plan showing safety margins.
- 6.35 The applicant has failed to demonstrate how the health and safety of non-employees will be protected.
- 6.36 In my view, any failure to adhere to both sets of Rules of the range for southwards shooting at 100yds would be both unsafe and would add significant weight to the perceived fears of the PC and local residents/occupiers that stray arrows may reach the public domain. Members may agree that it would also generate well-grounded fears arising from invalidation of the BLBS insurance when its Rules are breached inasmuch as an uninsured activity compounds the perception of fear. The applicant has previously openly admitted to having breached conditions for “pragmatism”. Whilst reputation and previous breaches of planning control are not normally planning matters, in a case of this nature, Members may agree that it does add weight to the perception of a less than fully rigorous approach to safety in the minds of local residents and neighbouring land owners.
- 6.37 I have given consideration as to whether the imposition of a condition on a planning permission requiring compliance with the BLBS Rules could also deal with all perceived fear. This would necessitate no return of any person to their vehicle or to the WC block during the shooting. However, for the reasons outlined above, I think there is a genuine concern that they would be easily breached. The enforceability of the condition would be virtually impossible for 2 reasons: firstly, in theory there would be no public access for investigating officers during any

archery practice or competition as Beechin Wood dwelling is in the overshoot area and public access thereto would have to be prevented during the archery events. Secondly, the position of the targets can be fairly rapidly altered.

Conclusions

6.38 This case is complex and has raised a lot of public concern. It comprises a number of elements that need to be considered on their own merits, notwithstanding the retrospective nature of the engineering works, the WC block or the past issues on the site. As with the last application, I have again concluded that the element of the proposal that involves the introduction of southwards-facing (ie 2-way) shooting which goes hand in hand with club use is not acceptable due to the impact on actual and perceived safety. I have nevertheless formed the view that the engineering works themselves and the WC block do not warrant refusal. I therefore recommend decisions which reflect no change to the restriction on southward shooting and club/tournament use.

7. Recommendation:

(A) TM/12/01294/FL:

7.1 **Grant Planning Permission** as detailed by Letter dated 26.04.2012, Letter dated 20.04.2012, Design and Access Statement dated 20.04.2012, Location Plan WT/2010/10 dated 20.04.2012, Block Plan WT/2010/11 dated 20.04.2012, Drawing WT/2010/13 dated 20.04.2012, Drawing WT/2010/13 dated 20.04.2012, Sections WT/2010/15 dated 20.04.2012, subject to:

Conditions / Reasons

1 All archery activities practised pursuant to this consent shall involve shooting on the approved field only and towards the directions of west, west-north-west and north west only. At all times there shall be a minimum of a 50 yd overshoot to the boundaries with the neighbouring properties of The Barn, Pigeons Green and Pigeons Green Cottage and a minimum 20 yd side safety margins to the boundary fence/hedge of the site with Boneashe Lane and to the neighbouring land at Beechin Wood Farm.

Reason: In the interests of the actual and perceived public safety of the area to comply with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

2 Notwithstanding the provisions of Part 4 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, the use of the site shall be restricted to use for the applicant's own private recreational and practice purposes with a maximum of 8 participants and there shall be no club run from the site and no formal competitions.

Reason: In the interests of the actual and perceived public safety of the area to comply with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

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

Reason: In the interests of rural amenities and to comply with policies CP1, CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 .

- 4 The approved catch safety netting shall be erected in strict accordance with the manufacturer's instructions and retained so at all times whilst archery is taking place at the site. It shall be drawn back to the supporting poles immediately on cessation of an archery session and maintained in that position until the commencement of the next session.

Reason: In the interests of rural amenities and to comply with policies CP1, CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 .

- 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 rural amenities to comply with policies CP1, CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 .

- 6 Any archery activities practised pursuant to this consent shall be carried out using a Longbow of a maximum weight of 70lbs with an average draw weight no greater than 50lb and in strict accordance with the safety standards and requirements of both the British Long Bow Society and Archery GB (formerly the Grand National Archery Society (or anybody that may in the future supersede such organisations)).

Reason: To accord with the terms of the application and in the interests of the actual and perceived public safety of the area to comply with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

(B) TM/12/01951/FL:

- 7.2 **Grant Planning Permission** as detailed by Letter dated 21.06.2012, Location Plan 12/BT02/01 dated 21.06.2012, Block Plan 12/BT02/02 dated 21.06.2012, Block Plan 12/BT02/03 dated 21.06.2012, Proposed Plans and Elevations 12/BT02/04 dated 21.06.2012 subject to:

Informative

- 1 You are advised that the grant of retrospective planning permission for the toilet block is not an endorsement of tournament or club use of the site

(C) TM/12/01373/FL:

- 7.3 **Grant Planning Permission** as detailed by Block Plan WT/2010/11 dated 27.04.2012, Site Plan WT/2010/12 dated 27.04.2012, Drainage Layout WT/2010/13 dated 27.04.2012, Details WT/2010/14A dated 27.04.2012, Section WT/2010/15 dated 27.04.2012, Block Plan WT/2010/11A dated 29.06.2012, Plan WT/2010/16C with notes dated 24.09.2012, Plan WT/2010/16C dated 26.10.2012, Location Plan WT/2010/10 dated 27.04.2012, Letter dated 16.03.2012, Letter dated 27.04.2012, Letter dated 26.10.2012, Design and Access Statement dated 27.04.2012, Supporting Information dated 29.06.2012, Supporting Statement dated 29.06.2012, subject to the following:

Conditions / Reasons

- 1 Notwithstanding drawings WT/2010/14A and WT/2010/16C, all archery activities practised pursuant to this consent shall involve shooting on the approved field only and towards the directions of west, west-north-west and north west only. At all times there shall be a minimum of a 50 yd overshoot to the boundaries with the neighbouring properties of The Barn, Pigeons Green and Pigeons Green Cottage and a minimum 20 yd side safety margins to the boundary fence/hedge of the site with Boneashe Lane and to the neighbouring land at Beechin Wood Farm.

Reason: In the interests of the actual and perceived public safety of the area to comply with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

- 2 Notwithstanding the provisions of Part 4 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, the use of the site shall be restricted to use for the applicant's own private recreational and practice purposes with a maximum of 8 participants and there shall be no club run from the site and no formal competitions.

Reason: In the interests of the actual and perceived public safety of the area to comply with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

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

Reason: In the interests of rural amenities and to comply with policies CP1, CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 .

- 4 The approved catch safety netting shall be erected in strict accordance with the manufacturer's instructions and retained so at all times whilst archery is taking place at the site. It shall be drawn back to the supporting poles immediately on cessation of an archery session and maintained in that position until the commencement of the next session.

Reason: In the interests of rural amenities and to comply with policies CP1, CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 .

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Reason: In the interests of rural amenities to comply with policies CP1, CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 .

- 6 Any archery activities practised pursuant to this consent shall be carried out using a Longbow of a maximum weight of 70lbs with an average draw weight no greater than 50lb and in strict accordance with the safety standards and requirements of both the British Long Bow Society and Archery GB (formerly the Grand National Archery Society (or anybody that may in the future supersede such organisations)).

Reason: To accord with the terms of the application and in the interests of the actual and perceived public safety of the area to comply with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

Contact: Marion Geary