
Platt Borough Green And Long Mill	562516 156589	20 March 2015	TM/15/00978/FL
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Proposal:	Section 73 application to vary condition 1 (direction of shooting) and remove condition 2 (demarcation of 20 yd side safety buffer) of planning permission TM/12/01373/FL (Section 73 application to vary conditions 1 (direction of shooting); 2 (maximum number of archers and club use); of planning permission TM/12/01294/FL (Retrospective application for engineering operation to alter archery field by cutting bank to south west and deposit arisings to north west))
Location:	Land Rear Of The Butts Beechinwood Lane Platt Sevenoaks Kent TN15 8QN
Applicant:	Mr William Terry

1. Description:

- 1.1 This application relates to an archery arena which was originally formed in early 2000, following an engineering operation in which an area of farmland was re-profiled to a level area with the objective of creating an archery arena without the benefit of planning permission. Essentially, it was cut away in the south and filled on the north. Enforcement action was taken in 2002 and, following an appeal against the enforcement notice, the appeal was dismissed and the enforcement notice was upheld albeit with a longer period for compliance. However, the appellant made further unauthorised changes to the profile of the land with the intention to overcome the Inspector's decision. The Council was not convinced that the changes overcame concerns and 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 the original prosecution pursued by TMBC had not been in the public interest.
- 1.2 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 an express grant of planning permission by the LPA.
- 1.3 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 This application was appealed on the grounds of non-determination but eventually withdrawn. The Council subsequently resolved not to take enforcement action against the engineering works, as it was considered not expedient to do so in the light of the earlier Crown Court Judge's decision. Therefore, no planning permission was ever expressly granted for the new field profile that had been created.
- 1.4 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 did not change the other 2 conditions in dispute (private recreational use and details of “catch netting”).

- 1.5 The details of the catch netting were never formally submitted for approval at that time despite several requests. In mid-2008, minor changes were made to the field levels and landscape bunding.
- 1.6 In March 2010, significant unauthorised engineering operations involving an enlargement of the archery field beyond anything previously considered were undertaken. 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. These works, together with details of the catch netting, were finally applied for retrospectively in 2010 in application TM/10/00875/FL
- 1.7 That case was complex and raised a lot of public concern. Permission was granted but also for the amendment of condition 9 of planning permission TM/05/01396/FL to permit a slight change in the direction of northerly shooting (to avoid shooting towards the setting sun) and to regularise the engineering works and the associated extension of the archery field. A new condition was imposed to explicitly **preclude** the introduction of 2-way shooting. That is, the introduction of southwards-facing shooting was not approved due to the impact on actual and perceived safety. The planning permission was conditioned accordingly.
- 1.8 However, unauthorised southwards shooting of arrows did take place and consequently a Breach of Condition Notice was served in March 2013 under delegated authority.
- 1.9 An application that re-applied 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 was approved in December 2013. The submitted plans indicated a car park area of 40 spaces. The applicant’s rationale for this application, which was to vary conditions imposed on a planning application granted early 2012, included the following points in the supporting statements:
 - Two way shooting will 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/ArcheryGB 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.

- A letter from the Regional Judge 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.

- 1.10 A report was submitted by the applicant, signed by 2 judges of ArcheryGB (Hannah Brown and Mark Davis) who inspected and approved (subject to a number of specified caveats) the archery arena in April 2013.
- 1.11 In support of the planning application, the applicant also submitted a copy of his April 2013 application to ArcheryGB for registration of a club called "West Kent Archery Society". This required a "VENUE SURVEY" document dated April 2013.
- 1.12 WKAS was registered with ArcheryGB in May 2013 and the Club's activities are insured by ArcheryGB subject to the restrictions therein.
- 1.13 Hannah Brown is the Chairman of the Judges for ArcheryGB and she can be invited by an individual or a club to inspect grounds, although that is not compulsory but is discretionary.
- 1.14 Regarding the papers on which Hannah Brown based her Declaration dated 9 April 2013, it is noted that the diagram of the ground submitted by the applicant did not appear to clearly give the features (a) to (e) as requested by the relevant application form. Similarly, it was not clear as to how the "accurate dimensions" were conveyed to the Judge, the aerial photograph on the application being unscaled and 3 years old. The Harrington plan attached to the VENUE SURVEY (WT/2010/06) did not have clear dimensions. Hannah Brown advised that she and Mark Davis satisfied themselves from their own personal inspection and tape and laser measurement of the archery site and so the absence of full and accurate information provided by the applicant on the relevant form is not therefore important, in their opinion.
- 1.15 Hannah Brown advised that if the applicant wished to have up to 32 archers in a competition, that could be with groups of 8 archers shooting at 4 targets set at 2.5m spacings between centres and thus the 2 Judges were both satisfied that safety could be met within the dimensions of the field when shooting southbound.
- 1.16 In their interpretation that means that 4 targets (which are 4ft wide (1.22m)) can be fitted within the tapered southern end of the ground. It is noteworthy that the 2.5m separation between target centres given by ArcheryGB judge differs from the 10 feet separation (3.05m) in the BLBS Rules but that adds 1.65m to the width of the line of targets (ie increasing the edge to edge to a distance from 8.72m to

10.34m), which can still be accommodated safely according to the Judges, subject to the caveats imposed by them.

1.17 It was the endorsement by the Judges of the archery arena with the caveats that persuaded in favour of a grant of planning permission TM/12/01373/FL in December 2013.

1.18 This current application seeks to remove 2 conditions on TM/12/01373/FL as follows:

1. Notwithstanding drawings WT/2010/14A and WT/2010/16C, all archery activities practised pursuant to this consent shall accord with the Rules of ArcheryGB and involve shooting on the approved field 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 margin to the boundary of the site with Boneashe Lane.

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. No southwards shooting of archery shall take place until the 20 yard side safety buffer to Boneashe Lane has been clearly demarcated on site and all land within the side buffer has been landscaped. These shall be in accordance with details and timetable to be submitted to and approved by the Local Planning Authority.

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.

1.19 Essentially the applicant does not wish to adhere to the 20 yard (18m) side safety buffer to Boneashe Lane nor does he wish to demarcate it nor landscape behind it. The applicant's argument for the non-compliance request is given as follows:

- a) The buffer zone to Boneashe Lane is not mandatory but a recommendation that can be varied at discretion - ArcheryGB have declared the ground safe for recurve and longbow archery and is therefore insured under its policy. The site was looked at and endorsed in the Judge's completed GNAS Form J16 and in a definitive copy of a letter dated 30th May 2013 written by the Insurance Officer of Archery GB
- b) The BLBS has also approved the ground for its members for both one way and 2 way shooting. This approval was verbal as expressed by Mr John Bedford, in the presence of Mr Neil Dimmock, when attending Beechin Wood in his consultative capacity. Mr Bedford stressed that the BLBS insures its members for shooting, unlike Archery GB who actually insure the shooting ground once it is approved.

- c) There is additional back stop netting on the southern edge on poles 14 ft high (4.27m) so the side buffer has lost its significance. The nets will direct the direction of shooting away from Boneashe Lane. When shooting two-way, the targets will be contained within the drawn stop/safety nets and it is towards these that arrows will be directed and not towards the unprotected boundary.
- d) The latest engineering has made the arena more rectangular, so the shooting line at the northern end is no longer oblique.
- e) The configuration of the shooting field has proved to be too restrictive. This limitation was solely due to the unnecessary creation of the 20 yard buffer zone.
- f) Should the 20 yard demarcation be enforced with the desired shrubs and trees, this would encroach onto the entrance to the field and make it difficult for machinery to negotiate its slope. A new wide cutting machine needs a broad entrance and turning area. The zoned buffer area would inevitably impede the mowing of the field.
- g) The requirement for the 350 sq meter buffer zone which was to be landscaped with foliage was a stipulation of the planning permission for two-way shooting. If this barrier were to be implemented, archers shooting in a northerly direction would need to shoot over the shrubbery and will be called upon to walk around this intrusive incursion to the field.
- h) I do respect your concern for safety particularly should there be walkers in Bone Ashe Lane. However, the issue of safety now rests solely with the determination made by Archery GB. The TMBC has no liability for public safety following its planning permission for two-way shooting irrespective of the non-implementation of a buffer zone. I trust my response will allay any misgivings you may have had concerning two-way longbow shooting at Beechin Wood, especially with the new installation of stop netting at the southern aspect of the field.

2. Reason for reporting to Committee:

- 2.1 The complex planning history 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 naturally sloped down from south to north (total drop of approx 4.5m)

but which has been re-profiled 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 27m 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 5m away from the boundary fence/hedge at its closest. The western flank of the enlarged archery field is now within 9m 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 and an under construction storage barn are on the raised garden land, south of the archery field.

4. Planning History (relevant):

TM/03/01821/FL	Application Withdrawn	7 November 2003
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Re-contouring of agricultural land to provide an area of level terrace

TM/04/03680/FL	Non-determination appeal withdrawn	2 February 2005
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Retention of engineering works relating to land regrading

TM/05/01396/FL	Grant With Conditions Appeal on conditions 4,6,10 allowed in part.	5 July 2006
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Use of land for the practice of Archery for not more than 28 days in total in any calendar year

TM/10/00875/FL	Approved	3 February 2012
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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/12/01294/FL	Approved	3 May 2013
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Retrospective application for engineering operation to alter archery field by cutting bank to south west and deposit arisings to north west

TM/12/01373/FL Approved 23 December 2013

Section 73 application to vary conditions 1 (direction of shooting); 2 (maximum number of archers and club use); of planning permission TM/12/01294/FL (Retrospective application for engineering operation to alter archery field by cutting bank to south west and deposit arisings to north west)

TM/12/01951/FL Approved 3 May 2013

Retention of detached w.c. block for use by staff and persons using the archery field (retrospective)

TM/14/03684/FL Approved 23 January 2015

Erection of storage building for use ancillary to main dwelling including the archery club (retrospective)

TM/15/00811/RD Approved 1 May 2015

Details of materials pursuant to condition 1 of TM/14/03684/FL (Erection of storage building for use ancillary to main dwelling including the archery club (retrospective))

5. Consultees:

- 5.1 PC: We strongly object to this application. We have objected in the past, to the slow eradication of every obstacle put in this applicant's way in an effort to secure a fully unencumbered archery club on this site. T&M have allowed this "planning creep" to occur, most of it with retrospective applications. These conditions for the overshoot limits and number of participants were imposed solely on the grounds of safety, as per policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.
- 5.2 We do not see what has changed around the area to alter this opinion. The buffer zone is a **recommendation**. It must be recommended for a reason. We raised concerns at the original Area 2 Planning Meeting that the two archery organisations differed in their recommendations. It was obvious that the safety distance was tight, as it was too close to Boneashe Lane. Both Boneashe Lane and Beechinwood Lane are of one car's width (with no pedestrian footpaths) used by walkers, cars and horses. They are also designated as "Quiet Lanes" to allow the public open and undisturbed access. At the Planning Meeting, a Borough Councillor from another area spoke agreeing with our concerns and further stated that if this application came before his planning area, he would attempt to refuse it on safety grounds. We had the impression that the last application and its previous applications had ground the previous Planning Committee members down into submission, so it was approved. We would further query why, as the original

planning approval was in May 2013, has it taken this long for this attempt to do away with its conditions? Originally, and on numerous occasions, including an appeal decision, the applicant wanted an archery field for "his personal use". They have tried in the past, and again now, to allow no restriction on numbers attending this field. This has been rejected before and we see no reasons for you to allow it now. Nothing has altered since its inception.

- 5.3 All the applications since 2002 are, and have, led as originally intended, a fully blown unrestricted and unprotected archery club. We would urge you to stick by your previous conditions and have thoughts for our parishioners' concerns, rather than this applicant's aspiration.
- 5.4 Private Reps (27/3R/0X/0S) and site notice. 3 Objections have been received as follows:
- The conditions imposed for the overshoot restrictions and numbers of participants were for a reason and they were clearly explained at the time and were discussed at the Area 2 Planning Meeting in 2013. We cannot understand why TMBC would now change their minds about something which they felt was important at that time. As far as we can see nothing has changed and it is important that local residents have some safety protection. Boneashe Lane is still used by local residents both for walking and driving. The applicant has previously stated that the archery was for his own personal use. He has not given any reason why this condition should be deleted unless his intention is for the site to be used for club purposes. The entrance to The Butts is from Beechin Wood Lane which is a Quiet Lane which was intended to be part of a network of lanes that could link up the parishes and allow walkers the opportunity to walk in relative safety. Increased traffic would change this and not only affect walkers but also horse riders. There are stables not far from The Butts and the horse riders should be able to have the opportunity to enjoy their recreational pursuit. It has taken the applicant some time to submit this application but we believe nothing has changed. We understand that part of the permission in December 2013 was related to car parking facilities for the site. However, despite the car parking being installed, there has been no sign of the required retrospective planning application.
 - It is perfectly sensible and reasonable for the Council to request the 20 yd exclusion area to be marked. I have already had an arrow in my field from the direction of Beechin Wood Farm as witnessed by the police. This site is beside a public highway. Too many things have been gotten away with by retrospective planning permission. It makes a joke of the whole process for people who abide by the rules.
 - The numerous planning applications, appeals and the Inquiry over the years have all imposed various conditions on the site in order to protect neighbouring properties or on safety grounds and there is no reason to agree to alter these.

6. Determining Issues

- 6.1 The imposition of a condition on a planning permission is not set in stone - the applicant has the prerogative under s73 of the Town and Country Planning Act 1990 to seek a variation and the LPA must consider such requests on their planning merits in the context of the Development Plan and other material land use planning considerations.
- 6.2 The main consideration is to assess both conditions in terms of them complying with the NPPF paragraphs 203 and 206: *Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.*
- 6.3 The applicant has sought to remove condition 1 in its entirety, so that would involve the loss of the requirement to:
- accord with the Rules of ArcheryGB
 - shoot on the approved field only
 - adhere to a minimum of a 50 yd overshoot to the boundaries with the neighbouring properties of The Barn, Pigeons Green and Pigeons Green Cottage
 - adhere to a minimum 20 yd side safety margin to the boundary of the site with Boneashe Lane.
- 6.4 However, the applicant has only focused on the final element of the condition and so in reality, the application effectively seeks a variation of condition 1 and a removal of condition 2.
- 6.5 Conditions 1 and 2 both require a 20yd (18m) side safety buffer to the property's eastern boundary as the land beyond (i.e. Boneashe Lane) is outside the control of the applicant (in terms of keeping it clear) when archery is underway. The edge of the arena on this boundary is marked by young saplings planted in meadow length grass for a varying width but it reduces to approx 5m from the boundary fence at the SE corner. This is 13m nearer to Boneashe Lane than the approved safety buffer line. Whilst there is a low fence on this boundary line, it is not complete. The arena as scaled from the approved plans has closely mown grass for a width of approx. 27m.
- 6.6 Policy DC5 of the MDE DPD relates to tourism and leisure. Policy CP24 of the TMBCS 2007 includes safety as a material planning consideration in a general sense.

- 6.7 Paragraph 17 of the NPPF requires protection of the Green Belt and recognition of the intrinsic character and beauty of the countryside. As is detailed in paragraph 81 of the NPPF, the MGB can provide opportunities for outdoor sport and recreation. The application relates to an open recreation use suited to a rural environment – a recognised function for the Green Belt and thus in compliance in principle with paragraph 89 of the NPPF.
- 6.8 Southwards shooting was only approved for application TM/12/01373/FL following a detailed assessment of the concerns over a *perception* of the lack of safety, which is a material planning consideration. It was therefore necessary to consider in detail the 2 sets of safety rules pertaining to Archery at the site.
- 6.9 The documents provided by the applicant of ArcheryGB and the BLBS are exactly as were considered and assessed in the determination of TM/12/01373/FL. The ArcheryGB documents are clearly caveated with a need to comply with the appropriate rules and regulations separate to their very specific relaxation of the buffers to the west and south.
- 6.10 The BLBS safety criteria are called “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 not merely guidance/recommendations. The Rules specify that in terms of Field Safety, Annex A shows recommended over-shoot and lateral safety distances. There is nothing in the Rules of the BLBS that specifies any scope for discretion such that the distances can be reduced or any other form of divergence can be introduced below the dimensions clearly shown within its Annex A.
- 6.11 The argument that the applicant uses in support of this s73 application is that a BLBS comment that was only “verbal” and therefore is not useful. It does not add to the document which formed part of TM/12/01373/FL, in which the BLBS Judge signed a drawing WT/2010/16C which had a 20m line drawn parallel to the site perimeter with text which refers to safe shooting having to take place within the denoted safety perimeter. Whilst technically it needs to be an 18m buffer, the declaration is clearly intended to provide such a buffer, contrary to points (a) and (b) of the applicant’s submissions detailed above.
- 6.12 A further point which justifies the retention of the side safety buffer is that made by the applicant himself in TM/12/01373/FL by letter dated 14 March 2012 when he said “*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.*”. For that application, he also submitted a letter from the Membership Secretary of the BLBS which said “*Providing the recommendations of the BLBS Rules of Shooting are adhered to, then shooting can be safely carried out at the Butts*”.
- 6.13 Both organisations have caveats in their assessments that do not back up the applicant’s claim that the Guidelines/Rules are not mandatory but discretionary.

Neither documents submitted say that they have specifically applied discretion to the width of the eastern safety buffer to Boneashe Lane.

- 6.14 The applicant's point (c) is not accepted. Manufacturers do not refer to their product as "safety netting". Manufacturers' information states that what they call "backstop" netting is a secondary line of defence when considering range safety and should not be relied upon as the only safety precaution. The function of the netting is to catch arrows shot from lighter weight bows and save time on arrow collection when they overshoot the targets.
- 6.15 Points (d) and (e) are not considered to be relevant. This archery arena has been created in stages since 2002 and its shape and position relative to Boneashe Lane were entirely the creation of the applicant. Up until this application, the applicant has repeatedly expressed a commitment to comply with the Rules of the appropriate governing bodies. It is the case that his land ownership tapers to a width of approx 42m in its SE corner but it is the applicant's decision to place the arena where he has. The width does still allow for a shortened buffer to the west of 9m (due to the fence specifically allowed for by ArcheryGB). An 18m buffer to the east would still leave a 15m wide dimension to the arena for the 4 targets to be placed, well within the minimum spacings detailed in 1.15 and 1.16 above.
- 6.16 It is not considered that the conditions detrimentally affects the use or provision of the leisure facility nor hinders its maintenance as per the points (f) and (g) of the applicant's supporting submissions. Condition 2 requires a demarcation such that it is clear to the participating archers on any given occasion when the club is in use; there may be some non-regular users present who might not be aware of the restrictions if the buffer was not present. It does require landscaping behind but that is for the applicant to detail in the submission to discharge the condition. The purpose of asking for landscaping was for the width of the closely mown field to reflect the safe useable area of the arena. There is nothing to stop the applicant submitting a specific landscaping scheme design that allows for the wide mower to enter and turn in the arena. Similarly, within that area there can be a path or walkway for the archers if necessary. Submitting a demarcation and landscape scheme designed to meet the objective of the condition but to take account of practicalities is entirely the responsibility of the applicant. The Council has not had the opportunity to assess any such scheme as none has been submitted.
- 6.17 Point (h) made is irrelevant. TMBC is not making this planning decision on the basis that it has any role in liability. It is purely with regard to land use considerations which include safety and the perception of safety.
- 6.18 In conclusion, conditions 1 and 2 in regard of the minimum 20 yd (18m) side safety margin to the boundary of the site with Boneashe Lane, are relevant, necessary and reasonable and meet the tests of the NPPF and the development plan.
- 6.19 The remainder of condition 1 relates to adhering to the Rules of ArcheryGB; shooting on the approved field only and a minimum of a 50 yd overshoot to the

boundaries with the neighbouring properties of The Barn, Pigeons Green and Pigeons Green Cottage. The applicant has made no argument against these aspects of condition 1. The condition is also considered to be relevant, necessary and reasonable and meet the tests of the NPPF and the development plan. That also needs to form a second reason for refusal.

6.20 The Director of Central Services will assess the need to issue Breaches of Conditions Notices on these 2 conditions and for any other breaches of conditions of TM/12/01373/FL in accordance with his delegated authority.

7. Recommendation:

7.1 Refuse s73 consent for the following reasons:

Reasons

- 1 The proposed omission of adhering to and the demarcation and landscaping of the 18m side safety buffer between the eastern edge of the archery arena to the boundary of the site with Boneashe Lane will be detrimental to actual and perceived public safety of the area, contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007. There are considered to be no material considerations that justify removal of conditions 1 and 2 of planning permission TM/12/01373/FL, conditions which comply with paragraph 206 of the National Planning Policy Framework 2012 in being necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 2 The proposed omission of a requirement to accord with the Rules of ArcheryGB; to shoot on the approved archery field only, or to provide a minimum of a 50 yd overshoot to the boundaries with the neighbouring properties of The Barn, Pigeons Green and Pigeons Green Cottage will be detrimental to actual and perceived public safety of the area, contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007. There are considered to be no material considerations that justify removal of condition 1 of planning permission TM/12/01373/FL, a condition which complies with paragraph 206 of the National Planning Policy Framework 2012 in being necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

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