



Appeal Decisions

Site visit made on 20 May 2021

by Stephen Brown MA(Cantab) DipArch RIBA

an Inspector appointed by the Secretary of State

Decision date: 06 July 2021

Appeal A: ref. APP/Y2620/C/19/3234304

Land to the south of Cromer Road, High Kelling, Holt NR25 6AJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the Act).
- The appeal is by Jonathan Hancock against an enforcement notice issued by North Norfolk District Council.
- The enforcement notice, ref. ENF/16/0131, was issued on 8 May 2019.
- The breaches of planning control alleged in the notice are:

The material change of use of the land without planning permission and within the last 10 years from use for forestry purposes to use for the following purposes (in the locations indicated on the plan attached to the notice) (the plan):

 - i) Archery for commercial purposes (A on the plan)(*sui generis* use)
 - ii) Use of the pentagonal building (with wood burner) (B on the plan) for purposes not associated with forestry.
 - iii) The stationing of a mobile shepherd's hut (approximately C on the plan) for purposes not associated with forestry.
 - iv) The stationing and use of a tourer caravan (approximately D on the plan) for purposes not associated with forestry.
 - v) The siting and use of the large timber sectional building (E on the plan) for purposes not associated with forestry.
 - vi) The use of two wooden sheds (F on the plan) for purposes not associated with forestry.
 - vii) The use of the land for vehicular parking for purposes not associated with forestry (G on the plan); and,

Operational development without planning permission and within the last 4 years,
 - viii) Erection of a storage shed fixed to the ground by posts in concrete (H on the plan).
- The requirements of the notice are to:
 - i) Archery (A on the plan): Permanently cease the use and remove all items connected with or facilitating the use.
 - ii) The pentagonal building (B on the plan): Permanently cease the use for purposes not associated with forestry.
 - iii) The mobile shepherd's hut (C on the plan): Permanently cease the use and remove from the land.
 - iv) The tourer caravan (D on the plan): Permanently cease the use and remove from the land.
 - v) The large timber sectional building (E on the plan): Permanently cease the use and remove from the land.
 - vi) The wooden sheds (F on the plan): Permanently cease the use for purposes not associated with forestry.
 - vii) Vehicular parking (G on the plan): Permanently cease the use and restore the land to its previous condition.
 - viii) Storage shed (H on the plan): Permanently remove the structure and restore the land to its previous condition.

- The periods for compliance with the requirements are:
 - i) Archery: 3 months.
 - ii) Pentagonal building: 2 weeks.
 - iii) Mobile shepherd's hut: 3 months.
 - iv) Tourer caravan: 3 months.
 - v) Large sectional timber building: 6 months.
 - vi) Wooden sheds: 3 months.
 - vii) Car parking: cease the use within 6 months, and replant within the next planting season.
 - viii) Storage shed: 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c) and (f) of the Town and Country Planning Act 1990 as amended. Since an appeal has been made on ground (a) the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
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Appeal B: ref. APP/Y2620/C/19/3234308

Land to the south of Cromer Road, High Kelling, Holt NR25 6AJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the Act).
 - The appeal is by Jonathan Hancock against an enforcement notice issued by North Norfolk District Council.
 - The enforcement notice, numbered ENF/16/0131, was issued on 8 May 2019.
 - The breaches of planning control alleged in the notice are:

Material change of use of the land and within the last ten years from use for forestry purposes to use for the following purposes (in the locations indicated on the plan attached to the notice)(the plan).

 - i) Shooting range for commercial leisure purposes (I on the plan).
 - ii) The use of a summer house/shed (J on the plan) on the land for purposes not associated with forestry.
 - iii) The stationing of a tourer caravan (approximately K on the plan) for purposes not associated with forestry.
 - iv) The use of the land for vehicular parking (L on the plan) not for the purposes of forestry.
 - The requirements of the notice are to:
 - i) Shooting range (I on the plan): permanently cease the use and remove from the land all items connected with or facilitating the use.
 - ii) Summer house/shed (J on the plan) permanently cease the use for purposes not associated with forestry and remove from the land.
 - iii) Tourer caravan (K on the plan): permanently cease the use and remove from the land.
 - ix) Car parking (L on the plan): Permanently cease the use and restore the land to its previous condition.
 - The periods for compliance with the requirements are:
 - i) Shooting range: 3 months.
 - ii) Summer house/shed: 3 months.
 - iii) Tourer caravan: 3 months.
 - iv) Car parking: cease the use within 3 months, and replant within the next planting season.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c) and (f) of the Town and Country Planning Act 1990 as amended. Since an appeal has been made on ground (a) the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
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Decisions

Appeal A: ref. APP/Y2620/C/19/3234304

1. I direct the enforcement notice to be varied as follows:
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OMISSION of the words '*...use for...*' in paragraph 3 of the notice; and,
SUBSTITUTION of the words a '*...a mixed use for forestry and...*'

Subject to that variation the appeal is allowed on ground (a) insofar as it relates to the material change of use of the land from use for forestry purposes to a mixed use for forestry and the following purposes:

- *Archery for commercial purposes (A on the plan)*
- *Use of the pentagonal building (with wood burner) (B on the plan) for purposes not associated with forestry.*
- *The stationing of a mobile shepherd's hut (approximately C on the plan) for purposes not associated with forestry.*
- *The siting and use of the large timber sectional building (E on the plan) for purposes not associated with forestry.*
- *The use of the land for vehicular parking for purposes not associated with forestry (G on the plan);*

and, insofar as it relates to operational development comprising:

- *Erection of a storage shed fixed to the ground by posts in concrete (H on the plan).*

The enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for those purposes and operational development on Land to the south of Cromer Road, High Kelling, Holt NR25 6AJ. Subject to the following conditions:

- i) *The appeal site shall be used for the purposes and operational development described above and for no other purposes or operational development.*
 - ii) *Within 28 days of this decision plans of the appeal site at a scale no less than 1:1000 shall be submitted to the Council delineating the site boundaries, structures, archery ranges, parking areas, and access tracks and those plans approved by the Council in writing.*
 - iii) *Any proposals to alter or extend the positions of structures, the size or location of archery ranges, parking areas or access tracks as compared with the plans approved under Condition (ii) above shall be submitted to the Council for their approval in writing.*
 - iv) *Other than the structures approved by this decision, no structures or buildings of any kind shall be constructed on the appeal site without prior approval by the Council in writing.*
2. The appeal is dismissed on grounds (a), (c) and (f) insofar as it relates to:
- *The stationing and use of a tourer caravan (approximately D on the plan) for purposes not associated with forestry: and,*
 - *The use of two wooden sheds (F on the plan) for purposes not associated with forestry.*

the enforcement notice is upheld, and planning permission is refused in respect of those matters on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B: ref. APP/Y2620/C/19/3234308

3. I direct the enforcement notice to be varied as follows:

OMISSION of the words '*...use for...*' in paragraph 3 of the notice; and,

SUBSTITUTION of the words a '*...a mixed use for forestry and...*'

Subject to that variation the appeal is allowed on ground (a) insofar as it relates to the material change of use of the land from use for forestry purposes to a mixed use for forestry and the following purposes:

- *Shooting range for commercial leisure purposes (I on the plan).*
- *The use of a summer house/shed (J on the plan) on the land for purposes not associated with forestry.*
- *The use of the land for vehicular parking (L on the plan) not for the purposes of forestry.*

The enforcement notice is quashed and planning permission granted on the application deemed to have been made under s.177(5) of the Act for those purposes on Land to the south of Cromer Road, High Kelling, Holt NR25 6AJ. Subject to the following conditions:

- The appeal site shall be used for the purposes described above and for no other purposes.*
 - Within 28 days of this decision plans of the appeal site at a scale no less than 1:1000 shall be submitted to the Council delineating the site boundaries, structures, shooting ranges, parking areas, and access tracks and those plans shall be approved by the Council in writing.*
 - Any proposals to alter or extend the positions of structures, the size or location of shooting ranges, parking areas or access tracks as compared with the plans approved under Condition (ii) above shall be submitted to the Council for their approval in writing.*
 - Other than the structures approved by this decision, no structures or buildings of any kind shall be constructed on the appeal site without prior approval by the Council in writing.*
4. The appeal is dismissed on ground (a), (c) and (f) insofar as it relates to:
- *The stationing of a tourer caravan (approximately K on the plan) for purposes not associated with forestry.*

the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended in respect of that matter.

Preliminary matters

5. At the site visit I was asked whether I had received representations from the MP for North Norfolk and from a councillor. At that time I had not seen these and declined to accept copies at the visit. However, the Council assured me that they had sent these representations on to the Inspectorate. On checking, I found this was the case and have now seen the relevant documents.
6. Regarding the structures on the sites the appellant seeks to retain the timber sectional building, the storage shed (E and H on Plan A) and the summerhouse/shed (J on Plan B). He has agreed with the Council to remove the 2 mobile caravans (D and K on Plans A and B respectively) and the 2 wooden sheds (F on Plan B), and I saw this had already been done. Furthermore, it had been agreed with the Council that the pentagonal hut (B on the plan in Appeal A) would not be used for any purpose other than forestry.
7. For the purposes of my determinations I assume that the appellant's agreement to remove some structures – which I did not of course see – means it is agreed they cause a significant degree of harm. I will deal with how I intend to treat these items below.

8. The appellant also said he intended to have the mobile shepherd's hut (C on Plan A) removed and was arranging that. However the hut was still on site at the time of my visit, and it is now his case that it should be kept. I will treat it along with the other retained structures.

The enforcement notices

9. The matters which appear to constitute the breaches of planning control as written in paragraph 3 of both notices use the phrase:

'...from use for forestry purposes to use for the following purposes...'

However it is clear that the appellant carries on forestry activities on the appeal sites and the parts of the woodland outside the ambit of the enforcement notices, and that this is recognised by the Council.

In the light of this I consider the allegations should read:

'...from use for forestry purposes to a mixed use for forestry and use for the following purposes...'

Both parties are aware this is the case. I therefore intend to vary both notices accordingly, and do not consider any party will be significantly prejudiced by this action.

Background matters

10. The site lies within the small settlement of High Kelling to the south of the A148 Cromer Road and some 2 kilometres to the east of the town centre of Holt. It comprises a relatively narrow belt of woodland extending about 600 metres along the road. Beyond, to the south of the woodland belt, are open agricultural fields. On the opposite side of the road are the extensive grounds and buildings of Kelling NHS Hospital and the historic Arts and Crafts house Thornfield Hall, now known as 'Voewood'. Further to the east is an area of predominantly detached houses.
11. Trees on the appeal site and over much of the area of High Kelling - including the hospital site, Voewood, the residential area to the east, and other woodland - are protected under the North Norfolk District Council Tree Preservation Order 2016 no.7 (the TPO). This is an area Order, which was confirmed on 28 September 2016. I have had regard to this in my determinations.
12. The vehicular access to the appeal site is on unmade tracks taken from a parking lay-by on Cromer Road separated from the road by a narrow grassed verge. To the west of this track is the part of the appeal site used for archery related activities, subject of Appeal A, and to the east of the track the part used for the shooting related activities subject of Appeal B. These are separated from each other by another track through the woodland, and there are two informal areas for parking.
13. The appeal site was bought by a Hancock family trust in 2010, and the appellant has managed it as woodland since then. The archery and shooting operations, and associated structures have been introduced at various times subsequently. The appellant holds a felling licence from the Forestry Commission, and an under-felling licence from the District Council.

Appeals A and B on ground (c)

14. This ground of appeal is that there has not been a breach of planning control – a situation that might occur for instance where there has been a development permitted under The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).
15. In respect of both appeals the appellant argues that there has been no breach of planning control in that cleared areas of the site are primarily in connection with forestry use of the land. Visitors have occasionally parked their vehicles to walk through the woods, and utility vehicles have visited the site in connection with power cable maintenance. No hardstanding has been created, and parking bays have not been marked out, so no separate car-park areas have been formed. The degree of car parking by persons not connected with the site is not considered to be of sufficient frequency and intensity to constitute a material change of use.
16. Looking at the notices it is apparent that neither makes any allegation about formation of hardstandings or marking out of bays. The allegations both relate to use of the land for vehicular parking that is not for the purposes of forestry. The requirements reflect this but include restoration of the land to its former condition. This is not specifically defined but is only likely to mean 'as woodland' rather than as cleared areas.
17. While the site is privately owned by the appellant's family trust, there are no fences or other barriers to prevent members of the public gaining access - although of course they have no right to do so. I can well understand that there are casual uses of the site other than for archery or shooting, particularly at night-time. The appellant clearly accepts this situation, which will probably continue unless he takes some action to prevent it.
18. However, the allegations are predominantly against the archery and shooting uses, and the parking that takes place is clearly mainly in relation to those. Casual uses might well continue, as can forestry uses. Casual uses could conceivably occur to change the character of the site to a degree that would in itself require planning permission. However, this has not taken place so far, and the existence of these casual uses does not justify the alleged unlawful archery and shooting uses or operational development not connected to forestry. On the balance of probabilities there have been breaches of planning control and appeals on ground (c) do not therefore succeed.

Appeals A and B on ground (a) and the deemed planning applications

19. This ground is that planning permission should be granted in respect of any breach of planning control which may be constituted by the matters stated in the notice. Under s.177(1)(a) of the Act planning permission may be granted whether in relation to the whole or any part of those matters.
20. From all that I have seen and read I consider the main issues in these cases to be:
 - The effect of the alleged unlawful developments on the character and appearance of the landscape features and local distinctiveness of the appeal site and the area in its vicinity, with particular regard to this area of woodland protected under the TPO.

- Whether the development as a whole can be justified in terms of its location as a development for tourism.
21. I saw that the site as a whole is well maintained, it is kept reasonably clear of dead or dying trees, and that the under-storey is properly looked after. Overall it appeared to me as woodland in good heart. It is an attractive area that makes a significant contribution to the scene when travelling along Cromer Road, and to the rural setting of this small settlement. Furthermore, it provides a natural transition between the more developed area to the north of the road, which includes large numbers of trees, and the generally open landscape to the south.
22. The archery ranges are mostly to the west of the clubhouse and access and provide areas for children, for beginners and for more experienced archers as well a separate smaller area to the east with a single target. They are in relatively small clearings interspersed with trees. Although trees have been removed, this has been sensitively done, and the spaces and ground treatment have a natural character. The targets are relatively small and not at all conspicuous - even at close quarters
23. Archery appears to me to be quite appropriate activity to carry on in these relatively small woodland clearings, and relatively few people take part at any given time. Furthermore there can be little significant movement in terms of arrivals and departures, or a high degree of vehicle noise. This last is in any case quite minor in the context of the high volume of traffic on the Cromer Road. The ranges are little seen from public vantage points, although I note that the rather untidy green safety netting for the archery range makes this more prominent than it need be, as a result of its visibility from the road. Overall I do not see archery as an incongruous activity within the woodland setting, or that it causes any significant harm, physically or visually.
24. Paths between the various areas on the site appear as no more than natural woodland paths and have negligible effect on the character or appearance of the site.
25. Looking at the air-rifle range, this is again within a clearing, towards the western end of the appeal site and can barely be seen from the road. The clearing has a natural character, and targets are unobtrusive. The timber crates forming the safety barrier across the firing zone are unattractive but are clearly necessary for safety purposes and - given the relatively small scale of the barrier - are unobtrusive. As an activity, air-rifle shooting is again one in which relatively few people engage at any particular time, it does not generate high levels of noise, or result in excessive comings and goings, and is an appropriate activity for this type of rural setting. As I have found for the archery area this type of shooting does not cause any significant harm to the character or appearance of the appeal site.
26. The vehicle parking generated by the two activities is unlikely to be at a particularly high level given the relatively few participants likely to be taking part at any time. The parking areas retain a natural appearance and are unobtrusive from outside the site.
27. Of the buildings and structures enforced against in the archery area the large sectional timber building timber (E on the plan) - used as a clubhouse and equipment store - is readily seen from the road and is the most prominent. The

- appellant claims this should be classified as a caravan. Indeed, it is within the limits set for the size of a twin-unit caravan. However, looking at the structure it is clear it was brought to the site in sections that have been bolted together. The pitched roof comprises timber trusses spanning its width, providing a single unpartitioned main space. The roof is of coated corrugated metal sheeting, the structure sits on quite massive concrete pads, and an entrance landing and step have been built outside the plan envelope of the structure itself. There are no utilities supplying the structure, and rainwater is run off into butts.
28. Inside, the main space is equipped with table-tennis and bar-billiards tables, indoor archery facilities, a sofa and an AGA cooker. There is also a bow store and a general storage space. It is clearly in use as a clubhouse.
 29. Looked at as a whole it appears to me that construction of the clubhouse entailed significant building operations, including the placement of the substantial timber trusses, the roof covering, installation of flooring, construction of the entrance landing, and placing the concrete pads. The building has a degree of permanence such that it cannot be seen as a mobile structure in any realistic sense and in my opinion as a matter of fact and degree it is not a caravan and should be regarded as a building.
 30. As to its impact, it is a log-cabin type building that fits comfortably in this woodland setting. It can be readily seen from the road and is in itself attractive and of suitable scale. However, the view of it is partly obscured and somewhat marred by the untidy safety netting I refer to above, and by the close-boarded timber fence that runs alongside its road facing elevation. These latter elements are not enforced against, and I recognise that they are safety precautions of great importance in the context of an archery range. Nevertheless, the building itself remains an attractive feature of the site.
 31. The storage shed (H on the plan) stands close to eastern end of the clubhouse. It is of timber construction with a corrugated metal roof and an earth floor. I saw it is used to store a quad bike, chain saw and tools amongst other things. It appears to me that as used at present it is reasonable consistent with forestry use, although not necessarily so. It is an innocuous functional and small-scale structure that appears as more or less an adjunct to the adjacent clubhouse. Again, it fits comfortably into this setting.
 32. I saw the pentagonal hut is more or less empty, with little more than a bench, a sofa and utilitarian table inside. I understand it is in use mainly as a meditation space as is endorsed on a plaque presented by military veterans who support the enterprise. This can hardly be regarded as connected with forestry, but again it is a small scale structure that fits quite comfortably in this setting.
 33. The summerhouse/shed is adjacent to the shooting range and is principally used for safe storage of air-rifles. The shepherd's hut is apparently used for social purposes and is enjoyed by children visiting the site. They are all small-scale structures built of timber, and of forms and colours that are unobtrusive and are virtually unseen amongst the trees from outside the site. I do not consider they cause any appreciable harm to the character of this piece of woodland, or to the wider landscape.

34. It is argued that the structures on the two sites do not reflect the local vernacular. However, other nearby buildings include the distinguished Arts and Crafts style house, relatively modern detached houses and substantial hospital buildings, illustrate no consistent local vernacular for the immediate area. While these structures may not reflect the vernacular of this part of Norfolk more generally, their modest size and timber construction are to my mind sympathetic to their wooded rural surroundings. They cannot realistically be seen as incongruous within the large-scale landscape types of the wooded Glacial Cromer Ridge, or the setting of the Coastal Shelf landscape character area, which forms the backdrop. Nor do they interfere in any significant way with the appearance of the verdant gateway to High Kelling and Holt.
35. I conclude on the first main issue in both appeals that the uses and operational development enforced against - apart from those elements of operational development now removed from the site - have a neutral effect on the character and appearance of the landscape features and local distinctiveness of the appeal site and the area in its vicinity, with particular regard to this area of woodland protected under the TPO. The developments accord with the provisions of the development plan, and particularly Policy EN 2 of the North Norfolk Core Strategy Development Control Policies, which relates to protection and enhancement of landscape and settlement character.
36. Regarding the second main issue, the particularly relevant Council Policy EC 7 promotes new sites for tourism to be located within Principal and Secondary Settlements or known visitor attractions in order to minimise disturbance to sensitive and tranquil sites. Within the countryside proposals for new tourist attractions should be permitted in accordance with other policies such as for employment areas. Where it can be shown there are no sequentially preferable sites and a rural location is necessary then new attractions may be permitted in one of the identified asset zones – one of which is the 'rural' zone which takes up most of the area of the District outside the Coastal, Broads and Resort zones. The rural zone is identified as having capacity to absorb some visitor pressure away from coastal areas.
37. In this case I have some doubt about whether the woodland belt can be realistically be considered as a tranquil area, when it is all so close to a trunk road, and already subject to high levels of traffic noise. I have concluded that the two main activities are in their nature quite peaceful, are distant from the nearest dwellings, and do not cause significant harm in terms of disturbance. In addition, the activities are low key and do not lend themselves to locations in the larger built-up or resort areas. There is also evidence to show that the facilities are enjoyed by many members of the local community, and it appears to me that take-up by visitors is more likely to result from passing trade rather than a wider audience. While no significant contribution is made in terms of employment, these are activities that appear to me to be particularly suited to the rural area. The fact that no argument has been presented to show a progression through the sequential test does not to my mind invalidate these arguments.
38. Furthermore, Core Strategy Policy SS 2 sets limits to development within the countryside, which should be for one or more activities that require a rural location. In this case there are two such activities in these cases - there is established forestry use, and recreation and tourism that are relevant to this case. Although not necessarily set in rural locations, it appears to me that

archery and air-rifle shooting are more suited to a countryside rather than urban location.

39. I conclude on the second main issue that the development as a whole can be justified in terms of its location as a development for tourism in the countryside. The development accords with the provisions of the the development plan, particularly with regard to Policy EC 7 of the North Norfolk Core Strategy Development Control Policies, as well as Core Strategy Policy SS 2.
40. I have referred above to the structures that have been removed by agreement. If I allow the appeals on ground (a), quash the notices and grant planning permission, then under s.173(11) of the Act this would have the effect of granting permission for these unlawful features even though they had been removed. I will therefore uphold the notices insofar as they relate to these structures, so the relevant requirements of the notices will still have effect.
41. The appellant argues that both uses are recreational, the sites have been used by people suffering from a range of mental and physical conditions and make an overall contribution to the mental and physical well-being of the community. There is much support for this view in the many representations from interested parties, including several military veterans, and in the petition put forward supporting the appellant. It appears to me that activities such as these, which require considerable degrees of concentration and physical discipline, are likely to make such contributions to people's well-being. I accept that there is a commercial interest in providing these facilities, as demonstrated by the offer of 'Pay and Play' options rather than membership. However, that does not necessarily lessen the community advantages that are probably provided. This matter adds weight to my conclusions on the main issues.
42. If I grant permission for parts of the developments I consider it will be both necessary and reasonable to impose conditions to prevent any such future developments on the site, or extension of the activities without the Council's express permission. I intend to impose planning conditions controlling the location and extent of existing facilities, possible future erection of structures, and possible extension of these. Furthermore there should be a condition limiting the uses of the site to forestry, archery and shooting and excluding any other uses.
43. As to access tracks and parking areas, these areas currently have a natural and informal appearance, which is well-attuned to this setting. The introduction of any form of artificial surfacing would to my mind be a retrograde step. If other changes were permitted to the extent of activity areas it may be necessary to request a surfacing scheme at that stage, but I do not see the need at this stage.
44. The Council also suggest conditions to control the number of days per year the site can be used, and installation of foul and surface water drainage. However, I see no reason why the activities should not be carried out all year long. At present all the structures on the sites drain rainwater either to water butts, or directly to the soil. Given the small size of most of the existing structures, this is an adequate arrangement. Furthermore, there are no sanitary facilities that require foul drainage. Should other structures be proposed, they would need to be approved by the Council, and would also need Building Control approval, so

any provisions for drainage would be considered then, but again I can see no need for this condition at this stage.

Other matters

45. I have read complaints about noise nuisance, the dangers of such uses close to Cromer Road, and the possibility that bat roosts are disturbed. As regards noise disturbance, as noted above, archery and air-rifle shooting are relatively quiet activities demanding a high degree of quiet concentration by participants. The closest dwellings are probably those on Old Cromer Road, and they are a minimum of some 50 to 60 metres from the archery ranges, and somewhat further from the air-rifle zone. Such noise as occurs will in any case be largely drowned out by prevailing traffic noise. Overall, it is unlikely that either archery or air-rifle shooting will cause or have caused significant noise disturbance and are unlikely to cause significant harm to residential amenity.
46. As for the danger posed, I understand the ranges are over the minimum distance from the highway in terms of relevant regulations, and netting screens have been provided between the ranges and the road. These are appropriate measures, and if these screens are kept in good order I can see no reason why the activities should not be carried on in a safe manner. Regarding possible disturbance of bat roosts, I have seen no evidence that any roosts exist, and can make no judgement on this.
47. It has also been suggested that there may be firearms in use. However, use of such weapons is subject to very strict safety controls which could not be provided on an open site such as this, and it is virtually impossible that firearms could be lawfully used here, now or in the future.
48. For the reasons given above, both ground (a) appeals succeed in part, and fail in part. I will grant planning permission on the deemed applications for the successful elements and refuse planning permission for the dismissed elements. I take no further action on the ground (f) appeals insofar as they relate to the parts that succeed on ground (a).

The appeals on ground (f)

49. Ground (f) is that the requirements of the notices are excessive, and that lesser steps would overcome the Council's objections.
50. As noted above, I am taking action on ground (f) solely in relation to those structures that have been removed from the site and found to be unlawful. The appellant claims that there are permitted development rights under The Town and Country Planning (General Permitted Development) (England) Order 2015 for use of the land for the two activities and associated development for 28 days in each year, as well as for such parking as takes place.
51. Class B of Part 4 to Schedule 2 to the GPDO, which relates to temporary use of land, permits:
The use of any land for any purpose for not more than 28 days in total in any calendar year and the provision on the land of any moveable structure for the purposes of the permitted use.
52. In these cases I am allowing the archery, air-rifle shooting, and parking uses to continue with no time-limiting restrictions, so in this context the permitted development right does not come into play.

53. In any case, under paragraph B.1(b) of Class B, development is not permitted if the land is within the curtilage of a building, amongst other things. I have determined above that the sectional structure used as a clubhouse is a building, as are the other fixed structures, and the uses therefore fall with their curtilage. Temporary development – including moveable structures – under this part is therefore precluded, and the appeals under ground (f) must fail.

Conclusions

54. For the reasons given above I conclude that both appeals should succeed on ground (a) in parts only. I will vary the notices and grant planning permission for those parts of the matters the subject of the enforcement notices as varied. Otherwise I will uphold the notices as varied and refuse to grant planning permission on the other parts. The requirements of the quashed parts of the varied notices will cease to have effect so far as inconsistent with the permissions which I will grant by virtue of s180 of the Act.

Stephen Brown

INSPECTOR