



Appeal Decision

Site visit made on 13 July 2021

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2021

Appeal Ref: APP/K0425/C/20/3264041

**Land at Aldridge Grove, Hampden Road, Denner Hill, Buckinghamshire
HP16 9RL**

- 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 appeal is made by Mr C Allum of Wendover Air Rifle Club against an enforcement notice issued by Wycombe District Council.
- The enforcement notice was issued on 19 October 2020.
- The breach of planning control as alleged in the notice is: *Without planning permission the material change of use of the land to an Air Rifle range along with the siting of associated paraphernalia and the carrying out of operational development to facilitate this unauthorised material change of use including:*
 - 1) *the erection of a range compound building as shown outlined in yellow on the attached plan; and*
 - 2) *the siting of a container for ancillary storage shown outlined in green on the attached plan; and*
 - 3) *the siting of a WC structure shown shaded in pink on the attached plan; and*
 - 4) *the erection of boundary fencing and netting in the position shown by brown on the attached plan; and*
 - 5) *the laying of hardstanding to create car park shown hatched in blue on the attached plan.*
- The requirements of the notice are:-
 1. Cease the use of land as an Air Rifle range; and
 2. Demolish the range building (shown outlined in yellow on the attached plan) from the land; and
 3. Remove the container (shown outlined in green on the attached plan) from the land; and
 4. Remove the WC structure shown (shaded pink on the attached plan) from the land; and
 5. Demolish the boundary fencing and netting (in the position shown by the brown line on the attached plan) from the land; and
 6. Remove the hard standing that has created the car parking (shown hatched in blue on the attached plan) from the land; and
 7. Remove all paraphernalia that is associated with the unauthorised Air Rifle range use from the land; and
 8. Remove all materials and debris resulting from carrying out Steps 2-7 of this Notice from the land.
- The period for compliance with the requirements is twelve months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought under ground (a) an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary decision: The appeal is dismissed and the enforcement notice is upheld with corrections and variations set out below in the Formal Decision.

Procedural Matters

The National Planning Policy Framework (the 'Framework')

1. During the course of the appeal, a revised Framework was published¹ which replaces the February 2019 version. The main parties have had the opportunity to comment and I have had regard to it in reaching my decision.

The enforcement notice (the Notice)

2. The Notice refers to the siting of a WC structure shown shaded pink on the plan, which is adjacent to the range compound building. The drawing² submitted with the planning application³ also annotates a 'portaloo' beside the building. However, on my site visit it was apparent there was no WC structure in the 'pink' location. Instead there were two plastic WC structures located elsewhere on the site.
3. Following clarification with the parties, the Council has submitted a revised enforcement notice plan showing a different location for the WC structures that corresponds broadly with the area I saw being used. As there is also a ground (a) appeal and a deemed planning application to determine, the appellant has submitted a revised planning drawing 17-658 02 Rev C that corresponds with the Council's revised enforcement notice plan. As a result, I can substitute the enforcement notice plan. I can also make the necessary consequential follow-up changes to correct the allegation and vary Step 4 of the Notice to refer to WC structures in the plural. As both parties are aware of this matter and have submitted corrected plans accordingly, no injustice would be caused to either party.
4. The appellant alleges the WC structures, or portable toilets, are not operational development and should be removed from consideration in this appeal. Caselaw has established that a Notice directed at a material change of use can include works or items which are integral to and facilitate the use, even if not development in their own right. The inclusion of the WC structures is therefore appropriate.

The Appeal on Ground (a) and the Deemed Planning Application

5. The appellant has made an appeal on ground (a) – that planning permission ought to be granted for the matters alleged in the Notice.

Main Issues

6. As the site lies within the Metropolitan Green Belt, the main issues are:
 - Whether the appeal development would be inappropriate development in the Green Belt, having regard to the Framework and the development plan, and the effect of the appeal development on the openness of the Green Belt and purposes of including land within it;
 - The effect of the site's location on parking and highway safety;

¹ 20 July 2021

² 17-658 02 Rev B

³ LPA ref: 17/06820/FUL refused 22 August 2019

- The effect of the appeal development on the character and appearance of the Chilterns Area of Outstanding Natural Beauty (the AONB), with particular regard to design, noise and disturbance, and lighting;
- The effect of the appeal development on the amenities of occupiers of neighbouring properties with particular regard to noise and disturbance;
- Whether sufficient information has been provided regarding the effect of the appeal development on biodiversity, with particular reference to ancient woodland; and
- If the proposed development constitutes inappropriate development in the Green Belt, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

7. The appeal site is located within managed woodland, some of which is ancient woodland, and is surrounded by the countryside of the Chilterns AONB.
8. The Framework identifies that the fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence (paragraph 137). It goes on to state that 'inappropriate development' in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 147).
9. Policy DM42 of the new Wycombe District Local Plan⁴ (the 'Local Plan') seeks to protect Green Belt from inappropriate development, unless the development accords with the Framework or other types of development listed in the policy. I am satisfied that Policy DM42 is broadly consistent with the Framework.
10. The appeal development comprises a change of use of an area of woodland to an Air Rifle range. The use is facilitated by the erection of a timber rifle range or compound building (hereafter the 'range building'); fencing and netting around the shooting range; a metal shipping container used as storage for various miscellaneous items and equipment including targets; portable plastic toilet/WC structures, and the laying of an area of hardstanding for car parking. The site is accessed via a forestry track that rises up from Hampden Road, which is a rural lane in the valley, with hedges and woodland either side.
11. The Framework regards the construction of new buildings as inappropriate development in the Green Belt, subject to various exceptions listed in paragraphs 149 and 150. Exception 149b) allows the construction of new buildings for "the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; *as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it*" [my emphasis].

⁴ Adopted August 2019

12. The range building is of simple timber shiplap construction, with a shallow sloping roof. The building is open on one side facing the shooting range in the woodland beyond. The range building provides up to 12 lines of shooting at a time. The building is high enough to comfortably stand in and accommodate a number of people shooting at the same time. It also houses various miscellaneous items including tables and chairs. The range building is suitably designed and appropriate for its purpose in association with the use of the land as an outdoor air rifle field target club.
13. The other facilities which facilitate the change of use, such as the car parking area and the shooting range, are more appropriately considered under exception paragraph 150e). This relates to "material changes in the use of land (such as changes of use for outdoor sport or recreation...)"⁵.
14. Whilst the Framework may deem these exceptions broadly acceptable in principle in the Green Belt, it is only the case *provided* [my emphasis] they also preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. There is no definition of preserving openness in the development plan or the Framework - it is a planning judgement. To assist, caselaw has established that openness has both a spatial and visual aspect to it.
15. The site is located within woodland and hence is somewhat obscured from the wider landscape. Wider public views are more limited to the Public Rights of Way (PROW) that pass near the site in the woodland and adjacent countryside. Due to the site's elevated position and the intervening woodland, views of it from the road in daylight are limited. In winter when leaves fall, views may be more likely, particularly from the PROWs and when the lights are on. Nonetheless, whilst development may not be widely visible from public vantage points it is still capable of affecting openness.
16. The range building measures approximately 12.1 m x 5.3m which creates a substantial footprint of more than 60sqms. The shipping container also takes up a footprint, measuring approximately 6m x 2.4m. These, together with the WC structures, physically occupy space on the ground that was previously free of development and hence they have reduced openness. The range building and shipping container are about 3.1m and 2.5m high respectively. Their volume and massing is not insignificant and this effects both spatial and visual openness.
17. The shooting range, with metal targets placed in the ground, covers an area of woodland approximately 60m x 22m. Whilst the enclosure is necessary for health and safety reasons, it nonetheless makes the area less open than before it was enclosed, which has further reduced the openness of the site.
18. The effect on openness is not just confined to physical structures placed on the land. The laying of hardstanding and scraping back soil to create a car park reduces openness. The track and parking area are used by non-forestry vehicles. Parking for up to 40 members in the woodland, even if not all at the same time and allowing for some car sharing, amounts to a significant change from what was there previously. Hence the car park has varying effects on

⁵ The appellant's appeal decision example was assessed against the first version of the Framework published in 2012, which did not include the exception for the "material changes in the use of land (such as changes of use for outdoor sport or recreation...)".

openness depending on the extent of the parking area, the frequency of parking and presence of vehicles, and the number of vehicles parked at any one time.

19. Whilst the use of the land as an air rifle range may fall within an 'outdoor sport' for the purposes of the Framework, each proposal still requires individual assessment of its nature and impact on openness in relation to its site specific context in the Green Belt. The appeal development before me has put buildings and associated facilities on the site where there were none previously. For the reasons set out above, the development has caused the site to be less open than it was before, reducing openness. This is a significant change that has an adverse impact and causes harm to openness. As a result, the openness of the Green Belt is not preserved. The use of the site for no more than 115 occasions a year does not diminish this effect as the buildings and facilities remain on site when the Club is not meeting.
20. Furthermore, the range building and fencing around the shooting range take development closer to the edge of the woodland where it meets the adjacent countryside. As such, the appeal development fails to safeguard the countryside from encroachment.
21. I find the appeal development does not preserve the openness of the Green Belt. Furthermore, it fails to safeguard the countryside from encroachment. Hence, there is conflict with the fundamental aim and one of the purposes of including land within the Green Belt contrary to paragraphs 137 and 138 of the Framework respectively. Therefore it does not fall within the cited exceptions of the Framework. I conclude the appeal development is inappropriate development in the Green Belt for the purposes of Local Plan Policy DM42 and the Framework.

Location and parking

22. The Framework seeks to promote sustainable development and identify opportunities to promote walking, cycling and use of public transport. However, it also recognises that sustainable transport solutions will vary between urban and rural areas (paragraph 105).
23. The site is in the countryside some distance from the nearest settlement. I am advised that the site is not served by public transport and I did not see any bus stops along Hampden Road on my visit. According to the appellant air rifles are weapons that cannot be carried on public transport and an extract from the local bus carrier confirms they will not carry 'weapons' on their vehicles. This indicates to me that accessing the site by public transport with an air rifle, even if indeed public transport passed near the site or the site was in a more sustainably located rural location, would be difficult if not impossible. From the evidence before me and my own observations of getting to the site, users of the Air Rifle range would most likely be reliant on the private car.
24. The Club meets on Wednesday evenings between 18:00 and 20:00 hours and Saturday mornings between 08:00 and 14:00 hours and on 10 Sundays a year between 08:00 and 14:00 hours. There are approximately 40 members, with an average attendance of 15 members on a weeknight and about 40 at the weekend, all coming by car.

25. According to the appellant there are about 10 parking spaces on site and members do not park on the road. I saw an area that could be used for parking, but there was no formal demarcation of parking spaces. I could also see vehicle tyre tracks and some evidence of churned up ground near the edges of the track. There were also rubber mats on parts of the ground that would make parking and manoeuvring easier when it is muddy.
26. I appreciate there may be some car-sharing and every member may not attend every session, and at the weekend the 40 or so members may not all attend at the same time. However, from the average attendance figures this would indicate to me that the 10 parking spaces would not provide sufficient on-site parking without encroachment into the adjacent woodland, parking alongside the track, or on the road or by the entrance gate.
27. Whilst the Club may have been operating from the site since December 2016, the appellant has not presented any substantive evidence to show how the Club currently monitors or manages the parking of its members. Nor does the appellant demonstrate where members park if the 10 parking spaces are full without encroaching into the adjacent woodland or parking on the road. I am not satisfied that the appellant has shown that there is adequate on-site parking. If membership levels increase, which I understand is an aspiration of the Club, then there is likely to be an increased pressure on the already limited space.
28. I find it is not possible for me to conclude that there is adequate on-site parking for all of the Club's members and that it does not cause on-street parking and a detrimental effect on highway safety. Accordingly, the development is contrary to Local Plan Policies CP12 and DM33. These collectively seek to direct development to locations that can minimise the need to travel and in turn reduce emissions that can affect climate change.

Character and appearance of the AONB

29. The surrounding rolling countryside of the AONB is characterised by its predominantly agricultural and wooded landscapes and tranquil valleys. I saw that the peace and quiet of the site and the surrounding area, together with its remoteness and situation within woodland, were features that positively contributed to making this a special landscape.
30. ANOBs are nationally designated areas. Paragraph 176 of the Framework states that great weight should be given to conserving and enhancing their landscape and scenic beauty, as they have the highest status of protection in relation to these issues.
- a) Design
31. The metal shipping container, with its industrial and utilitarian appearance, is out of keeping and incongruous for this rural location amongst and close to ancient woodland. Furthermore, the container has been sited away from other structures, which exacerbates its presence and incongruity. Attempts to disguise it with camouflage netting and paint do not mitigate against its industrial appearance. Even though the WC structures are smaller, a similar argument can be laid at them.
32. The fencing is the sort typically found in suburban and residential areas to demarcate boundaries and gardens. Hence its domestic appearance is

unsympathetic and out of keeping for this wooded countryside location in an AONB.

33. The appellant regards the fencing, up to 2m in height, to be permitted development under the GPDO⁶. However, the fencing has been erected to enclose the shooting range as part of the unlawful use of the land. Therefore, under Article 3(5) of the GPDO the fencing does not benefit from permitted development rights and is hence development for which planning permission is required and falls to be considered under the ground (a) appeal.

b) Noise and disturbance

34. At the time of my visit there was no Club meeting and the site and the surrounding area were quiet. The appellant demonstrated shooting at the metal targets, one shot at a time. The sound of an individual lead shot hitting a metal target was short and there were no long-lasting reverberations, unlike with clay pigeon shooting for example.
35. However, there are 12 shooting lines that allow more than one person to shoot at any one time. It is unclear whether they would all shoot at the same moment, or in their own time creating a volley of shots. Nonetheless, the noise from multiple shots over a sustained period of time during Club meetings, which can last most of a Saturday and Sunday on some weekends, would generate a persistent noise.
36. There would also be noise from Club member voices, laughter and perhaps even cheering, which would be unpredictable and rise and fall in volume. There would be additional noise of vehicle engines as members arrive and leave and manoeuvre to park.
37. The appellant refers to unmoderated air rifles generating about 60 decibels of noise on the pulling of the trigger and targets being wrapped. However, neither party has provided a noise survey or any substantive noise data, including measured noise readings from any of the Club meetings. Nor is there any data on the cumulative effect of noise levels of more than one air rifle trigger being pulled at a time and of multiple shots hitting targets.
38. Based on the limited evidence before me I find the different components of noise from the appeal development would combine together to create an overall disturbance and intrusion into the quiet of the woodland and tranquillity of this part of the AONB to the detriment of users of the nearby countryside and PRow network.
39. The Sprinters Leisure Centre is on the other side of the hill, which I am led to understand lies outside the Council's administrative boundary. From what I saw the centre appeared to be a purpose-built facility with a number of floodlit sports pitches and tennis courts, together with a car park and clubhouse. I understand the Air Rifle Club operates within the wider operating hours of the leisure centre. That may be so, but the leisure centre is closer to existing built-up development on the edge of Prestwood and occupies a wide open site. It therefore has a different context to the secluded woodland appeal site. There

⁶ Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

would likely be some noise from players and supporters, but in this open setting as an accepted community facility it would be less disruptive to the overall peace and quiet of the area. Furthermore the noise from people playing and watching sport would be different to noise generated by the air rifle shooting and activities of the Club.

c) Lighting

40. The area at night would be generally dark due to the distance from the nearest settlement, the surrounding woodland and countryside location and no street lights along Hampden Road. From October through to March Club members wear head-torches and have a number of moveable LED lamps to light up the shooting range. I saw some electric light bulbs fixed inside the range building, indicating to me that additional lighting is used. The use of lighting in the middle of an elevated woodland site would be visually intrusive and incongruous. In the darker winter months when the leaves fall, vehicle headlights would also be more noticeable moving around the woodland. In my view this would be detrimental to the darkness of the landscape and its skies in this part of the AONB. As already mentioned, the Sprinters Leisure Centre sits in a very different context and it is not uncommon for such facilities to be illuminated.
41. To conclude on this main issue, I find the shipping container, WC structures, fencing and netting are of poor quality design and materials, which are inappropriate for a rural woodland setting. Whilst views of them are limited, they nonetheless erode the scenic beauty of the AONB. Furthermore, the appeal development creates noise and disturbance that erodes the tranquillity of the AONB and introduces light pollution. As a result the landscape and scenic beauty of the AONB is neither conserved or enhanced.
42. Accordingly, the development is contrary to Local Plan Policies DM30 and DM35 which collectively seek to conserve and where possible enhance the natural beauty of the AONB. All development is required to improve the character of the area, and in the AONB development should deliver the highest quality design. Policy DM20 relies on the Framework for matters of noise and light pollution, which in turn advises that new development should be appropriate for its location taking into account the sensitivity of the site and protecting from the adverse impacts on tranquil areas prized for their recreational and amenity value.

Amenity for neighbouring occupiers

43. The nearest residential property is about 200m away and objections have been raised to the noise from the shooting, voices and vehicles. Unlike passers-by or users of the PRow, nearby residents remain in the area and would likely hear more of the Club meetings and its activities throughout the year. I have already found there would be general noise and disturbance to the peace and tranquillity of the AONB and for users of the area. I therefore find it likely that nearby residents would also be adversely affected. Accordingly, the appeal development would be contrary to Policies DM20 and DM35 whose aims are already outlined above and which also seek to prevent adverse impacts on amenities of neighbouring land and property.

Biodiversity and ancient woodland

44. The woodland between the road and the main part of the site through which the access track passes is ancient woodland. The range building, shipping container, WC structures, car park and track are sited within the 15m protection buffer around the ancient woodland.
45. Paragraph 180c) of the Framework states that development resulting in the loss or deterioration of irreplaceable habitats, such as ancient woodlands, should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In the Planning Practice Guidance (the 'PPG') the Forestry Commission's standing advice is that local planning authorities should consider both the direct and indirect impacts on ancient woodland, which includes increased disturbance to wildlife from additional traffic and visitors, and changes to the landscape character of the area. Development that will result in the loss or deterioration of ancient woodland and trees should be refused unless there are wholly exceptional reasons and there is a suitable compensation strategy in place.
46. A Preliminary Ecological Appraisal (PEA)⁷ was submitted for the retrospective planning application⁸. It concludes that the range building and shipping container are unlikely to have any impact on the use of the woodland as evidence suggests the woodland is currently being used regularly by various animals. The PEA notes some tree damage from pellet marks and pellets embedded into some of the tree trunks.
47. The PEA suggests some mitigation measures, such as ensuring targets are not placed in front of trees, lead shot is collected in trays at the foot of the targets, no shooting of quarry, some mitigation against disturbing badgers that may be on or near the site, and if breeding birds are found to be present then a temporary 'no shooting zone' should be installed around the nesting area.
48. Whilst the existing track can be used by forestry vehicles, the appeal development introduces a different pattern of activity to the area, with different frequency and numbers of vehicle movements, human activity, chemicals, noise and lighting, all of which can affect wildlife, soils and fragment the woodland. The Council's Ecology Officer advises that the PEA does not properly assess the harm and extent of the impacts to the site, and that mitigation and compensation have not been properly explored. I note that since the appellant's PEA was undertaken a number of years ago, no follow-up or further ecological assessments or surveys have been submitted to respond to the Council's concerns.
49. I am not satisfied that the direct and indirect impacts of the appeal development on the wildlife and ancient woodland have been fully assessed to demonstrate that it does not, and will not, result in the loss or deterioration of this irreplaceable habitat. There are no exceptional circumstances put forward of the types described in footnote 63 of the Framework, where public benefits clearly outweigh the loss or deterioration of such a habitat.
50. Accordingly the development is contrary to Policies DM11, DM13 and DM14 of the Adopted Delivery and Sites Allocations Plan 2013. These collectively seek to protect sites from harm, whether indirect or direct. Furthermore, under Policy

⁷ By David Archer Associates dated December 2017

⁸ LPA ref: 17/06820/FUL refused 22 August 2019

DM13 development that causes harm will only be permitted in a number of instances, including that there is no suitable alternative site for the development. The appellant's case does not include any substantive evidence to suggest that alternative sites have been considered and explored.

Conditions

51. I have considered the suggested conditions against the advice in the Framework and PPG.
52. As I have found the appeal development already causes various harms a condition restricting operating hours would have no meaningful effect.
53. The deemed planning application is made in respect of the development as alleged and built. Consequently there is no mechanism for incorporating any revised plans or to impose a condition which purports to modify the detail of the development, such as submission of details for fencing or biodiversity gain. Furthermore, floodlighting does not form part of the development alleged against, so the installation of any floodlighting would need separate planning permission.
54. A condition preventing sound reproduction audible beyond the curtilage of the site has been suggested. However, there is no evidence to demonstrate how this would be done to prevent existing noise being heard and whether in fact it could be achieved.
55. The appellant's suggested condition to remove the shipping container from the site would only overcome one component of poor quality design.

Other Considerations

56. The Club has been established for over 20 years and had to relocate from its previous location. It is the only such club in Buckinghamshire and there is no Air Rifle Field Target clubs in the District. It provides competitive and recreational sporting opportunities. The Club also operates at a regional level and produces national-grade shooters. To be able to continue to do this, the Club needs its own range. The Club also works with charities to offer support to people with disabilities and works with other groups, such as the local Scouts. The appeal development therefore provides social and community benefits.

Other Matters

57. I acknowledge the appellant's concerns with the Council's handling of the planning application and enforcement action, but in reaching my decision I have been concerned only with the planning merits of the case.

Green Belt balance

58. The development constitutes inappropriate development in the Green Belt, in the terms set out in the Framework, that has led to a loss of openness to the Green Belt. It is also an encroachment into the open countryside, which conflicts with one of the five purposes of including land in the Green Belt. This harm is a serious planning objection to which substantial weight must be given. Great weight must also be given to the harm that is caused to the landscape and scenic beauty of the AONB, in addition to the harm to ancient woodland. There is also inadequate parking and harm to the amenities of neighbouring residents.

59. On the other side of the balance are the Club's requirements and activities. I give significant weight to the fact this is the only club of its kind in the District to offer this sporting and recreational opportunity. I also give significant weight to the social and community benefits, including the Club's work with charities to support people with disabilities and other local groups.
60. I have not been made aware of any development plan policies that actively promote outdoor sport and recreation in the District – a lack of such weighs in favour of the development. However, the Council confirm that not all of the District is in the AONB or the Green Belt and more suitable alternative sites might exist elsewhere.
61. Whilst a sequential search is not a prerequisite per se, it is a requirement of Policy DM13 where there is harm to ancient woodland. The lack of evidence that alternative sites have indeed been considered and discounted for whatever reasons therefore counts against the appeal development.
62. I find the other considerations in support of the appeal do not clearly outweigh the totality of the harm I have identified to the Green Belt, the AONB, and the other harms. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion on Ground (a) Appeal and the Deemed Planning Application

63. The proposed development would not accord with the development plan and there are no material considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed and the deemed planning applications should be refused. The appeal on ground (a) therefore fails.

The Appeal on Ground (g)

64. Ground (g) is that the period specified for compliance with the Notice falls short of what is reasonable. In all cases the test remains whether the compliance period is reasonable, which needs consideration of what must be done in practice to carry out the remedial steps and how much time is reasonable to allow for that purpose.
65. The Notice requires the alleged development to cease. It also requires the range building and the fencing and netting to be demolished, and the shipping container, WC structures and hardstanding be removed. The cessation of the use and all works are to be completed within 12 months.
66. The appellant considers 24 months a more appropriate timeframe in order to provide the Club's members with certainty as to the area in which any replacement facility will be located, as limited land is available within the Club's catchment.
67. The use of the land could cease straightaway. From my observations the timber range building, fencing and netting would appear to be straightforward to dismantle and the materials and debris relatively easy to remove without needing to employ or hire specialist equipment or labour.
68. The storage container would need removing from site on a lorry/trailer. This may involve some specialist assistance, but the task should not take long to

undertake. The WC structures can be put on a lorry or trailer and removed from site, as could the other paraphernalia. I consider the works required to comply with the Notice do not appear to be particularly difficult, complex or lengthy, or require a large team of workers or specialists. Therefore, I find 12 months is sufficient time.

69. I appreciate that the appellant and the Club members would like to find an alternative site and would need time to do this. However, that is a separate matter. The Notice only requires the cessation of the use and removal of the various items from the land that facilitate that use. Finding an alternative site is not part of the requirements of the Notice and so does not need to be carried out or completed within the period for compliance. Therefore I could not use that argument to extend the compliance period.
70. I am satisfied that the 12 month compliance period strikes a proportionate and reasonable balance between the public and private interests in this case. I have also had due regard to the reasons for issuing the Notice, as effective enforcement is important to maintain public confidence in the planning system.
71. The appeal on ground (g) therefore fails.

Formal Decision

72. It is directed that the enforcement notice be corrected and varied by:

- **Substitute** with the plan attached to this decision for the one originally attached to the enforcement notice, to show the revised location of the WC structures shaded 'pink'.
- Correcting the allegation (3) in section 3 of the Notice to **delete** "a WC structure" and **substitute** with "WC structures".
- Varying requirement 4 in section 5 of the Notice to **delete** the word "structure" and **substitute** with "structures" (in the plural).

73. Subject to these corrections and variations the appeal is dismissed and 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.

K Stephens

INSPECTOR

Substituted Enforcement Notice Plan

