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App No : 17/06820/FUL App Type: Full Application
Application for : Change of use of land to provide an Air Rifle range with erection of range compound building, siting of storage container & WC, erection of boundary fencing & creation of car parking for 10 cars (Retrospective)
At Aldridge Grove, Hampden Road, Denner Hill, Buckinghamshire
Date Received : 08/08/17 Applicant : Mr C Allum - Wendover Air Rifle Club
Target date for Decision 03/10/17

1. **Summary**

- 1.1. Planning permission is sought for the change of use of land to allow its use as an air rifle range. This includes the erection of a timber building, the siting of a storage container and w.c., the erection of fencing and the formation of a parking area. The application is retrospective.
- 1.2. The application is recommended for refusal on the grounds of harm to the openness of the Green Belt, to ecology, highway safety, the AONB and amenity.

2. **The Application**

- 2.1. The site is located in an area of woodland on sloping ground on the side of a valley. Access is from Hampden Road, using a gated access which originally gave access to the wood for forestry purposes. The main part of the site is reached via a track up the hill, through the trees.
- 2.2. The main range area is within an area of trees approximately 22 x 60 metres, which is fenced off from the surrounding woodland. The north east end of the range is fenced using timber boarding, as is the area adjacent to the range building. The remaining fencing is green netting. At the eastern end of the range area is an open fronted timber building measuring 5.3 x 12.1 metres with a very shallow pitched roof up to a height of 3.1 metres. It is from this building that people fire at metal targets fixed within the woodland.
- 2.3. Adjacent to the track, to the north west of the range, a parking area has been created under the trees, and a metal storage container is also sited in this area. The container measure 6 x 2.4 metres and is 2.5 metres high.
- 2.4. The details submitted with the application indicate that the site is used by Wendover Air Rifle Club who meet for two hours on a Wednesday evening (6-8pm) and six hours on a Saturday (8am-2pm). The club hopes to extend this to 6-8pm on all week days as well as retaining the same hours on a Saturday.
- 2.5. The Club has a membership of about 50, with capacity to increase to 70. On average 15 members attend on Wednesday and 40 on Saturdays. The range has sufficient space for up to 12 people to operate at any one time.
- 2.6. The container is used to store tools, paint, targets and the like, but no rifles are stored on site.
- 2.7. The site is located in the Green Belt and Chilterns Area of Natural Beauty.

- 2.8. The area of woodland between the road and the main range area, and through which the access passes, is designated as Ancient Woodland. The range building is within the buffer zone to the ancient woodland.
- 2.9. The application is accompanied by:
 - a) Planning, Design and Access Statement.
 - b) Ecology Survey.
- 2.10. The ecology survey was submitted during the course of the application following initial comments made by the Council's Natural Environment Officer.

3. Working with the applicant/agent

- 3.1. In accordance with paragraph 38 of the NPPF2 Wycombe District Council (WDC) approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 3.2. WDC work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 3.3. In this instance
 - The applicant did not seek pre-application advice or enquire whether planning permission was required.
 - the applicant/agent was updated of any issues after the initial site visit,
 - The applicant was provided the opportunity to submit additional information relating to ecology.

4. Relevant Planning History

- 4.1. 16/06929/PNP6E – Prior notification application (Part 6, Class E) to re-surface existing agricultural track. Application refused.
- 4.2. 16/07342/PNP6E – Prior notification application (Part 6, Class E) to re-surface existing agricultural track. Prior approval of details not required. 19.9.16
- 4.3. An enforcement complaint was received on 24 January 2017 which alleged the erection of an outbuilding in woodland, removal of trees, laying of roadway and construction of a firing range.

5. Issues and Policy considerations

Principle and Location of Development

DSA: DM1 (Presumption in favour of sustainable development),
New Local Plan: CP1 (Sustainable Development), DM33 (Managing Carbon Emissions, Transport and Energy Generation), DM42 (Managing Development in the Green Belt)

- 5.1. The site is located in the Green Belt where inappropriate development is unacceptable in principle.
- 5.2. Paragraph 145 of the NPPF sets out the types of development which are appropriate. These include **“the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, ...; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”**.

- 5.3. Recreational use of land by itself is not necessarily inappropriate in the Green Belt. However the NPPF states that the provision of facilities in connection with that use is only appropriate if they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The latter includes protecting the countryside from encroachment.
- 5.4. In this case to facilitate the use a sizeable timber structure has been erected, in excess of 60 square metres, together with the siting of a storage container and portable toilet. There is also associated paraphernalia such as tables and chairs and the fencing enclosure.
- 5.5. When assessing “openness” in the Green Belt this is a measure of the presence or absence of built form. It is not a measure of how much something can be seen.
- 5.6. Previously there were no buildings within the site and the erection of the timber building and the container do therefore fail to preserve the openness of the Green Belt. The erection of fencing around the enclosure also results in encroachment. As such they cannot be regarded as appropriate development and are by definition harmful to it.
- 5.7. There are not any special circumstances apparent which would outweigh this harm.

Transport matters and parking

New Local Plan: CP7 (Delivering the infrastructure to support growth), CP12 (Climate Change), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

- 5.8. The Highway Authority has advised that the existing access does not meet the required construction standard for the proposed use, and that the development intensifies the use of the access where visibility is currently substandard.
- 5.9. Historically the access has provided access to the land for forestry purposes only. This generally requires less frequent access, as and when inspection of the woodland is needed or timber is being removed.
- 5.10. It is noted, however, that the Highway Authority has indicated that visibility could be improved by cutting back vegetation within the highway. Had the development otherwise been acceptable this is an issue which could have been addressed by condition, as could the upgrading of the access specification. This latter change would however have implications in terms of visual impact.
- 5.11. The application includes an area for parking within the woodland. This is informally surfaced and laid out. The application description indicates that the parking area has capacity for 10 cars. In view of the information provided about club numbers there is concern that this level of parking is not sufficient. Club membership is said to be 50, with potential for further growth, with on average 15 members attending in the evening and 40 at the weekend.
- 5.12. Should this capacity not be sufficient it will either require further encroachment into the woodland (addressed elsewhere in the report) or it could result in displacement onto the road, which, in this location, would not be acceptable on highway safety grounds.
- 5.13. The site is located in a rural area which is not served by public transport. Access is via unlit rural lanes. Policy CP12 of the Local Plan indicates that the Council will promote mitigation and adaptation to climate change through a development strategy that minimises the need to travel by generally directing development to locations with better services and facilities, or where they are capable of being improved. This is in line with paragraph 103 of the NPPF.
- 5.14. Policy DM33 similarly supports this objective, requiring development to be located to provide safe, direct and convenient access via sustainable transport modes. Recently the Council has been supported at appeal by Inspectors where development has been refused

on sustainability grounds due to the site being in a rural location with little or no public transport which would result in reliance on the private car. Whilst these have generally been proposals for residential development the same principle applies to this type of development.

- 5.15. It is recognised that this type of development may not be suited to an urban area, but there are rural areas which are better located in relation to more sustainable transport choices. The proposal is therefore considered to be in an unsustainable location.

Amenity of existing residents and the surrounding area

New Local Plan: DM35 (Placemaking and Design Quality)

- 5.16. The site itself is not adjoined by existing dwellings, however there are a small number of houses on the opposite side of the lane. Representations have been received from these properties and from an adjoining piece of land, which is used for informal recreation. These raise objections on the grounds of noise and disturbance.
- 5.17. The main potential impact on neighbours arises from the activity and potential noise and disturbance. There are not any issues relating to privacy or light. The main issues raised by neighbours are the noise of shot hitting the metal targets, noise from club members (such as cheering) as well as vehicular traffic.
- 5.18. The site is located in a partially wooded valley. Other than noise from traffic using the lane it is a relatively quiet area, being mainly used for agriculture and forestry. When considering the impact of recreational use in the countryside care must be taken to safeguard the beauty and peace of the countryside, whilst recognising its recreational potential.
- 5.19. The NPPF advises at paragraph 180 that **“decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: ... identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”**
- 5.20. Some forms of countryside recreation can be undertaken with relatively little impact in terms of noise and disturbance such as walking, horse riding, cycling. The rifle shooting range introduces a competitive sport which is a static activity attracting larger groups of people. Consequently the noise related to this activity (such as that described by nearby residents), does have an adverse impact on the amenities of both residents and those using the footpath network in the vicinity. It introduces noise and disturbance into what was hitherto a relatively quiet and tranquil area in the countryside.

Environmental issues

New Local Plan: CP7 (Delivering the infrastructure to support growth), DM20 (Matters to be determined in accordance with the NPPF)

- 5.21. Levels of noise associated with the use would not amount to a statutory nuisance, although they do have an impact on amenity as outlined above.
- 5.22. The site is used in the evenings throughout the year and some lighting will therefore be necessary in connection with the use. The site is located in an area where there is no street lighting and the skies are therefore quite dark.
- 5.23. Whilst intervening woodland may screen lighting from the road the introduction of lighting would have an impact on the otherwise dark sky and the landscape. Paragraph 180 of the

NPPF states that development should “**limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation**”.

- 5.24. Little information is given about disposal of waste. There is a portable toilet on the site – this is generally a more appropriate solution for a temporary use. It is not clear if a more permanent solution is available given that the site is unlikely to be connected to a water supply and is not connected to mains drainage.
- 5.25. It is also not clear how refuse is disposed of given the distance from the road. Refuse would need to be transported from the site to an accessible collection point.

Raising the quality of place making and design& Landscape and visual Impact

DSA: DM11 (Green networks and infrastructure),
New Local Plan: CP9 (Sense of place), DM30 (Chilterns Area of Outstanding Natural Beauty), DM32 (Landscape character and Settlement Patterns), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality)

- 5.26. The site is located in the Chilterns AONB. Great weight should be given to conserving and enhancing its landscape and scenic beauty, and the conservation and enhancement of wildlife and cultural heritage is also important (para. 172 NPPF). Local policies create an expectation that only the highest standards or design and materials will be acceptable.
- 5.27. The main rifle range building is a timber clad structure with monopitch roof. It is a fairly functional building in terms of its design, but its materials are appropriate to this woodland location.
- 5.28. By contrast the container, despite attempts to camouflage it, is not the type of building encouraged in such a sensitive landscape. Similarly, the portable toilet does nothing to enhance the landscape.
- 5.29. The range area is surrounded by a mixture of timber fencing and green mesh type fencing. The former appears more permanent, whereas mesh has the potential to be removed whilst the range is not in use. Generally this sort of solid fencing is discouraged in the AONB, where more appropriate types of boundary treatment are preferred.
- 5.30. Whilst the need for some form of enclosure for safety reasons is understood, to prevent incursions into the range whilst it is in use, there are potentially more suitable forms of fencing / screening which could be used, such as wattle hurdles.
- 5.31. The buildings and fencing are largely screened from public vantage points by the surrounding trees, therefore, whilst they have shortcomings in design terms their visual impact on the wider landscape is limited.
- 5.32. There are other impacts on the AONB, notably noise and disturbance from the associated activity and the impact of lighting, which affect the tranquillity of the area and the dark skies. These issues are discussed in more detail in other parts of the report. The conclusions reached in those sections support a finding that there is detriment to the conservation and enhancement of the AONB landscape and its enjoyment.
- 5.33. Reference has been made in the representations to removal of trees from the area. The trees are not protected by a preservation order and the removal of anything more than a small quantity of timber is regulated by the Forestry Commission through the forestry licence process. It is not, therefore, a breach of planning control, to fell trees in relation to woodland management, nor is it the role of the LPA to enforce any breaches of the forestry licencing process.
- 5.34. Prior to this development being carried out the landowner sought prior approval for the resurfacing of the existing track in relation to management of the woodland. At that time the applicant indicated that they intended to remove some timber from the managed area

of woodland. This includes the area of the rifle range and its parking area and required the track to be improved to facilitate access to carry out this work.

Green networks and infrastructure & Ecology

DSA: DM11 (Green networks and infrastructure, DM13 (Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance), DM14 (Biodiversity in development)

New Local Plan: CP9 (Sense of place), DM34 (Delivering Green Infrastructure and Biodiversity in Development)

- 5.35. The band of woodland between the road and the main part of the site, and through which the access route passes, is designated as Ancient Woodland. The car park area and the range building are located within the 15 metre buffer zone around the ancient woodland.
- 5.36. An ecology report was not originally submitted with the application but one was prepared and submitted following the original observations made by the Council's Natural Environment Officer. The Natural Environment Officer has reviewed that report and provided comments, which are set out in full in the appendix to this report. He has concluded that the proposal is unacceptable on ecological grounds.
- 5.37. The development is within the Ancient Woodland and the buffer zone. The main concerns are the increased use of the 'forestry' track through the woodland and use of the shooting range, which will cause a significant negative impact to the ancient woodland. This is contrary to Natural England's Standing advice and there are likely to be multiple detrimental impacts upon the ecology of this important priority habitat.
- 5.38. Policy DM13 of the DSA provides the Policy context for development which affects sites, habitats and species of biodiversity importance, and Policy DM14 requires all development to maximising biodiversity. All development proposals which affect identified biodiversity interests must be accompanied by an ecological survey which demonstrates how these impacts will be addressed.
- 5.39. National policies relating to conserving and enhancing the natural environment and habitats and biodiversity can now be found at paragraphs 170 – 172 and 174 – 177 of the NPPF (Feb 2019). Natural England and Forestry Commission's Standing Advice on Ancient Woodland is also of great relevance.
- 5.40. The potential impacts to nature conservation arise from various aspects of the development, including: vehicular activity – compaction of soils, headlights, noise, pollution; noise from shooting – the rifles, hitting targets, human activity; introducing light into the woodland during hours of darkness; lead shot on the woodland floor; fencing – preventing passage of wildlife.
- 5.41. The track through the ancient woodland affects the special nature of the soil through introduction of materials and compaction. Vehicular traffic introduces chemical, noise, smell and light pollution – the route of the track cuts diagonally through the woodland causing a degree of fragmentation. Should the use of the club expand then additional parking is likely to be required within the woodland, extending the area of soil which is exposed to pollution and compaction.
- 5.42. The main part of the development is within the 15m buffer. Development has included scraping away of woodland soil, importation of granular stone material to form the parking areas and the erection of timber structures and placement of a shipping container. This will have damaged the valuable soils and the soil fauna and some of the trees growing there. If this is not reinstated that this will permanently alter the way in which wildlife uses the woodland.

- 5.43. The activity associated with the use also has a negative impact. Cars and people making chemical, noise and light pollution on the edge of the Ancient Woodland, but in a central location within the wider woodland will mean that more sensitive wildlife will be repelled and confined to smaller areas. This will have a negative impact upon the functioning of the habitat.
- 5.44. The shooting range extends perhaps 30 metres beyond the Ancient Woodland buffer, the impact of this includes the distribution of poisonous lead into the woodland, the loud noise of air guns being fired and targets being hit and the physical aspect of targets, fencing and the like which have been installed within the area.
- 5.45. The extent of the impact has not been fully addressed in the report and mitigation and compensation have only be touched upon with regards to the avoidance of shooting wild animals and trees and the suggestion that lead pellets could be collected. Neither of these measures could be effectively enforced.
- 5.46. The development is found to cause harm to the natural conservation interests of the site.
- 5.47. Part 2 of DM13 suggests that harm to sites such as this would only be permitted, if:
- i. there is no alternative;
 - ii. the impact can be mitigated or compensated; and,
 - iii. that it has been clearly demonstrated that the benefits of the development outweighs the harm.
- 5.48. Part 3 of DM13 goes on to require reports relevant to the wildlife impacts to be submitted. The harm in relation to the site have not been properly addressed. Some are directly related to the Ancient Woodland some are related to development within the 15m buffer and some are related to what happens beyond. Furthermore, some impacts are directly related to the physical development and some are related to its use. These impacts have not been fully addressed and so part 3 of the policy has not been complied with.
- 5.49. The Council's Natural Environment Officer's view is that there is harm caused to the conservation interest. It is therefore necessary to consider whether there are circumstances where development may be permitted despite that harm, under part 2 of DM13.
- 5.50. The applicant's rent the land from the Hampden Estate. It has not, therefore, been demonstrated that there is no other suitable alternative site, either within that estate, or on land owned by others. Part 2a of DM13 is not satisfied.
- 5.51. Only some of the impacts of the development could be mitigated, and there will be a net loss in biodiversity, therefore the requirement of part 2b of DM13 is not satisfied. In relation to 2b: only a small number of the impacts could be mitigated as a result of this application.
- 5.52. Whilst there may be some social benefits to club members from the development, it has not been demonstrated that the benefits of this development outweigh the harm to biodiversity and nature conservation interests.
- 5.53. Overall, in relation to DM13 it is clear that this application does not maximise biodiversity and in fact has detrimental impacts. This position is supported by paragraph 175 of the NPPF which states that **“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.”** **“Wholly exceptional reasons”** refers to things such as nationally significant infrastructure projects, where public benefit would clearly outweigh the loss or deterioration of habitat. This does not apply here.

5.54. The development is also contrary to Natural England and Forestry Commission Standing Advice and should therefore be refused.

Infrastructure and Developer Contributions

DSA: DM19 (Infrastructure and delivery)

New Local Plan: CP7 (Delivering the infrastructure to support growth)

5.55. The development is not a type of development where CIL would be chargeable. It is considered that there would not be other types of infrastructure that will be put under unacceptable pressure by the development to justify financial contributions or the direct provision of infrastructure.

Weighing and balancing of issues – overall assessment

5.56. This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.

5.57. In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

- a) Provision of the development plan insofar as they are material
- b) Any local finance considerations, so far as they are material to the application (in this case, CIL)
- c) Any other material considerations

5.58. As set out above it is considered that the proposed development would conflict with a number of development plan policies.

Recommendation: Refuse Permission

1. The erection of the timber building, the container and fencing in association with the use have a detrimental impact on the openness of the Green Belt and result in encroachment into the countryside. As such they represent inappropriate development in the Green Belt and are, by definition, harmful to it. There are not any very special circumstances apparent which would outweigh this harm.
The development is therefore contrary to DM42 (Managing Development in the Green Belt) of the new Wycombe District Local Plan (August 2019).
2. The location of the site is such that it has only limited access by non-car modes of travel. The absence of adequate infrastructure and the sites remoteness from major built up areas is such that it is likely to be reliant on the use of the private car contrary to local and national transport policy. Furthermore, the applicant has not demonstrated that there is adequate parking for existing and proposed levels of use. The development, if permitted, would therefore be likely to lead to additional on-street parking and to vehicles reversing onto or off of the highway to the detriment of public and highway safety.
The development is contrary to policies CP12 (Climate Change) and DM33 (Managing Carbon Emissions, Transport and Energy Generation) of the new Wycombe District Local Plan (August 2019) and the guidance in Paragraph 103 of the NPPF (2019).

3. The use of the land as an air rifle range, and the associated activity, introduces noise and disturbance into what was hitherto a quiet and tranquil area of the countryside, to the detriment of the amenities of nearby residents and users of the wider area in general.
As such the development is contrary to Policies DM20 (Matters to be determined in accordance with the NPPF) and DM35 (Placemaking and Design Quality) of the new Wycombe District Local Plan (August 2019) and the guidance in Paragraph 180 of the NPPF (2019).
4. The container, portable toilet and fencing fail to achieve the high standard of design, materials and appearance which are expected within the Chilterns AONB. Furthermore, the introduction of the use with the associated noise and disturbance and lighting have an adverse impact on the tranquillity and dark skies of this part of the Chilterns AONB. As such the development fails to conserve and enhance the AONB landscape and its enjoyment. The proposal is therefore contrary to Policy DM30 (Chilterns Area of Outstanding Natural Beauty) of the new Wycombe District Local Plan and the guidance in Paragraph 172 of the NPPF (2019).
5. The change of use and associated operational development, by virtue of the introduction of vehicular and human activity into the woodland, part of which is designated as Ancient Woodland, and part of which is within a 15 metre buffer to the Ancient Woodland, has a detrimental impact on the ecological and nature conservation interests of the site.
The development is therefore contrary to Policies DM11 (Green networks and infrastructure, DM13 (Conservation and enhancements of sites, habitats and species of biodiversity and geodiversity importance) and DM14 (Biodiversity in development) of the adopted Delivery and Site Allocations Plan (July 2013), DM34 (Delivering Green Infrastructure and Biodiversity in Development) of the new Wycombe District Local Plan and the guidance in paragraphs 170 - 172 and 174 - 177 of the NPPF (Feb 2019).

INFORMATIVE

- 1 In accordance with paragraph 38 of the NPPF Wycombe District Council (WDC) approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments. WDC work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

In this instance the applicant did not seek pre-application advice. The applicant was provided the opportunity to submit additional information relating to ecology.