

Date of Meeting	6 th August 2015
Application Number	15/04373/FUL
Site Address	Land at Gunsite Road, East Kennett, Wiltshire, SN8 1QF
Proposal	Retention of use of stables as reception area for clay pigeon shooting. Use of the land for clay pigeon shooting for up to 28 days in any one calendar year. Retention of associated clay pigeon paraphernalia.
Applicant	Mrs Alison Jones
Town/Parish Council	EAST KENNETT/ALL CANNINGS
Division	URCHFONT AND THE CANNINGS/WEST SELKLEY
Grid Ref	411589 168120
Type of application	Full Planning
Case Officer	Ruaridh O'Donoghue

Reason for the application being considered by Committee

1. Purpose of Report

This application is brought to committee at the request of Divisional Member, Cllr Milton.

2. Report Summary

To consider the recommendation that the application be granted planning permission subject to conditions.

3. Site Description

The application concerns land at Gunsite Road, East Kennett. The application site is part of a wider agricultural holding. However, the field has not been used for agricultural purposes for some time with its former use being a motocross track.

The site is accessed off the A4 to the south from West Kennett along a single track land (Gunsite Road) before branching into a private track that leads to a small cluster of farm buildings located adjacent to the shooting field.

In planning policy terms the site lies in open countryside adjacent to the Avebury World Heritage Site. The site and its surroundings also lie within the North Wessex Downs Area of Outstanding natural Beauty.

Below is a map of the location of the site and photographs.





Reception Area



Toilet Block



One of the clay pigeon traps



One of the wooden shooting stalls



One of the metal shooting stalls



Fencing and gun rack/stand

4. Planning History

- ENF2009/00072 Query on legality of Motocross race competition. Complaints regarding advertisement, noise impacts and other associated impacts
- E/2010/00073/ENF Unauthorised motorcycle meetings

5. The Proposal

The application is retrospective. It is seeking to retain the use of a stable block as a reception area for the existing clay pigeon shoot. The application is also seeking to retain the permanent siting of a toilet block and associated clay pigeon shooting paraphernalia (e.g. traps, stalls). The proposal is also seeking to use the land for 28 days in any 1 calendar year for clay pigeon shooting (a

calendar year being the 1st January to the 31st December). The use of land for up to 28 days in any calendar year for purposes including clay pigeon shooting is already authorised by permitted development rights, with the provision of 'moveable structures' for the use.

6. Relevant Planning Policy

Wiltshire Core Strategy 2015 (WCS):

- CP 50
- CP 57
- CP 59

National Planning Policy Framework 2012 (NPPF)

7. Summary of consultation responses

East Kennet Parish Council

Objects to the applicant on the grounds that it has an adverse impact on the noise of the area to the detriment of the villagers, that it will harm the character of the AONB and that it has an unsuitable access with high volumes of traffic.

Avebury Parish Council

Objects to the application on the grounds that it causes traffic problems and congestion on the A4, that there are nearby shooting grounds thus quashing the need for this to be approved and that it will damage the peace and tranquillity of the AONB and WHS that their respective management plans set out to achieve.

Wiltshire Council Highways

No objections. The use of the site will not introduce a significantly increased volume of traffic over and above what could be exercised under permitted development rights.

Wiltshire Council Public Protection

If the applicant were to confirm that the shooting itself would only take place on, say, 15/16 days a year and would also provide detailed information as outlined below, which could be subject to conditions, then their opinion may be different.

The number of stands and the directionality of the shooting would also need to be stated and agreed.

It would be useful for them to confirm the details of what took place on 10th May 2015 for completeness.

If this detail with regard to the exact mode of operation can be submitted to public protections satisfaction, then they may then consider recommending a temporary permission of 2 years to test the impact on the locality, but based on the information submitted to date, they maintain an objection on noise grounds.

Wiltshire Council Rights of Way

The Highway Authority have powers under section 130 of the Highways Act relating to nuisance. The chartered institute for Environmental Health guidance on noise control which suggests measures that the applicant can take

to minimise the noise nuisance, for example; site location and forming buffers and signage.

Wiltshire Police

With regard to your enquiry, the Clay shoot run by Mr Pontin at East Kennet was granted a certificate in 2011 by ourselves and is due for re inspection in December of this year. The site was deemed to be suitable. The focus for this department is that of safety which on this occasion, all the requirements have been satisfied. It is understood that there is some local resistance to this shoot, which is not an issue which falls within our remit. It is imagined that any legislation regarding noise would fall under the environmental health department of the local council.

8. Publicity

The application has been advertised by way of a site notice and consultations with the neighbouring parish councils. Representations have been received both against and in favour of the proposal. A summary of the points raised is highlighted below.

Supportive letters

- It meets the requirements of the governing body
- It is an excellent facility that helps feed into the Olympic disciplines and is not comparable to other local facilities
- There are other users of surrounding fields that use the land for shooting so this is not an exception
- Noise impacts are not significant

Objection letters

- Detrimental noise impact
- Unsuitable access and large volume of traffic causing danger to highway network
- Back up off traffic on junction with A4
- Danger to users of the bridleways and single track lanes on approach to the site
- Increased litter after shooting takes place
- Effects tourism within the area as attractions become undesirable to visit during shooting times
- Permanent facilities would increase the use of the site and the volume of traffic to and from it
- Goes against the objectives of the management plans for both Avebury and the AONB where the desirability to provide tranquillity and peace is a clear aim
- Nearby shooting facilities so why do we need another

9. Planning Considerations

Fall-Back Position vs Current Position

9.1 Permitted development rights, like extant planning permissions provide a fall-back position that is a very important material consideration in the planning decision making process.

9.2 It is therefore pertinent that the local planning authority considers the relevant fall-back position which, for this case, would be under current permitted development rights. Schedule 2, Part 4 Class B of the Town and Country Planning (General Permitted Development) Order 2015 permits:

“The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes of

- a) the holding of a market;*
- b) motor car and motorcycle racing including trials of speed, and practising for these activities,*

and the provision on the land of any moveable structure for the purposes of the permitted use.”

9.3 These permitted developments rights allow clay pigeon shooting to take place on the land the subject of this application for 28 days in total in any calendar year without any control from the local planning authority. Therefore, if the site was to be run as a fully mobile operation, and nothing was to remain in situ on the site in the intervening periods between the temporary uses occurring, then the Council could expect the following to occur.

- The same number people could show up for competitions, trials etc.
- The same number of vehicles could show up and park in the adjacent fields
- The same level of noise could be generated from the shooting
- The same number of shots could be fired

9.4 All of the above could occur at the same level as existing or indeed at a higher level for 28 days a year without the control of the local planning authority.

9.5 The current application seeks permission to use the field for shooting for no more than 28 days in any 1 calendar year – a calendar year for the purposes of this application being the 1st January to the 31st December. The only variation from permitted development being the permanent siting of the paraphernalia used to facilitate the shoot e.g. the clay traps and stalls remain in situ in the intervening periods between when shooting takes place.

9.6 Taking account of the fall-back position vs the proposal, it would appear that with regards to noise, disturbance and vehicular traffic there is potentially very

little difference. In planning terms, the difference between the fall-back position and the current proposal would not be considered materially different such that a refusal of planning permission could be justified. Whilst the tranquillity of the AONB and adjacent Avebury World Heritage Site may be threatened when shooting takes place, it must be noted that this is a countryside pursuit that takes place over the wider AONB largely operating under the 28 day ruling. As such, and given the fall-back position this would not be grounds to refuse the application. With regards to noise impacts in general upon the amenities of the residents of East Kennett, it is noted that the Council's Public Protection Team have objected to the proposal. However, the Council as local planning authority has to have regard to the permitted development fallback position which in terms of the number of days use is not materially different. It is however appropriate to state that the granting of planning permission does not affect the Council's Public Protection Team from taking action under other legislation (e.g. Environmental Protection Act 1990).

- 9.7** It has been suggested that the provision of toilets and a reception area would encourage more people to attend the site on shooting days. Thus allowing this application would have a material impact on the amenities of the surrounding area over and above the use of the site under permitted development. However, there is nothing to stop these facilities being brought on the site in a mobile capacity on the days to which shooting would take place – which would generate more traffic than if the existing building were to be allowed to be used for these purposes. Furthermore, the granting of planning permission would not affect the rights of the Council's Local Area Highways Officer to act upon any significant issues with regards to congestion on the A4 or obstruction of Gunsite Road.
- 9.8** Conditions will be required to control the number of days the shooting takes place i.e. 28 days. Further conditions will be required to ensure the applicant maintains a register of all shooting days and that this is made available for the local planning authorities' inspection at any time. Also, in the interest of the amenities of the village (East Kennet), recreational shooting right granted under permitted development needs to be removed for the rest of the agricultural holding.

Operational development

- 9.9** The application is also subject of operational development which is listed below for ease of reference.
- The change of use and minor external alterations of stables to a reception area for the clay pigeon shoot
 - The permanent siting of a toilet block (portaloo structure)
 - The erection of clay pigeon shooting paraphernalia (traps, stalls, fencing)

9.10 This development needs to be assessed primarily in relation to the visual impacts, with particular reference to the landscape character and scenic quality of the AONB and the setting of the Avebury World Heritage Site. With reference to these two issues, the application should only be refused if the following applies:

- a) The landscape impact of the development would be significant.
- b) The development would cause harm to the Outstanding Universal Value (OUV) of the World Heritage Site (WHS).

9.11 Due to the relative isolation of the site, it is not considered that the operation development listed above would give rise to neighbour amenity impacts (i.e. loss of light, privacy, overbearing impact) nor would it justify a refusal on design grounds (for the most part the development listed above is of a standard/acceptable design with an appropriate choice of materials).

9.12 The use of the former stables brings back to life a redundant agricultural building that is of a size that is not fit for modern day agricultural needs. The NPPF at paragraph 28 is supportive of the diversification of agricultural businesses through the conversion of existing buildings. The Council considers the re-use to maintain the vitality of the building avoiding the likely path of it falling into a state of neglect and disrepair. The latter would obviously detract from the character of the area. The use maintains the character of the agricultural building with only minor external alterations and it remains associated with a small cluster of agricultural buildings. As such, the landscape character and visual qualities of the AONB would not be significantly harmed by permitting the use of the stables. Furthermore, as it is an existing building it does not cause any further physical harm to the OUV of the Avebury WHS.

9.13 The toilet block is situated between two agricultural buildings and is therefore, not readily visible within the landscape. It is sensitively positioned such that its impact on the surrounding area will be minimal. In light of its positioning the intervisibility between the toilet block and WHS is very limited. As such it does not cause physical harm to the OUV of the Avebury WHS.

9.14 The clay pigeon paraphernalia is situated in the field where the shooting takes place which owing to previous uses is somewhat undulated with manmade bunds and mounds. The undulating form of the land helps soften the impact on the surrounding area. In any event, the structures are small and largely made from wood, save for a couple of metal stalls and therefore, do not stand out as visually intrusive development. Whilst it may be possible to see some of the development from more distance views along bridleways, due to higher ground, it is not considered that it causes a level of significant harm that would warrant a refusal. The landscape character and scenic quality of the AONB is not materially harmed does it cause physical harm to the OUV of the Avebury WHS.

- 9.15** In summary, the operational development listed above would not give rise to any harmful landscape impacts nor would it impinge upon the setting of the Avebury WHS.

Other Issues

- 9.16** There are existing public rights of way (PRoWs) that run near to the site. Concerns have been raised regarding the safety of the users of these rights of way when shooting is taking place. The Council's Rights of way Team have the powers to act upon any nuisance/danger that is presented to users of public highways. The granting of planning permission does not affect this right. It must also be noted that the Clay pigeon Shooting Association have inspected the site on the 3rd December 2014 and they would have taken account of the constraints of the site including areas where public have the right to pass. The site has also been inspected by the firearms licensing section of Wilshire Police when issuing a section 11(6) exemption certificate.

10. Conclusion (The Planning Balance)

The use of the site for shooting for up to 28 days in any 1 calendar year would produce a level of amenity impact (e.g. noise, disturbance and traffic) that would be broadly comparable to if that use occurred under current permitted development rights. As such, and with regards to this valid fall-back position, it is not considered that there are grounds to refuse the application as the amenity impacts would not be materially different.

The use of the stables as a reception area, the siting of a toilet block and the clay pigeon shooting paraphernalia cumulatively do not amount to significant harm upon the AONB landscape. The level of physical development is modest and the undulating land form helps soften the impacts and reduce intervisibility. For the same reasons, the operational development listed above will not cause any physical harm to the OUV of the Avebury WHS.

RECOMMENDATION – Grant planning permission subject to the following conditions;

- 1 The land edged in red on drawing No. SC 1096 - 02 Location Plan shall not be used for shooting for more than 28 days in any 1 calendar year - the calendar year running from the 1st January to the 31st December. For the avoidance of doubt, the number of days used for shooting in the calendar year 2015 shall not exceed 28.

REASON: In the interest of the protection of the amenities of the surrounding area, notably, the impact of noise on nearby residents and people enjoying the nearby recreational routes in the AONB.

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no recreational

shooting on the land edged in blue on drawing No. SC 1096 - 02 Location Plan.

REASON: In the interest of the protection of the amenities of the surrounding area, notably, the impact of noise on nearby residents.

- 3 The landowner shall maintain an up-to-date register of all the shooting that takes at the site, and shall make such information available at all reasonable times to the Local Planning Authority.

REASON: To ensure the use of the site for shooting purposes does not exceed the permitted 28 days.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Ref: Application Form, Design and Access Statement, Site Plan and Building Plan. Plan Ref: SC 1096 - 02 Location Plan.

REASON: For the avoidance of doubt and in the interests of proper planning.