

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY MARTIN BICKNELL

OAK TREE FARM (REAR OF), adjacent to GAYS LANE, off GREEN LANE,
HOLYPORT

STATEMENT ON BEHALF OF BRAY PARISH COUNCIL

Planning Inspectorate Reference: APP/T0355/W/20/3251178

Local Authority Reference: 18/03725/FULL

20/60077/REF

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The Council's decision to refuse this planning application was issued on 21st October 2019. The six month period for lodging an appeal against this decision would therefore expire on 21st April 2020.

Bray Parish Council were first notified of this appeal on 25th September 2020, **over five months** after the 21st April 2020 deadline for lodging the appeal. We understand that local residents were notified of the appeal 28th/29th September 2020. The Parish Council consider this delay in notification of the appeal to be both inexplicable and unacceptable, and strongly believes that local residents were entitled to consider that this matter had been laid to rest following the refusal of planning permission and the non-notification of any appeal within more than six months of that refusal.

The Planning Application

The planning application is for the establishment of a target shooting club, including a car park, clubhouse and toilets, shooting stands, bunds, fencing, landscaping etc. The application which is on green belt land adjacent to Gays Lane, a bridleway, with shared entrance/exit with Stroud Farm traffic off Green Lane, another bridleway, in Holyport within Bray Parish was considered by the Maidenhead Development Control Panel of the Royal Borough of Windsor and Maidenhead (RBWM) on 16th October, 2019.

The Panel noted that some 60 letters had been received from local residents objecting to the planning application. Perusal of the Council's website on this application indicates that the great majority of these representations came from addresses in Holyport or elsewhere in Bray Parish. Bray Parish Council wrote twice to RBWM to recommend refusal of the application, firstly to the application as originally submitted (RBWM ref: 17/02018/FULL) and later to this application as amended.

The Panel also noted that there were 61 letters from people supporting the application. Perusal of the Council's website indicates that while a small number of these representations came from addresses within Bray Parish, with others from addresses in Maidenhead and Windsor, a surprisingly large number came from addresses some distance from the site, including Hampshire (Farnborough), Buckinghamshire (Marlow, Gerrards Cross) and elsewhere in Berkshire (Emmer Green, Reading, Knowl Hill, Crowthorne, Cookham, Woodley, Wokingham, Slough, Bracknell, Tilehurst, Charvil, etc.) Some of these letters gave no actual sender's addresses.

The Panel received a lengthy and well balanced report from the Planning Case Officer which also made reference to the previous application in 2017 (RBWM ref: 17/02018/FULL), again for the in the same field adjacent to Gays Lane bridleway which was withdrawn by the applicant.

After consideration and debate, the Panel refused the application.

The Appeal: Green Belt

Bray Parish Council considers the Green Belt to be one of the great successes of Town and County Planning since its inception in 1947. The role and purpose of Green Belts, and the policies for protecting Green Belt areas, are clearly expressed in both local and national Planning Policy, and are easily understood and are supported by a great majority of people within Bray Parish.

The Parish Council has welcomed decisions from both RBWM and on appeal, the Planning Inspectorate, which have consistently re-stated the importance and permanence of the Green Belt.

RBWM have correctly assessed the Policy implications of this proposed development in the Green Belt, in their report on this planning application to the Maidenhead Development Control Panel of 16th October 2019, and the Parish Council commend their conclusion in paragraph 9.7 of that report, which states that "*the proposal is considered to constitute*

inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC)”.

At this point it is necessary to recall that the planning application was not for the change of use of currently agricultural farm land but for the purposes of outdoor sport or recreation and comprises:

- Outdoor shooting ranges (2 x 25 yard firing ranges, a 50m and a 100 m firing range)
- A new building measuring 20m by 15m (300 sq. metres) with an eaves height of 2.5m and a ridge height of 4m
- A 20m covered shooting point with a height of between 2.1m to 2.5m
- A further 15m shooting point
- A gravelled car park
- The extension of a tarmac farm track
- A timber-constructed backstop 45m wide and 5.5m in height
- A 2.5m high bund
- A 2.1m high fence
- External lighting

Given the combined impact of all of this development, with extensive buildings and structures up to 5.5 metres in height, the Parish Council considers that the development would have a detrimental visual impact on this part of the Green Belt and on this point strongly disagrees with RBWM’s Panel report at paragraph 9.15. The Parish Council considers that the proposed structures would appear unduly prominent and obtrusive and would, taken together, be significantly harmful to the character, openness and appearance of the site and the locality.

The Parish Council’s desire to protect the Green Belt has been supported in the past by RBWM and, notably, on appeal by a succession of Planning Inspectors. Some recent cases within the Parish and indeed not far distant from the current appeal site, are now summarised.

Case 1: Appeal Decision dated 11 April 2019

Appeal ref: APP/T0355/W/18/3206635

LA ref: 17/03585

Les Lions Farm, Ascot Road, Holyport, Maidenhead SL6 2JB

A new clubhouse was sought for a “top league polo club”. The building proposed was “in the order of 285 sq. m” (i.e. smaller than the building proposed in the present appeal). The site was in the Green Belt.

The Inspector concluded that “*while its facilities for outdoor sport would be appropriate, it would not preserve the openness of the Green Belt which is one of its essential characteristics, and its encroachment into the countryside would conflict with one of the purposes of including land within it*”.

The appeal was dismissed.

Case 2: Appeal decision dated 09 October 2019

Appeal ref: APP/T0355/W/19/3231492

LA ref: 19/00362

Land south of Holyport Allotments, Gays Lane, Bray

The proposal was to use land, adjacent to the same bridleway as the present appeal site (Gays Lane) for education (D1) with associated parking and boundary treatment, in association with an Outstanding OFSTED status school. No buildings were proposed, although there were to be a boundary fence and a car parking area. The Inspector found that the fence would be inappropriate development and that the car parking facilities “*would have a spatial and visual presence*”. The Inspector considered that the harm caused by these elements of the proposal would be small, but “*would be contrary to the Framework {NPPF} where it states an essential characteristic of Green Belts are their openness.*”

The Inspector further noted the narrowness of Gays Lane, the lack of foot ways and street lighting, and the variety of existing movements along the bridleway, including pedestrians and horse riders. He expressed concern about the “*conflict between different vehicles and other uses of the bridleway*”, and concluded that the proposal “*would have an adverse effect on highway safety with regard to impacts on traffic flows*”.

The Inspector concluded that the proposal was inappropriate development in the Green Belt and “*would also lead to a small loss of openness to the Green Belt, harm to the character and appearance of the area and to highway safety*”.

The appeal was dismissed.

Case 3: Appeal Decision dated 17th January 2020

Four combined appeals, primary Appeal ref: APP/T0355/W/19/322366

Primary LA ref: 18/02881

Moor Farm, Ascot Road, Holyport, Maidenhead SL6 2HY

Four combined appeals comprising planning applications / enforcement notices relating to two barns, to be used for equestrian purposes. The Inspector commented that because of their height, length and width, “*each barn significantly decreases the openness and permanence of the Green Belt*” and concluded that each barn comprised inappropriate development in the Green Belt.

The Inspector concluded that he did not consider that the harm to the Green Belt was outweighed by any other circumstance put forward in favour of the development. He dismissed the appeals relating to the planning applications, and upheld the enforcement notices, although varying the period for compliance.

The appeals were dismissed.

Each planning application and appeal must, of course, be judged on their own merits, and different circumstances related to each of the three appeal cases quoted above. The purpose for drawing attention to them in connection with this appeal is to demonstrate, in respect of proposed developments which bear some similarities to the current appeal, on sites within the same Parish and not distant from the current appeal site, a consistency of approach on behalf of three different Planning Inspectors in respect of developments in the Green Belt.

Very Special Circumstances

The NPPF is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances.

Bray Parish Council agree with RBWM that the proposed development is inappropriate in the Green Belt, and it therefore remains to examine whether or not there are any Very Special Circumstances put forward by the appellants, which might outweigh the harm to the Green Belt.

The Very Special Circumstances put forward at the time of the planning application were:

- The lack of an available, alternative, suitable site
- The benefits to the community and sporting benefits.

In a short section of their Appeal Statement, (paragraphs 71 to 76), relating to “the question of very special circumstances”, the appellants reiterate their process for selection of a site for their club.

In its assessment of Very Special Circumstances relating to this appeal, Bray Parish Council would dismiss consideration of the circumstances which have caused the appellants’ club to vacate previous premises. These are simply not material planning considerations.

Nor is the financial status of the club and its ability to pay rent. This appeal relates to a specific window in time and it is not part of the planning process to predict whether or not, now or at some time in the future, the club may benefit from legacies, donations, or offers of reduced rental from a friendly landowner.

The appellants, in their statement, repeat (paragraphs 72 and 74) that RBWM did not ask for further information, over and above that initially submitted by the appellants, regarding their search for sites. It is surely for the applicants / appellants to provide whatever evidence they wish to concerning Very Special Circumstances, in the knowledge that they are proposing development on a site in the Green Belt.

The appellants indicate in paragraph 73 of their Statement that they had looked at many other possible sites, some also in the Green Belt, and some not. It is difficult to find evidence in their statement which positively indicates that this particular site is the only possible location for their club; all the more so given that they made a planning application in 2017 to establish their club in another location within the same field as current an application which was withdrawn before it could be determined (RBWM ref: 17/02018/FULL).

The sport of target shooting is clearly popular, as evidenced by the 120 members of the appellants' club in 2017. An internet search for Target Shooting Club indicates that there are quite a large number of clubs for this sport in the locality. These include clubs at:

- Burnham (4.5 miles from Maidenhead)
- Marlow (5 miles)
- Old Windsor (9 miles)
- High Wycombe (10 miles)
- Reading (13 miles)
- Uxbridge (17 miles)

Some of these clubs appear to be located in rural surroundings; others are not, such as Burnham (urban location), Marlow (within a leisure centre) and High Wycombe (within an air park).

As noted above, while there may be some locational driver to support a club remaining in the Maidenhead area, it is clear that many of the club's supporters (including those who wrote in favour of the planning application) live further afield.

Bringing all of these points together, it becomes clear that:

- There is absolutely no evidence that this is the only site available for the appellants' club
- There is no reason why a target shooting club requires to be located in rural surroundings in the Green Belt
- There are many other target shooting clubs within less than half an hour's driving distance from Maidenhead
- Supporters of the club are not solely resident in Maidenhead, nor indeed within the Royal Borough of Windsor and Maidenhead.

Additionally, there is no evidence whatsoever which ties this activity to this particular site in Holyport, nor to the village of Holyport generally, nor to the parish of Bray.

In short, there are no Very Special Circumstances which persuasively demonstrate that despite the over-riding Green Belt policies, there are any reasons why this activity must be located on this particular site adjacent to Gays Lane off Green Lane in Holyport, other than that it is currently available to the appellants.

Other Considerations

The issue of **highways and traffic** was brought up in Appeal Case 2 above, where an educational establishment was proposed to be sited off Gays Lane in close proximity to the current appeal site. In that case, the Inspector argued that vehicles visiting the educational establishment would be in conflict with other vehicles, pedestrians and horse riders already using this narrow and poorly surfaced bridleway. The same argument is true of the proposed club activities, not least when there might be competitive events, open days or club celebrations associated with the club. It is worth noting here that this entrance/exit is shared with farm traffic for Stroud Farm.

In Appeal Case 2, the Inspector also considered the proposed **car parking** arrangements to be visually intrusive, and this is also true of the present appeal, where the parking of vehicles will represent a new element in the countryside, especially at busy times, and during competitions, celebrations, open days etc.

The **accumulation of buildings, structures, fencing and bund**, etc, is detrimental to the rural character of the area and, if allowed, would represent a localised erosion and degradation of this part of the Green Belt. The three Appeal Cases summarised above indicate that proposals for new buildings, fencing and structures in the Green Belt, in this locality, have been rejected by Planning Inspectors.

Conclusion

The proposal is for inappropriate development in the Green Belt. The built structures proposed would be detrimental to the character and openness of the Green Belt in this locality. The additional traffic on the narrow, poorly made bridleway would be hazardous, in particular to pedestrians and horse riders. There is no evidence of Very Special Circumstances which would require the land use and structures proposed to be located on this particular site, and the appellant club is not specifically connected to the social fabric nor to the community of Holyport, nor to Bray Parish.

Bray Parish Council requests that this appeal be DISMISSED.