

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	17 August 2021
Site Location:	Greensleeves Shooting Club The Range The Park Stoke Orchard
Application No:	21/00631/FUL
Ward:	Severn Vale North
Parish:	Stoke Orchard and Tredington
Proposal:	Erection of a cover over the existing firing point.
Report by:	Victoria Stone
Appendices:	Site Location Plan Proposed Block Plan 3D View - Proposed Elevation Details
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application site is located to the west of Bishops Cleeve and to the south of Stoke Road (**see location plan**). The site measures approximately 1.63 hectares and is located adjacent to the Wingmoor Farm Household Recycling Centre. The site is used by Greensleeves Shooting Club.
- 1.2. The application site is located within the designated Green Belt.
- 1.3. The application seeks full permission for the removal of three existing ‘sentry boxes’ from the seven firing points and the erection of a steel framed single storey cover over the firing points. The shelter would measure 16.5m x 5.7m, with a maximum height of 4m. The frame would be constructed out of galvanised steel and the roof would consist of a composite panel in Juniper Green.
- 1.4. A committee determination is required as Tewkesbury Borough Council are the landowners, the land is leased long term to the shooting club.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
16/00995/FUL	Proposed raising of an existing bund to a gun club.	PERMIT	15.02.17
17/00189/FUL	Replace existing timber clad target shed with dual purpose target shed/store.	PERMIT	09.05.17

3.0 RELEVANT POLICY

3.1. The following planning guidance and policies are relevant to the consideration of this application:

National guidance

3.2. National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and National Design Guide (NDG).

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

3.3. Policies: SD4, SD5, SD6, SD14, INF1, INF2

Tewkesbury Borough Local Plan to 2011 (March 2006)

3.4. Policies: RCN2

Tewkesbury Borough Plan 2011-2031 – Pre-Submission Version (October 2019)

3.5. Policies: RCN2

3.6. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

3.7. The First Protocol, Article 1 (Protection of Property)

4.0 CONSULTATIONS

4.1. **Stoke Orchard and Tredington Parish Council** – No objection.

5.0 PUBLICITY AND REPRESENTATIONS

5.1. The application has been publicised through the posting of a site notice for a period of 21 days and no representations have been received.

6.0 POLICY CONTEXT

- 6.1. 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. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3. The Tewkesbury Borough Plan (TBP) has reached an advanced stage. The Examination in Public was held in February/March 2021 and the Inspector's post hearings Main Modifications letter was received on 16th June 2021. In this letter the Inspector provided his current view as to what modifications are required to make the Plan 'sound'. Those policies in the Pre-submission version of the TBP which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which do in the Inspector's view require main modifications attracting less weight depending on the extent of the changes required. The TBP remains an emerging plan and the weight that may be attributed to individual policies will still be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4. Other material policy considerations include the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG) and the National Design Guidance (NDG).
- 6.5. The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

- 7.1. Saved Policy RCN2 of the Tewkesbury Borough Local Plan (TBLP) supports the provision of open-air recreational facilities, both formal and informal. Any new buildings or structures must be strictly ancillary and must not have an adverse landscape or environmental impact. In addition, any new provision must not have an adverse effect on living conditions, the quiet enjoyment of the countryside or cause any local traffic problems. Further, the development must not prevent access to the countryside by prejudicing existing rights of way without making alternative provision. This advice is echoed in the emerging Policy RNC2 of the Tewkesbury Borough Plan (TBP).
- 7.2. In this case, the proposed shelter would be ancillary to the shooting club as it's required to provide the users of the club with protection from the elements. The proposed structure would be sited at the existing firing points and would replace three existing 'sentry boxes'. The application site is well contained by existing landscaping on the site boundaries therefore it would not have any adverse landscape or environmental impact. In addition, the proposed structure would not result in an intensification of the use at the shooting club therefore the proposed development would not result in any local traffic problems or upon living conditions. Further, there is no existing rights of way through the site so the proposed development would not prevent access to the countryside. In light of this, the proposed development would comply with the requirements of Policy RCN2 of the TBLP and the emerging Policy RCN of the TBP.

- 7.3. Further to the above the site is located in the Green Belt therefore the significance of the impact of the development upon the Green Belt must be considered.

Impact upon Green Belt

- 7.4. Policy SD5 of the JCS sets out that, to ensure the Green Belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless it can be demonstrated that very special circumstances exist to outweigh the harm automatically caused to the Green Belt by virtue of the development being inappropriate and any other harm.
- 7.5. The NPPF provides that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF provides that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 7.6. Paragraph 149 of the NPPF sets out that the Local Planning Authority should regard the construction of new buildings as inappropriate development in Green Belt other than for a number of exceptions. One such exception (b) listed is 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.
- 7.7. In terms of openness, as highlighted in the NPPF, this is an essential characteristic of Green Belts to which the Government attaches great importance and which is a separate issue from the character and appearance of an area. It is a matter of its physical presence rather than its visual qualities. Recent case law – R (Samuel Smith Old Brewery (Tadcaster) & Ors) v North Yorkshire County Council [2020] UKSC 3 – examined the concept of openness in great detail. It is asserted that determining the impact on openness is a matter of planning judgement rather than law and while recognised as the counterpart to urban sprawl, openness should not be taken to imply freedom from all forms of development.
- 7.8. The proposed cover would be sited over the existing shooting points and would be a steel framed structure, open on all sides. In addition, it would replace three existing 'sentry boxes'. Officers consider the size, scale and design would be appropriate for its intended use and when taking account of its siting in a central, lower part of the site bound by existing vegetation, the proposed shelter would not adversely affect the openness of the Green Belt and would not conflict with the purposes of including land within it. It therefore follows that the proposed development would constitute appropriate development in the Green Belt as per exception (b) of paragraph 149 of the NPPF.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1. The proposed new cover would be ancillary to the existing outdoor sport and recreational use at the site and would not have any adverse impact on the local environment or result in any local traffic problems. Further, the structure would be an appropriate facility for outdoor sport and recreation in the Green Belt, one that would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. As such the development would constitute appropriate development in the Green Belt.

- 8.2. Having regard to the above it is considered that the proposed development complies with the relevant planning policies set out in this report and it is recommended that the application is **PERMITTED**.

CONDITIONS:

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless where required or allowed by other conditions attached to this permission, the development hereby approved shall be carried out in accordance with the information provided on the application form, including details of the proposed materials and finish of the cover, and the following plans/drawings/documents:

- Site Location Plan
- Proposed Block Plan
- 3D View – Drawing No. G(2)

Reason: To ensure the development is carried out in accordance with the approved plans.

INFORMATIVES:

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.