



PLANNING COMMITTEE: 19TH JANUARY 2023

Report of: Corporate Director of Place & Community

Contact for further information:

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SUBJECT: PLANNING APPLICATION REF. 2021/0684/FUL

PROPOSAL: Retention of Walls (retrospective)

APPLICANT: Mr Christie McDonald, South West Lancashire Pistol Club.

ADDRESS: South West Lancashire Pistol Club, Farley Lane, Roby Mill, Up Holland, Skelmersdale, Lancashire, WN8 0QG.

REASON FOR CALL IN:

Councillor K Jukes:

- Concerns regarding noise pollution and impact on neighbour amenity
- Concerns regarding safety and security issues
- Concerns regarding impact on wildlife on and off the site

The application was deferred following the Committee Meeting of 24 November 2022 and a further update is provided in paragraphs 11.1-11.12 of the report.

Wards affected: Up Holland

1. PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks the retention of walls.

2. RECOMMENDATION TO PLANNING COMMITTEE

2.1 **APPROVE with condition (Approved Plans)**

3. THE SITE

3.1 The application site is the South West Lancashire Pistol Club, which is accessed via a private gated track, adjacent to No. 25 Farley Lane. The site itself is located to the North-East of Farley Road adjacent to Stonehall Lane. It is located within the greenbelt.

4. PROPOSAL

- 4.1 The planning application seeks to regularise walls bounding the site which were erected without planning consent. The walls to be retained consist of both gabion baskets and close board timber fencing. The walls to be retained are a replacement for berms that had been located in the same area.
- 4.2 Two sets of gabion baskets are proposed to be retained both measure 2.5m in height, 1.5m in depth. The gabion basket to the east of the site measures 20.7m in length whilst the gabion basket to the west of the site measures 28.5m in length. The baskets are constructed of a wire mesh and filled with recycled rubber crumb.
- 4.3 The close board timber fencing measures 2.15m in height and has a length of 24.5m.

5. PREVIOUS RELEVANT DECISIONS

- 5.1 8/89/1314 – Use land for outdoor target pistol range. GRANTED 23/05/90
- 5.2 8/86/449 – Extension of pistol and rifle club range – erection of 'L' shaped clubroom/firing points and layout of car park. GRANTED 19/5/86
- 5.3 8/80/661 – Continued use of land as pistol or rifle range, including retention of the shelters and toilet. GRANTED 19/05/80

6. OBSERVATION OF CONSULTEES

- 6.1 Environmental Protection: No objection raised to the retention of the walls (Verbally reported).

7. OTHER REPRESENTATIONS

- 7.1 Dalton Parish Council: No objections.
- 7.2 9 no. Letters of objection received upon the following grounds:
- Concerns regarding an increase in the size of the club
 - Concerns regarding increased in traffic
 - Concerns regarding the speed of traffic travelling to the club
 - Concerns regarding noise
 - Concerns regarding tyre shred used could be a fire hazard
 - Concerns regarding safety at the club
 - Concerns regarding removal of local woodland
- 7.3 Councillor Katie Juckes has called in this application to be heard by the planning committee on the grounds of:
- Concerns regarding noise pollution and impact on neighbour amenity
 - Concerns regarding safety and security issues
 - Concerns regarding impact on wildlife on and off the site

8. SUPPORTING INFORMATION

Planning Statement Ref: CJM/AMM/3553-01
Walls Layout Plan

Supporting Photograph 1
Supporting Photograph 2
Supporting Photograph 3

9. RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 Development Plan Document provide the policy framework against which the development proposals will be assessed.
- 9.2 The site is located within the settlement boundary of the Regional Town of Skelmersdale with Up Holland as designated in the West Lancashire Local Plan 2012-2027 DPD.
- 9.3 **National Planning Policy Framework (NPPF)**
Achieving well designed places
Protecting green belt land
- 9.4 **West Lancashire Local Plan (WLLP) 2012-2027 DPD**
Policy GN1 – Settlement Boundaries Policy
Policy GN3 – Criteria for Sustainable Development Policy
Policy EN2 - Preserving and Enhancing West Lancashire's Natural Environment
Policy EN3 - Provision of Green Infrastructure and Open Recreation Space
- 9.5 **Supplementary Planning Document**
Design Guide (2008)
Development within the Green Belt (2015)

10. OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

- 10.1 The main considerations for this application are:
- Principle of development – Impact on the greenbelt.*
- 10.2 Policy GN1 of the Local Plan states that planning applications for development in the Green Belt are to be assessed against both national policy (the NPPF) and any relevant local plan policies.
- 10.3 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 (b) lists that "...*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;...*" as an exception.
- 10.4 The South West Lancashire Pistol Club is an established business, with a historic planning consent for the use of the land. It is considered that the proposed gabion walls and fencing to be retained would have no greater impact on the openness of the Green Belt than the berms which they replace.

10.5 In this instance the retention of the proposed walls is considered to comply with the guidance provided by the NPPF and Policies GN1 and GN3 of the WLBG Local Plan 2012-2027 DPD.

Impact on residential amenity

10.6 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy and amenity for occupiers of the neighbouring properties.

10.7 The South West Lancashire Pistol Club is in excess of 300m away from the residential dwelling houses located adjacent to the access to the site on Farley Lane.

10.8 Given the distance between the site and the residential dwelling of Farley Lane the walls to be retained do not appear as overbearing or over dominant structures. It is considered that the walls proposed to be retained would have no detrimental impact on the residential amenity of the occupiers of the nearest residential dwelling houses.

Other matters

10.9 Several matters of concern around how the Pistol Club operates have been raised by local residents, however, for the most part the concerns raised do not relate to the proposed retention of the walls.

10.10 A number of dead trees have been felled around the site in the interest of safety. These trees were not subject to a Tree Preservation Order and as such, consent was not required from the Local Authority for their removal.

10.11 Concern has been raised that the tyre shred used within the gabion baskets could be a fire hazard. The gabion baskets to be retained are to replace existing berms, they are not to provide a rifle range back stop. However, it is understood that the operation of a shooting range is governed by separate legislation that is outside the remit of the planning system. I therefore afford little weight in this regard.

10.12 The Pistol Club have advised that the size of the club is not increasing in physical size or increased membership, as such there will be no increased traffic to and from the site or along the highway. Whilst this is noted, limited controls can be imposed upon this application as the proposal only concerns the retention of walls. The matter of operational use of the site is not for consideration at this time. Comments received have expressed concerns regarding the speed of vehicles using the access to the gun club and how these conflicts with farm machinery and pedestrians accessing the public footpath(s). This matter however falls outside the remit of planning and as the access is unadopted, the appropriate authorities would be the Police.

10.13 Concerns regarding noise from the site are being investigated by the Local Authority's Public Protection Team. They have advised that they raise no objection to the proposed retention of the walls.

11. UPDATE FOLLOWING DEFERRAL

11.1 This section provides an update to members following their deferral of the application at Planning Committee held 24th November 2022.

- 11.2 Members will recall that there were late observations received prior to the start of the meeting, these were received direct to members of the Planning Committee by email dated 22nd November 2022. This email was not however made available or sent to the planning service and it was when a member drew attention to this that officers became aware.
- 11.3 For clarity, this email attached several (4no.) 3rd party representations that the Planning Service had already received in June/July 2021. In addition to this, the email attached aerial imagery alleging further breaches of planning control not included in this application and provided a copy of the Pistol Club's AGM minutes which are dated 25th January 2020.
- 11.4 Whilst officers did not receive the late observations direct, we nevertheless address the following points. The 3rd party representation to members dated 22nd November 2022, raises objections to the application and alleging other breaches of planning control having been undertaken at the site, namely the creation of two new outdoor ranges as a result of the walls, the removal of trees and the levelling of earth banks, the latter not requiring planning permission as they would not fall within the definition of development.
- 11.5 The 3rd party representation attached aerial imagery for the years 2005, 2018 and 2021 in their allegation that there has been unauthorised works carried out, however, members are advised that the application is as a result of an enforcement investigation which included a site visit and the observations of this, compared against the extant planning history for the site. No further works were noted as being unauthorised other than the walls as erected in this case.
- 11.6 The reliance of the aerial imagery as evidence is inconclusive as it does not show any significant difference in the layout of the site, trees may have been removed over time due to disease, but none of these were protected under TPOs and the times and dates the aerial imagery have been taken, i.e. spring (April) where leaf coverage is limited in comparison with summer (June) when it is at its fullest is difficult to substantiate, as the seasonal changes mean the visibility and openness of the site changes throughout the year.
- 11.7 The 3rd party further mentions that 4 no. letters of objection have not been published on the Council's website. Whilst they are absent from the website for reasons of inappropriate and damaging content, the valid planning material consideration raised have been considered in the determination of the application by officers and included within the total number of representations received during the consultation period as set out in the report.
- 11.8 The allegation that the walls as erected have created two new shooting ranges is not correct, as the walls only cover a small area of the land that has been in long term use as a shooting range that has an extant permission. The walls are not proposed to separate these areas to create new planning units. The walls have been erected in replacement of former earth bunds due to new safety legislation which governs firing ranges, and therefore their purpose is purely for the safety of those shooting groups using the ranges (preventing bullet ricochet) and to provide a level of noise mitigation. This is clearly explained in the Pistol Club's AGM minutes that the 3rd Party representation provided.
- 11.9 Members will also recall that Councillor Juckes raised a further 3rd party representation and presented this to members at the planning committee. The 3rd

party representation was in the form of a report dated 14th November and appeared to suggest that it had also been sent to the Planning Service for consideration. At the time of committee, officers confirmed that the Planning Service had not received this information, and in the interim of the deferral have further reviewed the file system and still cannot locate the document.

- 11.10 This report was nevertheless anonymous with its author unknown, and therefore would not be considered as part of the consideration of the application. However, members deferred the application to allow Councillor Jukes to provide the report and its Author's name for officers to consider the valid planning material considerations it raises and thus report back at the next scheduled committee.
- 11.11 Whilst Councillor Jukes has provided officers with a hard copy of the report, it remains anonymous. This is notwithstanding Councillor Jukes attempts to communicate with the author, it has yielded no response at the time of writing this update. As such given the anonymous status of the report, officers cannot consider its content any further.
- 11.12 In summary, the application only seeks to regularise the walls that have been erected which are acceptable in planning policy terms, and members are advised that the operational use of the land as a shooting range is not for consideration but does in any case benefit from a long-standing extant permission.

12. CONCLUSION

- 12.1 It is considered that the principle of development at this site is acceptable and there is no detrimental impact on the openness of the Green Belt or the residential amenity of local residents as a result of the walls being retained. The proposed development is considered to be compliant with the NPPF and Policies EN2, EN3, GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD and the application is therefore recommended for approval.

13. RECOMMENDATION

Reason for Approval

The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy EN2 - Preserving and Enhancing West Lancashire's Natural Environment

Policy EN3 - Provision of Green Infrastructure and Open Recreation Space

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report.

Conditions:

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:

Planning Statement Ref: CJM/AMM/3553-01
Walls Layout Plan
Supporting Photograph 1
Supporting Photograph 2
Supporting Photograph 3

The documents above were received by the Local Planning Authority on 24th May 2021.

Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

14. SUSTAINABILITY IMPLICATIONS

14.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

15. FINANCIAL AND RESOURCE IMPLICATIONS

15.1 There are no significant financial or resource implications arising from this report.

16. RISK ASSESSMENT

16.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

17. HEALTH AND WELLBEING IMPLICATIONS

17.1 There are no health and wellbeing implications arising from this report.

Background Documents

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

Appendices

None.