

**REPORT FROM: ASSISTANT DIRECTOR PLANNING, BUILDING CONTROL
AND REGULATORY SERVICES**

TO: BARROWFORD AND WESTERN PARISHES COMMITTEE

DATE: 7TH MAY 2025

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 7TH MAY 2025

Application Ref: 24/0857/FUL

Proposal: Full: Change of use of land to be used as a Shooting Club (Sui Generis) including formation of Earth Bund at end of existing track and the creation of car parking area on existing yard.

At Hunters Holme, Grove Lane, Higham, Lancashire

On behalf of: Mrs Adele Hanson

Date Registered: 20.01.2025

Expiry Date: 17.03.2025

Case Officer: Athira Pushpagaran

This application has been deferred from the last committee that took place on the 2nd of April to allow the applicant to submit further information to address the public safety concerns raised. The committee was of the opinion that the submitted evidence did not sufficiently address all the public safety issues. Further drawings and illustrations explaining the relationship between the shooting positions and the cone of fire, to demonstrate how safety standards are followed in the range design has been submitted along with a statement.

Site Description and Proposal

The application site is part of a farm situated outside the settlement boundary of Higham within Open Countryside, Green Belt and a High-Risk Coal Area. The main access is from Grove Lane which is also a public bridleway (BW1314022, BW1314034). Public footpaths FP1314019, FP1314021, FP1314131, FP1314020 and bridleway BW1314130 lies in close proximity to the application site.

The proposed development is the change of use of land to be used as a Shooting Club (Sui Generis) including formation of Earth Bund at end of existing track and the creation of a car parking area on existing yard. An earth bund has been formed, and the shooting range has been in operation at the time of the site visit.

Relevant Planning History

23/0828/AGR Prior Approval Notification (Agricultural Building): Erection of Agricultural Building to be used as Feed and Machinery Store. Accepted. 2023

18/0059/FUL Full: Erection of agricultural building (14m x 10m x 7.17m, Height). Approved with Conditions. 2018

Consultee Response

Highways

Having reviewed the documents submitted, Lancashire County Council acting as the highway authority makes the following initial comments and requests further information.

The applicant should submit an Operational Statement. This should include, but not be exclusive to, the days and times of operation, the maximum number of people on site at any one time, other associated facilities available or events taking place on site. As this is a retrospective application details should be readily available.

The highway authority has noted from the business's website that it offers members only nights. What is the maximum number of people at such an event?

The website also refers to inter-club competitions. Will any be held on site at Grove Lane? In addition, the website has details of indoor facilities including 10 firing lanes (The Range). Are these located at Grove Lane?

Public Rights of Way

The highway authority notes the borough council's Countryside Access Officer's response and support his comments, in particular regarding the proximity of the firing range and earth bund to Public Footpaths ref FP1314019, FP1314020 and FP1314021. Therefore, the applicant needs to submit additional information about the site's operation so that traffic generation and movements can be properly assessed and how these are likely to impact on all users on Grove Lane. The highway authority will then provide a response which may include any conditions considered necessary.

Further comments 19.02.25

Following the highway authority's initial comments dated 7 February an Operational Statement was submitted on 12 February.

The National Planning Policy Framework (NPPF) states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios' (Paragraph 116).

Having reviewed the additional information submitted, Lancashire County Council acting as the local highway authority does not raise an objection regarding the proposed development and concludes that there are no highway grounds to support an objection as set out by NPPF, subject to a number of conditions being applied to any formal planning approval granted.

Public Rights of Way

The highway authority notes that the applicant is in discussions with the borough council's Countryside Access Officer regarding the proximity of the firing range and earth bund to Public Footpaths ref FP1314019, FP1314020 and FP1314021. The Countryside Access Officer may recommend conditions or informative notes following these discussions.

Conclusion

The highway authority considers that, with appropriate conditions applied to control and limit the site's operation, it is unlikely to have a significant impact on highway safety or capacity in the immediate vicinity of the site to such a degree that would warrant an objection as set out by NPPF.

In addition to the following conditions, the highway authority recommends that a condition restricting the days and times of operation as outlined in the submitted Operational Statement is applied to any formal planning approval granted. 2

Conditions

1. The site shall operate on a pre-booking basis only. The operators of the site shall maintain an up-to-date register of the member bookings and shall make this information available at all reasonable times to the local planning authority.

Reason: In order to ensure proper control of the use of the site so that its operation does not generate traffic movements which have not been fully assessed.

2. The maximum number of people on site at any one time shall be 15 including members, instructors and staff. Reason: In the interest of highway safety to limit the number of vehicle movements on Grove Lane.

3. Sessions at busy times shall be staggered with a cross over of a minimum of 15 minutes. Reason: To ensure that the site's operation does not generate traffic movements which would be detrimental to highway safety and capacity.

4. The car and motorcycle parking shown on the Proposed Site Plan (Drawing 02A) shall be made available at all times and remain free of obstructions for the lifetime of the development. Reason: To ensure that adequate off-road parking is available to prevent parking on Grove Lane which would be detrimental to highway safety.

Parish Council

Having considered this application, Higham Parish Council wishes to object on the following grounds:

- This is commercial development within the Green Belt and as such it is inappropriate. A commercial venture of this sort will generate additional vehicle movements along a very popular and well used bridleway, which already has minimal room for pedestrians and cars to pass safely and even less so for horses and vehicles to pass safely. To consider this kind of application, in this area, would cause disruption and environmental damage of various kinds to a particularly attractive, popular and environmentally sensitive area, as further detailed below

- The basic presumption under NPPF para.154 is that this would be inappropriate development, unless specific exceptions apply and the openness of the Green Belt is preserved. There is no Planning Statement explaining the detailed nature of the proposal or establishing a case for any specific exceptions and the proposal does not appear to be of any sufficiently public or participatory benefit to justify classification within the exceptions. Furthermore, the huge and unsightly Earth Bund, the six additional parked cars and the car parking area itself would detract from and damage the scenic openness of the Green Belt in this area

- There are two Bridleways and four Footpaths surrounding and within very short distances from the proposed firing range - see below annotated and coloured extract from the Public Footpath Map (LCC Mario Maps). The two Bridleways are extensively used throughout the year by members of the public including walkers, runners, dogwalkers, cyclists, and horse-riders. One Bridleway (BW1314022/034) constitutes part of a popular walk along the River Calder from Padiham (Grove Lane Plantation) to the Igthenhill Footbridge, which is immediately adjacent to the application site; that bridleway runs along Grove Lane and parallel, within approximately 40 metres, to the proposed shooting range; it would be substantially affected by noise and possibly danger from the shooting. The other Bridleway (BW1314029), part of the Pendle Way, is a centuries-old ancient highway from the Igthenhill Footbridge up to Higham Village running up the field immediately to the east of the application site and this is joined also by Footpath 1314034 running from close beside the 'firing end' of the proposed shooting range up the field to join that Bridleway; these would be similarly affected by the noise and also have direct views down over the application site which would be damaged by the out-of-place and unsightly Earth Bund, the large

number of proposed Flags and Warning Signs indicated on the filed Signage Plan and the proposed car-parking

- Grove Lane is a mile-long single-track road with minimal passing places. The last half mile is a private access road only. Combined with this, it is also a very popular bridleway round-route for numerous walkers, runners, cyclists and horse-riders who would suffer significantly increased levels of disruption, danger and/or inconvenience from the introduction of more regular traffic using and servicing the proposed venture
- Footpath 1314021/019 runs immediately behind the proposed Earth Bund that is the target for the proposed range. The Bund itself, in this position, would obscure from view persons using this footpath and consequently place them at danger in the event of a shot missing or passing through, or over, the Earth Bund
- The numerous proposed Warning Signs and Flags, whilst visually unappealing, would also be intimidating and a potential deterrent to users of the above-mentioned footpaths and bridleways
- There is no information as to the type of weapons or ammunition intended to be used in this venture. Therefore, the level of firepower, noise and risk is unknown. No risk assessments or reports have been provided as part of the application
- If, which is likely, the ammunition is made of or contains lead or similar materials there is potential risk of pollution and danger to human, bird, and animal life and to the ground, the stream running immediately behind the Earth Bund and the River Calder just below. Again, no risk assessments or reports have been provided

In conclusion, this proposed venture is within a popular, peaceful and particularly attractive rural area, the environmental qualities of which, would suffer extreme damage. Many people enjoy a quiet walk or ride by the river and a sit-down on the seat at the Ightenhill Bridge within c30 metres of the proposed firing range. It is also an important and sensitive area for fishermen and birdwatchers. Other wildlife in the area likely to be affected by this venture includes deer, badgers, otters and bats. These benefits and qualities would be disturbed by the noise of shooting and the additional traffic to which, once again, no noise assessment or environmental impact report has been provided. The Parish Council therefore submits that this application should be refused.

PBC Environmental health

With regards to this development, we have a few questions we would like answer to: - 1. How will noise from the site be controlled? –

2. How many people can be on the range shooting at any one time? –

3. Are rifles/ guns provided, or can people bring their own? –

4. If they can bring their own will there be rules around what rifles/guns they can bring? –

5. Can you provide the sound power rating for the rifles/guns that will be permitted?

Further comments (05.02.25)

With regards to this development, we are concerned about residential neighbours in the area, we are of the opinion that a noise impact assessment is required to be submitted before approval.

Further comments (19.02.25)

With regards to this I feel I need more information:

1. The report needs a bigger, better map that is more easily readable.
2. Where does the 55db environmental noise limit come from?

3. The report basically says that there are exceedances, but we should give it planning permission and then monitor the noise afterwards, I don't think this is the right way to deal with this.

As this is a commercial premises, maybe we should ask for a bs 4142 assessment.

Further comments (20.02.25)

Subject to a condition restricting the firearms used at the shooting range to only low calibre fire arms such as the .22 rimfire and below, and no firearm used that exceeds 55db(A) at the boundary of the development property to any approval the noise impact would be acceptable.

Mining Remediation Authority

Thank you for your notification of 20 January 2025 seeking the views of the Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority response: MATERIAL CONSIDERATION

The application site falls marginally within the Coal Authority's defined Development High Risk Area (DHRA). Our information indicates that the existing vehicular access route to the main development site lies partly in an area where historic unrecorded coal mining activity is likely to have taken place at shallow depth. Such workings can pose a risk to surface stability and public safety.

As you will be aware, the Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support their planning application.

We note that the application is accompanied by a Coal Mining Risk Assessment (6 March 2018, prepared by MM-EC Geoenvironmental Ltd). However, based on the 'Enquiry boundary' shown on the mining report appended to the risk assessment, it is evident that this report was produced specifically to inform a development proposal comprising the erection of an agricultural shed on a parcel of land to the north of the application site. As such, the report does not relate to the scheme of development currently under consideration by the LPA.

Nevertheless, in this instance we note that the proposed development will be situated entirely outside the DHRA, i.e. in the Development Low Risk Area. The Coal Authority's Planning & Development Team therefore does not consider that a Coal Mining Risk Assessment is required to support the proposal in this particular case and we DO NOT OBJECT to this planning application.

However, we do recommend that the following wording is included as an Informative Note on any planning permission granted:

The application site lies in an area defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of

new development taking place. If any suspected coal mining feature is encountered on site, this should be reported immediately to the Coal Authority on 0800 288 4242. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

Architectural Liaison Unit

Thank you for consulting the Lancashire Constabulary Designing Out Crime team in respect of this proposal. We would strongly advocate Commercial Developments in Lancashire be designed and constructed to Secured By Design security standards, using the Secured by Design 'Commercial 2023' Design Guide specifications. Further details about Secured by Design, including application forms and security specifications can be found at www.securedbydesign.com.

Independent academic research shows that SBD certified schemes experience less burglary, criminal damage, and vehicle crime. The Lancashire Constabulary Designing Out Crime Officers can support the applicant through the Secured by Design process from the application stage through to certification. Contact ALO@lancashire.police.uk.

Potential Risk Factors at Commercial Premises:

- Burglary
- Criminal Damage to units and vehicles
- Theft of and from parked vehicles
- Arson
- Theft from the person
- Unauthorised access to restricted areas
- Anti-Social behaviour
- Theft and criminal damage throughout the construction period

PBC Public Rights of Way

I object to the proposed development. Public footpaths FP1314019, FP1314020 and FP1314021 lie behind the target area of the proposed shooting range. This is incompatible with the public rights of way, due to a risk of harm to footpath users, and a perceived risk of harm which would have the effect of obstructing the footpath. Some of the proposed flags and signs are shown as being sited directly on the footpath and these would clearly be intimidating to anyone thinking of exercising the right of way. The signs, if placed on or near the footpath would be unlawful under Highways Act legislation, even if planning permission had been granted.

I also object on the grounds that the proposed shooting range would increase the volume of vehicle movements up and down the access road to the site. Access is along a public bridleway which extends for over 2km from Padiham. This is a narrow single track access road with limited passing places, it is also extensively used by pedestrians, cyclists and horse riders. There is already a level of inconvenience when motorists need to pass each other and non-motorised traffic, but formation of a recreational facility at the end of such a long narrow road would naturally increase this level of inconvenience.

There is no information in the planning application about the potential impact of the noise generated by the firing range. Firearms would be being discharged within 60m of a public bridleway. There is no indication that this is a safe distance with respect to bridleway users with horses which could be "spooked" by the sudden sound of a gun being fired.

The grant of planning permission does not provide any lawful excuse to contravene the relevant sections of Highways Act 1980 such as the obstruction or disturbance to the surface of a public right of way. As such, there is no need for planning permission to include conditions to this effect,

but it would be helpful to include a note in the “Informatives” section to remind the developer of the law. A suggested note is given below.

Suggested note

The developer should take note of all the public footpaths running through and adjacent to the site and take utmost care to ensure that these are kept undisturbed and free of obstruction during the course of the development. Any breach of the legislation which protects public rights of way can result in legal action, fines and default action carried out and re-charged to the landowner. Any proposals for the temporary diversion or closure of a footpath should be made to Lancashire County Council's public rights of way team. An enquiry about permanently diverting or closing a footpath may be made to Pendle Council.

LCC Public Rights of Way

Lancashire County Council Public Rights of Way Team supports Pendle's Countryside Access Officer's response and provides the following.

Comments/Objections

Footpath FP1202021, BW1209025, BW1209024, BW1314024, BW1314023, BW1314022 and footpath FP1314131 are recorded as running along Grove Lane, the access to the shooting club, as shown on the attached plan.

The Lancashire County Council Public Rights of Way team have no record of any public vehicular rights along Grove Lane. The applicant should evident that they have private and extended private vehicular rights along this public path before driving on it for construction, deliveries or subsequent access. Without private and extended private vehicular rights or permission from the owner it is a criminal offence to drive a motor vehicle on the public path. To mitigate from increased vehicle movements and protect the safety of users accessing the rights of way a sequence of passing places, to a specification approved by The Rights of Way Team should be spaced between Padiham and Hunters Holme. If Grove Lane is not within the ownership of the applicant consent from the landowner/s where the passing places are required must be sort and a Public Path Order would be required for them to become maintainable at public expense.

Obstruction

The infringement or obstruction of the existing public rights would be a criminal offence, as such the right of way should always remain clear, not to be excavated nor used to park or store materials, vehicles or machinery.

Ground level/drainage

Any changes in ground level or installation of drainage should ensure that surface water is not discharged onto a public right of way either within the proposed development site or in close proximity – this is to ensure public rights of way are not exposed to potential flooding or future maintenance issues.

Landscaping

Any trees or bushes should to be at least 3 metres away from a public right of way to prevent any health and safety issues and potential maintenance issues e.g. Overhanging branches or roots coming through the surface of the footpath concerned either within the proposed development or in close proximity.

Temporary closure

If works relating to the proposed development are likely to cause a health and safety risk to users of a public right of way a temporary closure order must be made and in effect prior to commencing those works. Applications should be made 8 weeks before commencement to avoid delay to the

works. Further details on closure can be found at Request a temporary closure of a public right of way - Lancashire County Council

Diversion

If a diversion is needed or intended the applicant needs to ensure that the diversion is in place prior to any work commencing on a public right of way. Any disturbance of the existing route, without the appropriate confirmed Diversion Order would be liable to enforcement action taken against the developer.

Publicity of Application

All planning applications that affect a public right of way (footpath, bridleway or byway), must be publicised by site notice in at least one place on or near the land to which the application relates for not less than 21 days; and by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

Health and Safety Executive

Thank you for your email seeking HSE's observations on application 24/0857/FUL

HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines, and has provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain HSE's advice.

I would be grateful if you would ensure that the HSE Planning Advice Web App is used to consult HSE on this planning application and any future developments including any which meet the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.

- residential accommodation;
- more than 250m² of retail floor space;
- more than 500m² of office floor space;
- more than 750m² of floor space to be used for an industrial process;
- transport links;
- or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

There are additional areas where HSE is a statutory consultee. For full details, please refer to annex 2 of HSE's Land Use Planning Methodology: www.hse.gov.uk/landuseplanning/methodology.htm

NB HSE is a statutory consultee with regard to building safety (in particular to fire safety aspects) for planning applications that involve a relevant building.

A relevant building is defined in the planning guidance at gov.uk as:

- containing two or more dwellings or educational accommodation and
- meeting the height condition of 18m or more in height, or 7 or more storeys

If the planning application relates to Fire Statements and applications relating to relevant buildings, then these are not dealt with by the Land Use Planning team and instead they should be sent to PlanningGatewayOne@hse.gov.uk

There is further information on compliance with the Building Safety Bill at <https://www.gov.uk/guidance/fire-safety-and-high-rise-residential-buildings-from-1-august-2021>.

United Utilities

No response

PBC Engineering

No response

Public Response

The nearest neighbours have been notified by letter, a site notice have been displayed, with 21 responses received so far. Out of this 9 were objections and 12 were supports. These are summarised below:

Objections:

- Too close to the footpath and the shooters would be firing directly towards the path, which should be closed or diverted.
- Noise pollution
- Access through a private track. Stakeholders in the track include Burnley Borough Council, residents at Colliers Cottage, Joy Cottage, The Old Stables, Brookfoot Farm, High Whittaker Farm, Hollins Farm and the owner of farmland adjacent to Pendle Hall where the amenity track terminates. The Grove Lane track was adopted by Lancashire County Council as a public footpath, cycle path and bridlepath as part of the Millenium Forest project. The application does not have legitimate access rights over this private road for public /commercial/customer vehicles.
- The maintenance of the private road is the responsibility of the residents living along the route, and Lancashire County Council. It is a single track with no kerbs and no passing places after the Burnley Training Ground access except for field and property gateways. Part of the track runs on the River Calder Bank. There are concerns about the durability and safety of the track from vastly increased vehicular use arising from the proposed development.
- Pendle Borough Council has failed to consult all relevant properties under postcode BB12 9AF and other stakeholders who will be directly impacted by this application.
- The route in question is a bridleway, cycle path, and footpath, which is heavily used by pedestrians, dog walkers, families, cyclists, and equestrians enjoying the peaceful countryside and the area's birdlife and wildlife. The increase in traffic from vehicles related to a shooting range often travelling at inappropriate speeds will significantly raise the safety risk to all users of the route and diminish their ability to safely enjoy the valuable community leisure resource that is Grove Lane.
- The application is for development of an outdoor shooting range in an environmentally sensitive area, which would be much disturbed by the sound of shooting from the proposed range
- The noise and vibration generated by the shooting range will have a detrimental impact on local residents, as well as on horses (who are particularly sensitive to the popping noise from silenced firearms), farm animals, dog walkers, and wildlife such as deer, hares and birdlife prevalent in this agricultural area. This adverse environmental impact has not been sufficiently addressed by the applicant.

- The public notice for this application was only displayed for a short and limited period and has already been removed, effectively reducing the time available for the public to comment on the proposal
- Failure to Consult Lancashire Police Firearms Unit
- Operating without planning consent
- Underground shooting facility operating out of the agricultural building next to the site
- Would encourage gun ownership and use
- Loss of rural character
- Would impact the variety of birds nesting and breeding in the area during the season and other birds present in the area throughout the year.

Supports:

- Proposal includes visually impaired shooting and enhances opportunities available to visually impaired shooting community and contributes positively to the sport as a whole
- the location is suitable for various target shooting purposes
- It is a safe and secure location, with controlled, limited access, and its construction should cause no detriment to the surrounding community or environment
- valuable addition to the community, offering a safe and well-regulated environment for both children and adults to engage in shooting sports
- No noticeable significant increase in traffic along the private road, or any excessive noise from gunshots or other activities.
- This not only enhances safety but also supports professional standards in gamekeeping and countryside management
- As a local farmer, shooter, and livery yard owner, I strongly believe that shooting and equestrian activities have long coexisted in the British countryside. Many equestrian events, including some gymkhana competitions, incorporate shooting elements, demonstrating the compatibility of these activities
- Traffic movements will be minimal and predictable, with fewer vehicles compared to previous site use as an operating centre for HGVs
- The very large "Earth Bund", (already constructed but apparently to be further increased in size/height) sticks out like a sore thumb above the height of the adjacent hedgerow and, together with the targets in front of it, is visible from all the paths. Apparently (from the Signage Plan) the area is also to be surrounded on all sides by a large number of different Warning Signs and Red Flags. The whole appearance is and would be unsightly and out-of-keeping in the area and would detract from its open rural appearance
- This is also a particularly important and sensitive ornithological area. By virtue of its surrounding diverse features of river, low-lying and marshy fields, sandbanks, shingle beaches, field-pools, open country, trees and hedgerows, it is haven to an exceptional and wide variety of species, a number of which are uncommon, rare, or on the endangered species list. The disturbance and damage to all this important bird life which would be caused by repetitious and spasmodic shooting is likely to be significant and does not appear to have been considered or assessed.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 sets out the spatial development principles for developments in Pendle. Proposals to develop outside of a defined settlement boundary (i.e. within the open countryside) will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV 5 identifies the need to minimise air, water, noise, odour and light pollution and to address the risks arising from contaminated land, unstable land and hazardous substances.

Replacement Pendle Local Plan

Saved Policy 31 sets out the maximum parking standards for development.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Paragraph 153 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness⁵⁵. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 states that development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, 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;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in

continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- i. mineral extraction;
- ii. engineering operations;
- iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
- v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Paragraph 198 states that planning policies and 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:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁷²;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design and protecting residential amenity.

Supplementary Planning Guidance: Development in the Open Countryside places great importance on proportion and setting and provides guidance on the materials which would be acceptable for agricultural buildings. Developments must not be detrimental to the landscape and the materials and design must reflect traditional farm buildings.

Officer Comments

The proposal is for the change of use of land to be used as a Shooting Club (Sui Generis) including formation of Earth Bund at end of existing track and the creation of a car parking area on existing yard. The range consists of 5 lanes for shooting, at 1m separation from each other, with the farthest firing position 100m away from the target. The target has a primary containment, a secondary containment, a sand catcher and an earth stop butt behind it. The existing earth stop butt would be enlarged as part of the proposal. The shooting club operates for outdoor shooting on Saturdays and Sundays in the afternoon, with a maximum number of 10-15 attendees on-site, including members, instructors, and staff.

The proposed development is situated within the open countryside, and within green belt land. There are no underlying policies which would prevent the development in principle. The principal material considerations for the application are as follows:

Public safety

The council's countryside access officer objects to the proposal since public footpaths FP1314019, FP1314020 and FP1314021 lie behind the target area of the proposed shooting range. The

proposal would pose risk of harm to footpath users. There is also an agricultural building behind the bund, and a caravan stationed on land to the side of the bund.

An updated risk assessment, along with an operational statement for the range and site were received after the March committee. The method statement for the operation of the site lays down the responsibilities of the Range Operator, the Range Manager / Chief Range Officer (CRO), Range Conducting Officer (RCO) / Safety Supervisor, Sentries, Shooters and, visitors and observers while on site.

Further details of the operation of the range have been provided that details the process followed before, during and after shooting activities take place on site. This statement details steps to be carried out starting from pre-operation checks, safety briefing, live-fire operation and close down operation.

The risk assessment submitted outlines potential hazards and safety measures and controls implemented to mitigate risk and offer a safe operation. The stop butt and earth bund present on site currently would be enlarged and widened to meet the standard specification and safety requirements of the National Governing Body. The risk assessment identifies stray rounds/overshoot and PROW users and other members of public straying into firing lines as posing high risk without any controls. The control/mitigation measures include the primary and secondary containments, management of the range safety rules, shooter qualification requirements, staff supervision, signage, monitoring by sentries, and communication between sentries and Range controlling officer. In addition to that, physical constraints at the firing position are installed in the form of restraining bars to limit muzzle movement to ensure that cone of fire does not breach the primary containment. Each of the 5 lanes also incorporate a fixed position bench rests that restrict lateral movement and lane dividers that provide physical and visual demarcation.

Following the last committee meeting further information was submitted by the applicant in the form of illustrations and a statement that demonstrate the safety standards followed in the range design. Additional vertical barriers between lanes would be installed that extend further toward the target area, providing visual and physical guidance. Additionally, an adjustable frame system that can be positioned based on the shooter's stance would be implemented to ensure proper alignment with the target area, along with specific monitoring procedures developed and implemented for the outermost lanes. These can be secured through conditions.

A NSRA Inspection report for the range has also been submitted which further details the particulars of the range design including firing points, lanes and positions, composition and design of the bullet catcher, stop butt and targets.

The range has firing positions up to a 100m from the target, with beginners starting at the closer positions from 10-25m only advancing to farther positions based on demonstrated proficiency. The submitted illustrations depict the cone of fire for shooters using the outermost firing lanes at both 25 m and at 100m. For beginners shooting from the 25m mark, the cone of fire is circa 1m in radius. The proposed enlargement to the earth bund and the primary and secondary containments would effectively prevent any possible overshoots from these closer firing positions.

As per the details submitted, only shooters assessed as proficient in accordance with the national governing body's guidelines would be permitted to use the more distant firing positions. Moreover, after the 25-yard point only the inner three lanes would be used for shooting. As such, the mitigation measures outlined in the risk assessment are considered sufficient to ensure public safety, particularly for individuals using or occupying the surrounding land and PROWs.

The proposal would be acceptable in accordance with to policy ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and Paragraph 102 of the National Planning Policy Framework.

Green belt

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Development in the Green Belt is inappropriate unless one of the exceptions identified in the NPPF applies. This includes engineering operations and material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) provided they preserve the openness of Green Belt and do not conflict with the purposes of including land within it. The proposal is for the change of use of agricultural land into shooting club, which is an outdoor sport or recreational use, along with the formation of an earth bund which is an engineering operation. At its highest point the bund would be circa 10m high, and it is grassed over. It is situated to the end of the plot and is set against the backdrop of the surrounding agricultural buildings to its rear and side. Given the site's sloping terrain, it would not obstruct views of the open countryside and blends in with its surroundings. Proposed parking would be located behind an existing agricultural building, minimizing its visibility. Additionally, safety flags and signs would be installed around the range, however their appearance and height can be controlled through conditions to ensure they do not impact the openness of the Green Belt.

In this case, the proposal would not have a detrimental impact on the spatial or visual openness of the Green Belt. The proposal would therefore be acceptable in accordance with paragraph 153 and 154 of the NPPF, and policies SDP1 of the Local Plan.

Visual Impact

The development includes an earth bund which is grassed over, a gravel track, and flags and signs around the range. The track and earth bund would be congruous to the agricultural and countryside surroundings and would not have an unacceptable impact on its character. The parking would be provided on existing hardstanding behind existing agricultural buildings and would not be visible prominently from public vantage points.

Overall, the proposed development would be acceptable in terms of design in accordance with policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy, Development in the Open Countryside SPG and the Adopted Pendle Design principles SPD.

Residential Amenity

The nearest residential neighbours are the Hayloft and Pendle Hall farm circa 130m away from the application site. In response to initial comments from the Council's Environmental Health Officer, a noise assessment has been submitted. This noise assessment details that the noise levels would exceed the acceptable levels and mentions possible mitigations. However, it lacks sufficient detail on the specific mitigation measures, their implementation, and how they would be maintained and managed during the operation of the proposed use, to make it acceptable. Following this, further negotiations were carried out and it has been agreed that the type of firearms to be used at the facility would be restricted to the 0.22calibre rimfire or below, which can be ensured by a condition. A condition can also be added to restrict the noise levels when measured at the boundaries of the site would not exceed 55db(A) to ensure that the development would not negatively impact the living conditions of neighbouring residential properties. The applicant has informed their intention

to submit a further planning application to install an enclosure to the shooting positions, as a noise mitigation measure.

Therefore, the proposed development would be acceptable in terms of residential amenity in accordance with policy ENV1, ENV2 and ENV5 of the Adopted Pendle Local Plan Part 1: Core Strategy, paragraph 198 of the NPPF and the Adopted Pendle Design principles SPD.

Highways

The main access is through Grove Lane which is a single-track path with limited passing places through which a bridleway passes through. The LCC highways in their initial comments requested an operational statement to be submitted to fully assess the impact of the development on all users of Grove Lane. Following this an operation statement was submitted, based on which the highway authority considers that, with appropriate conditions applied to control and limit the site's operation, it is unlikely to have a significant impact on highway safety or capacity in the immediate vicinity of the site.

The development raises no issues of highway safety subject to the proposed conditions added to any approval.

Coal Mining

The application is accompanied by a Coal Mining Risk Assessment; however, this report appears to relate to a development proposal comprising the erection of an agricultural shed on a parcel of land to the north of the application site. Nevertheless, the proposed development will be situated entirely outside the DHRA. Therefore, a Coal Mining Risk Assessment is not required to support the proposal in this particular case and the Coal Remediation authority raised no objection and recommends the addition of an informative note. An informative to such effect can be added to any approval.

Ecology

There are concerns about the possible use of lead-based ammunition, which could pose risks to human, bird, and animal life, as well as contaminate the ground, the nearby stream behind the Earth Bund, and the River Calder.

The applicant provided further details on the de-leading process used at ranges, which involves the periodic removal of bullet debris from the bullet catcher or stop butt to prevent material build-up and reduce ricochet risks. The statement states that approximately 90-98% of lead can be reclaimed using separation techniques.

The provided information is found acceptable, and the proposed development would be in accordance with policy ENV1 of the Adopted Pendle Local Plan Part 1: Core Strategy.

There were also concerns raised regarding the noise impacting the bird and wildlife. However, the site does not fall within any designations of ecological importance and an ecological assessment, and it would be unreasonable to necessitate an ecological assessment in this case.

Biodiversity Net Gain

The application is accompanied by a main metric that details that the proposal would result in a net gain of 47.1% through onsite enhancements. This includes planting of native trees and a traditional fruit orchard. This satisfies the statutory 10% BNG requirement.

The applicant would have to enter into a s106 agreement in order to take care of the 30-year management and maintenance arrangements required for the proposed intervention. This would be subject to a condition as would other applications nationally.

Other Matters

Concerns have been raised that all neighbours that use the track have not been consulted by the Council regarding the planning application. However, the regulations necessitate consulting owners/occupiers of land adjoining the application site only and this has been carried out during the application process.

Concerns were raised about site notices being removed prematurely, displaying incorrect dates, and an insufficient number being posted near the site. A third set of notices has now been placed closer to the site, including on the adjacent footpath and at the entrance of the Higham/Ightenhill footbridge.

Concerns were raised regarding an underground shooting facility operating next to the proposed site. This is outside of the scope of this planning application however this would be further investigated.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- HAN/02 Dwg 00A Rev A - Location Plan (received 20.01.25)
- HAN/02 Dwg 02A Rev B - Proposed Site Plan (received 11.02.25)
- HAN/02 Dwg 03 – Existing and Proposed Elevations (received 20.01.25)

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

3. All the external materials to be used in exterior of the development hereby permitted shall be as stated on the application form and approved plans and there shall be no variation without the prior consent of the Local Planning Authority.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

4. Notwithstanding any indication on the approved plans and application form, a detailed scheme including the location, dimensions and appearance of the flags and signs to be installed around the shooting range shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this permission. The development shall thereafter times be carried out in strict accordance with the approved details.

Reason: To allow the Local Planning Authority to control the external appearance of the development in the interest of visual amenity.

5. No firearms above the calibre of a 0.22 rimfire shall be used at the shooting range hereby approved, and the noise levels from the firearms measured at the boundary of the application site should not exceed 55db(A) at any time.

Reason: In the interest of residential amenity.

6. The use hereby approved at all times operate on a pre-booking basis only in accordance with the Operational Statement received on 12th February 2025 unless otherwise agreed in writing by the Local Planning Authority. The operators of the site shall maintain an up-to-date register of the member bookings and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: In order to ensure proper control of the use of the site so that its operation does not generate traffic movements which have not been fully assessed.

7. The maximum number of people on site at any one time shall be 15 including members, instructors and staff.

Reason: In the interest of highway safety to limit the number of vehicle movements on Grove Lane.

8. Sessions shall be staggered with a cross over of a minimum of 15 minutes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site's operation does not generate traffic movements which would be detrimental to highway safety and capacity.

9. The car and motorcycle parking shown on the Proposed Site Plan (Drawing 02A) shall be made available at all times and remain free of obstructions for the lifetime of the development.

Reason: To ensure that adequate off-road parking is available to prevent parking on Grove Lane which would be detrimental to highway safety.

10. The development hereby approved shall be carried out in strict accordance with the submitted METHOD STATEMENT Operation of the Range, METHOD STATEMENT Operation of the Site, and RISK ASSESSMENT Precision Target Shooting Range, prepared by Hunters Target sports received on 26.03.25. The operation of the site shall at all times adhere to the mitigation and control measures outlined within these documents.

Reason: To ensure the safe and proper operation of the development in the interests of public safety.

11. Details of the additional vertical barriers between lanes and the adjustable frame system shall be submitted to and approved in writing by the Local Planning Authority within 2 months of the date of this decision. The development shall thereafter at all times be carried out in strict accordance with the approved plans.

Reason: To ensure the safe and proper operation of the development in the interests of public safety.

12. No part of the development commences unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for monitoring of Biodiversity Net Gain over a 30-year period.

Reason: To ensure that the proposed development makes provision to enhance biodiversity on the site and that this can be monitored for a period no less than 30 years following completion of the development.

BNG Conditions

13. The development may not be begun unless—
- a. a biodiversity gain plan has been submitted to the Planning Authority and
 - b. the Planning Authority has approved the plan
- Phase plan
- (b)** the first and each subsequent phase of development may not be begun unless— **(i)** a biodiversity gain plan for that phase has been submitted to the Planning Authority and **(ii)** the Planning Authority has approved that plan

Reason: In order to fulfil the obligations for Biodiversity Net Gain, in accordance with the Environment Act 2021, Schedule 14

Informative Notes

The application site lies in an area defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place. If any suspected coal mining feature is encountered on site, this should be reported immediately to the Coal Authority on 0800 288 4242. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

The developer should take note of all the public footpaths running through and adjacent to the site and take utmost care to ensure that these are kept undisturbed and free of obstruction during the course of the development. Any breach of the legislation which protects public rights of way can result in legal action, fines and default action carried out and re-charged to the landowner. Any proposals for the temporary diversion or closure of a footpath should be made to Lancashire County Council's public rights of way team. An enquiry about permanently diverting or closing a footpath may be made to Pendle Council

Application Ref: 24/0857/FUL

Proposal: Full: Change of use of land to be used as a Shooting Club (Sui Generis) including formation of Earth Bund at end of existing track and the creation of car parking area on existing yard.

At Hunters Holme, Grove Lane, Higham, Lancashire

On behalf of: Mrs Adele Hanson