

Parish: HADLEIGH

Location: Benton End Farm, Benton End, Benton Street

Proposal: Change of use of agricultural land for the use of paintballing

Applicant: Mr John Wright

Case Officer: Ben Elvin

Date for Determination: 20 May 2009

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This application was deferred by Development Committee on 8 April 2009 for a panel of Members to visit the site on 15 April 2009. The reasons for the site inspection were to assess the impact of the development on the Railway Walk and surrounding area, impact on wildlife and traffic generation.

#### THE SITE

1. The site forms a parcel of land accessed off Benton Street and which accommodates a number of farm buildings and the associated dwelling. The land partly consists of a small woodland and abuts a public footpath
2. It falls within a designated Special Landscape Area and hosts a riding centre on the adjacent land (within the site) which is also run by the applicant's family.

#### THE PROPOSAL

3. The proposal seeks planning permission for the continued use of land for a paintballing operation, which has operated at the site to a varying degree over the last few years.

#### RELEVANT HISTORY

4. B/95/00809 (1995) – Continued use of land and buildings as riding centre and the renovation and rebuilding of redundant building to form a manege – Granted.

#### NATIONAL GUIDANCE

5. **PPS1** (Delivering Sustainable Development)
6. **PPS7** (Sustainable Development in Rural Areas)
7. **PPG17** (Planning for Open Space, Sport and Recreation)
8. **PPG24** (Planning and Noise)

#### PLANNING POLICIES

9. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and the Babergh Local Plan (Alteration No. 2) adopted 2006. The following policies are relevant to this proposal:

## East of England Plan - 2008

- **SS1** (Achieving Sustainable Development)

## Babergh Local Plan (Alteration No.2) 2006

- **CR01** (Countryside)
- **CR04** (Special Landscape Areas)
- **RE06** (Recreation in the Countryside)

The relevant documents can be viewed via the internet. Please see Page 4 for details.

## CONSULTATIONS

10. TC – recommend refusal on the following grounds;
  - Overbearing/nature of proposal
  - Inappropriate Development
  - Noise and Disturbance from the Scheme
  - Traffic Generation
  - Loss of Trees and Ecological Habitat
  - Concern over the area shown on the plans being incorrect.
11. LHA – recommends that permission be refused. Benton End Farm adjoins the B1070 with sub-standard visibility to the north, the direction of Hadleigh and the approach of nearside traffic. Vehicles exiting this access do not have sufficient visibility to see oncoming traffic which could be travelling at speeds up to 60 mph. In addition, the access is of insufficient width to enable two vehicles to pass. Whilst I appreciate that this vehicular access is currently in use by visitors to the riding centre, the additional vehicles created by the paintball site would create further dangers and hazards to other road users, to the detriment of road safety.
12. English Heritage – The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation guidance.
13. Natural England – no comments.
14. SWT – Site lies adjacent the Hadleigh Railway Walk County Wildlife Site and Local Nature Reserve. Should permission be granted a significant buffer zone should be incorporated to ensure that paintballing activities, including stray projectiles and noise, do not intrude into the projected area.
15. SCC Archaeological Service - no objection.
16. HoNABE – Environmental Health –
  - We were advised that the site has been used commercially for this purpose for approximately 3 years. I re-confirm that at no time has environmental health received any complaints regarding paintballing on this land.
  - The demonstration indicated that use of paintball guns is inaudible at the nearest residential properties, and would not give rise to any loss of residential amenity. The remaining noise concerns therefore relate to participants shouting and noise from vehicle movements.

- From discussions with the applicant, I consider that adequate controls are in place to minimise and prevent shouting. All shooting is supervised by staff in the firing area at the ratio of one member of staff to ten customers. The maximum number of customers is limited to 65 on any occasion. In view of the distance to residential properties I consider that any loss of residential amenity due to customers shouting is likely to be minimal. Extreme shouting or swearing by participants is prohibited by staff.
- Car parking is now being established in the centre of the site and I consider that loss of residential amenity from car arrivals/departures and parking will be minimal.
- The applicant is a member of the UK Paintball Sport Federation (UKPSF) and all members are required to follow strict guidelines in respect of the management of paintball shooting.
- Have regard to the above comments, I recommend that the following conditions should be attached to any consent :-
  - a) The maximum number of participants on any occasion shall be limited to 65 persons. The numbers of participants attending the venue shall be recorded and the records shall be available for inspection at all times by officers of the Council.
  - b) The hours of operation of the site shall be restricted to 8.30am- 6.00pm on any day of the year.

## **REPRESENTATIONS**

17. Four letters of objection have been received which make the following comments;
- Noise from shouting and guns being fired at the same time.
  - Numerous noisy businesses in the area are running the character of the area.
  - This would render houses in the area unsaleable.
  - Intensification of vehicles using Hook Lane.
  - Impact on the railway walk.
  - Impact on wildlife.
  - The incorrect certificate has been completed on the application.

## **PLANNING CONSIDERATIONS**

18. The use is one that is fairly unique in terms of the issues that it raises and needs to be considered on its merits. Although policy CR01 provides for development within the countryside to be limited to that which is essentially for agriculture and outdoor recreation uses, the use requires people to travel to the site in order to carry out the activities offered. Whilst this needs to be in a countryside location to provide the necessary space for the activities, it also needs to be well related to existing settlements to reduce the need to travel outside of the built-up areas. In this respect, the site is well related to Hadleigh, with reasonable links to the A12 and A14 beyond.
19. The land used for the paintballing activities consists of 2 main areas, the wooded area immediately to the rear of the eastern most building on the site, and part of the open paddock area beyond. The land benefits from a steep incline up to the paddock area, so that the activities carried on in the wooded area are largely encompassed by the embankments. The aforementioned building is used for the registration area and the preparation of participants and is strictly controlled in terms of signage and marshalling when participants are on-site.

20. The applicant has added a number of army aeroplanes, helicopters and obstacles which sit on the paddock area. These are used to form the basis for some of the paintballing games carried out on the site. Whilst these are visible from the railway walk and Hook Lane the views are contained and the items are largely screened by the mature tree boundary that lines the paddock boundary. The owner is aware of the footpath and has looked to use only the western most part of the paddock at this time to ensure good separation from the path itself.
21. Local residents have made representations regarding the noise and vehicle movements associated with the use. It is clear that the operations will give rise to some noise, as the activities are set out to be carried out in the open air and for a number of people to participate in at any given time. However, the owner is associated to the UK Paintball Sport Federation (UKPSF) and members are required to follow the strict guidelines that this brings with it. The membership certificate has been submitted in support of the application and the details of the operation can be found on the UKPSF website. The membership process requires consideration of a number of elements, including Site Suitability, Sanitary and Hygiene Facilities, Site Staff and Administration, Equipment, Legislative Requirements and Health and Safety Information. This includes ensuring a marshalling ratio of 1 marshal to every 10 participants and the owner has also chosen to restrict bookings of parties of people to a maximum of 65 people in total. Many of these people travel in groups, to reduce the vehicle movements that the site is subjected to. There is sufficient area for parking adjacent to the buildings and away from the residential properties. (The documentation detailing the site requirements is available to view prior to the Committee meeting following arrangement with the Case Officer).
22. Following receipt of the representations, and at the request of the Ward Member, the Case Officer and the Council's Environmental Health Officer visited the site to meet with the operator of the paintballing business. A demonstration of both of the guns that are used at the site was given, where we were able to take a view as to the noise generated by the firing of the guns from various positions around the site. (The operator arranged for a number of guns to be fired at once, including firing at differing items such as trees and metal barrels). It was apparent that due to the land levels and the noise from traffic using Benton Street that the gun fire was virtually inaudible at a point taken adjacent to the nearest residential property, and that the noise was not such that would constitute a nuisance. The comments of the Environmental Health Officer are outlined above.
23. The activities have been carried out in varying parts of the site to varying degrees of intensity for a period of years. The Council has no record of complaints made in respect of noise associated with this use over this time.
24. The report prepared for Development Committee in April 2009 included reference to an assessment of policy EN25 of the Local Plan. This policy was not saved during the Go-East review of the Local Plan, which excluded certain policies and this policy therefore no longer exists as a material planning consideration. The previous assessment in connection with this policy has therefore been removed from this report. However, weight needs to be given to the provisions of Planning Policy Guidance 17 (Open Space, Sport and Recreation) and Planning Policy Guidance 24 (Planning and Noise) in respect of these issues.
25. Policy RE06 provides guidance on small and medium scale recreation facilities in the countryside. It provides that these may be acceptable, subject to no adverse impact on, inter alia, the character of the area, road safety, biodiversity and residential amenity. It also restricts permission where these uses would result in a proliferation of buildings or structures which would detract from the landscape character. This policy is supported by PPG17, which provides the Government's position on open space, recreation and sport and includes consideration of activities in rural areas and which involve noise. The relevant parts of PPG17 are considered as follows;

**“Rural Areas**

*In rural areas those sports and recreational facilities which are likely to attract significant numbers of participants or spectators should be located in, or on the edge of, country towns. Smaller scale facilities will be acceptable where they are located in, or adjacent to villages to meet the needs of the local community. Developments will require special justification if they are to be located in open countryside, although proposals for farm diversification involving sports and recreational activities should be given favourable consideration. All development in rural areas should be designed and sited with great care and sensitivity to its rural location”.*

And

**“Sports and Recreation Provision in Designated Areas**

*Designation of areas as National Parks or Areas of Outstanding Natural Beauty does not preclude the use of land for sporting and recreational activities, but noisy or other intrusive activities should be restricted to locations where they will have minimal or no impact on residents or other recreational users. National Park Authorities should work with other local authorities and with sports and recreational bodies with a view to securing new sports and recreational facilities in appropriate locations within National Parks”.*

26. The two paragraphs do cause some conflict in respect of this proposal. As identified above, the use does generate the need for people to travel to the facility and is a use that needs to be located in a countryside location. The site is close to the edge of the town as required by the first element of PPG17 stated above. However, the site is a Special Landscape Area which, whilst uses such as this should not be precluded in principle, does put a potentially noisy use in an area adjacent residential property.
27. It therefore requires that a balanced consideration of these issues needs to be made. The Council’s Environmental Health Officer does not consider that the numbers of vehicles using the site, and the noise levels that result from the activities, are such that would cause a significant impact. The operator is aware of the issues and is looking to control the activities as far as is practicable to minimise any impact that arises, through the provision of marshalling to the agreed levels, clear guidance and advice to marshals and participants about their expected behaviour, limited number of participants per party etc, as required by the membership of the federation.
28. The neighbouring properties have raised their concerns with regards to the noise issues raised from the use. Indeed, we have received a video clip taken from one of the gardens during the operation of the paintballing activities. However, this does not, in your Officer’s view, provide sufficient justification that the proposal provides an unacceptable impact on amenity. Further, objections have also been received from a property sited over 500 metres away from the nearest point of the site.
29. The site accommodates a number of local community users, including local high schools, the police force, local youngsters, Ambulance Crew, other local councils, local businesses and the RAF amongst others. The application is supported by some letters from these user groups detailing the benefit to them from using the site. The site is clearly well used in this respect and receives good local support. Any inventory is kept of all groups that use the site, as well as a photographic record of the groups in order that numbers of users (per group and in total) can be recorded and checked.
30. Consultations have been carried out with Suffolk Wildlife Trust and Natural England to establish whether the use would conflict with the adjoining County Wildlife Site and Local Nature Reserve. Suffolk Wildlife Trust have asked if a buffer zone could be incorporated to ensure that stray projectiles and noise do not affect these areas. They have not given a guide as to what a suitable buffer is, though it is noted that the paraphernalia referred to above is sited some distance from the boundary of the paddock and that there is a significant screen of trees between the paddock and the

footpath. It is considered that there is sufficient separation and screening on the site to ensure that these matters do not affect the wildlife areas identified. The operator is aware of the need to ensure that the activities do not affect these areas, and is managing the site so as to ensure that the existing areas used do not conflict with these aims, and it is considered that a scheme of site management and the formation of the buffer zone could be required by condition to ensure that these matters are controlled.

31. The riding centre which is accommodated on the site is within the same family ownership. The horses are contained within separate paddocks and do not conflict with the areas used for paintballing. The paintball areas are clearly defined and marshalled, and there is no apparent conflict between the two uses that causes concern. The paint pellets themselves begin to breakdown within a matter of hours and disintegrate completely within days. They would not cause harm to the horses if consumed and there have been no identified issues with participants causing harm to or scaring the horses.
32. Policies CR01 and CR04 seek to ensure that the countryside is protected for its own sake and that the character of the Special Landscape Area is not eroded. The containment of the use within the areas identified and currently used (as proposed by the requirement for a site management plan and buffer zone) would ensure that no further erosion of the landscape character would arise. The existing impact is not considered to be such that causes particular harm or injury to the landscape character due to the existing land levels and the screening that exists. The proposal does not therefore conflict with the aims of these policies.
33. The Local Highway Authority have registered their objections to the proposal on the basis of the poor visibility at the road junction and the inability for two vehicles to pass on the access road. The applicant has submitted details relative to the use of the riding centre, including the riding centres records of visitors which shows that the use was considerably more intensive than it currently is. However, even with the riding centre operating at an increased level previously, the numbers of people identified on the site at that time would not have been as significant as those which are proposed now. The Local Highway Authority have, therefore, been asked to consider this information and it is anticipated that they will respond in full prior to the Committee meeting. However, it is clear that the paintballing activity represents an additional use on the site, and thereby an additional burden in highway terms. Without adequate enforceable controls to cease or limit the equestrian use on the site, the additional paintballing activity must be judged in relation to the adequacy of the access to cater for both types of activity and on this basis, and at this time, the Local Highway Authority have lodged an objection to the continuation of the paintballing operation. Hence the recommendation is one of refusal on highway grounds.

## **CONCLUSION**

34. This operation is one that raises a number of issues that require a balanced consideration on the basis of the merits of the individual characteristics of the use. The use needs to be in an area where a significant amount of outside space is available and located close to existing towns, and it is considered that the proposal is located in an area where it gives access to a number of users (including local community facilities) and does not give rise to such detriment to amenity of local residents so as to warrant refusal. The landscape impact of the use and the resultant impact on wildlife habitats is not such that would cause significant injury or harm to these matters. However, the existing access is unsuitable and there does not appear to be any opportunity to improve this access. In this respect, the proposal is considered to cause detriment to highway safety and cannot be supported. Should planning permission be refused, the next stage would be the service of an Enforcement Notice to cease the paintballing operation, although any such actions are dependent and led by the determination of this planning application.

## **RECOMMENDATION**

Refuse planning permission on the following grounds:-

- Highway safety due to the sub-standard visibility and the insufficient width of the access, contrary to policy RE06. The full reason for refusal will be quantified with the Local Highway Authority and will be submitted within the addendum papers.