



Date: 16th February 2024
Your ref:
My ref:
Ask for: Matthew Johnstone
Telephone:
E-mail: matthew.johnstone@southkesteven.gov.uk

Dear Sir/Madam

**Town and Country Planning Act 1990
Appeal Under Section 174**

Site Address: Brandon Wood Clay Shooting Ground Stubton Gorse Farm Brandon Road
Alleged Breach: The Material Change of Use of land through the carrying out of Clay Pigeon Shooting (Sui Generis) without permission, and breach of condition 1 of S00/0471, shooting in excess of 50 days a year
Appellant's Name: Crane's Nest and Steelwell Consultancy Ltd
Appeal Reference: APP/E2530/C/24/3337083 and linked case APP/E2530/C/24/3337084
Appeal Start Date: 5 February 2024

I refer to the above details. An appeal has been made to the Secretary of State against an enforcement notice issued by South Kesteven District Council on 14 December 2023.

The enforcement notice was issued for the following reasons:

It appears to the Council that the above breach of planning control has occurred within the last 10 years.

The expansion of shooting activities on the land above and beyond the extant planning permissions, without relevant conditions in place to mitigate the harm caused is not compliant with policies SD1, SP5, E5, E7, EN2, EN4, DE1 and ID2 of the South Kesteven District Council Local Plan 2011 – 2036, Policy NE1 of the Stubton Neighbourhood Plan, the relevant guidance from the Noise Policy Statement for England and Sections 2, 4, 6 and 15 of the National Planning Policy Framework.

The Council do not consider that planning permission should be granted, because planning conditions could not overcome these objections to the development.

The enforcement notice requires the following steps to be taken:

1. Ensure that the Land, shaded blue, is used for Clay Pigeon shooting or other shooting activities as permitted by planning permission S00/0471, by not shooting on more than 50 days per calendar year and limiting shooting activities to group bookings rather than a public pay and enter enterprise. A copy of the Decision Notice related to S00/0471 and relevant letters have been attached to this notice.

2. Cease all Clay Pigeon shooting or other shooting activities on any Land not shaded blue within the land edged red.

The appellant has appealed against the notice on the following grounds:

- Ground (a)** – that planning permission should be granted for what is alleged in the notice.
- Ground (b)** – that the breach of control alleged in the enforcement notice has not occurred as a matter of fact.
- Ground (c)** - that there has not been a breach of planning control.
- Ground (f)** - the steps required to comply with the requirements of the notice are excessive and lesser steps would overcome the objections.
- Ground (g)** - that the time given to comply with the notice is too short.

The appeal will be determined on the basis of an **inquiry**. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002.

If you wish to make comments, you can do so online at <https://acp.planninginspectorate.gov.uk>. If you do not have access to the internet, you can send your comments to:

Adewale Ajibade
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by 18 March 2024. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference – APP/E2530/C/24/3337083 and linked case APP/E2530/C/24/3337084.**

If you are submitting postal representations then you should wherever possible supply three copies. Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

If you submit comments and then subsequently wish to withdraw them, you should make this request to the Planning Inspectorate by 18 March 2024.

The appeal documents are available for inspection at <https://www.southkesteven.gov.uk/planning-building-control/planning-development-management/planning-enforcement> and The Council Offices, The Picture House, St Catherine's Road, Grantham, Lincolnshire, NG31 6PZ, between 9am and 1pm by appointment.

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in planning appeals" booklets free of charge from GOV.uk at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from us.

When made, the decision will be published online at <https://acp.planningspectorate.gov.uk>.

Yours faithfully

Matthew Johnstone

Senior Enforcement Officer