

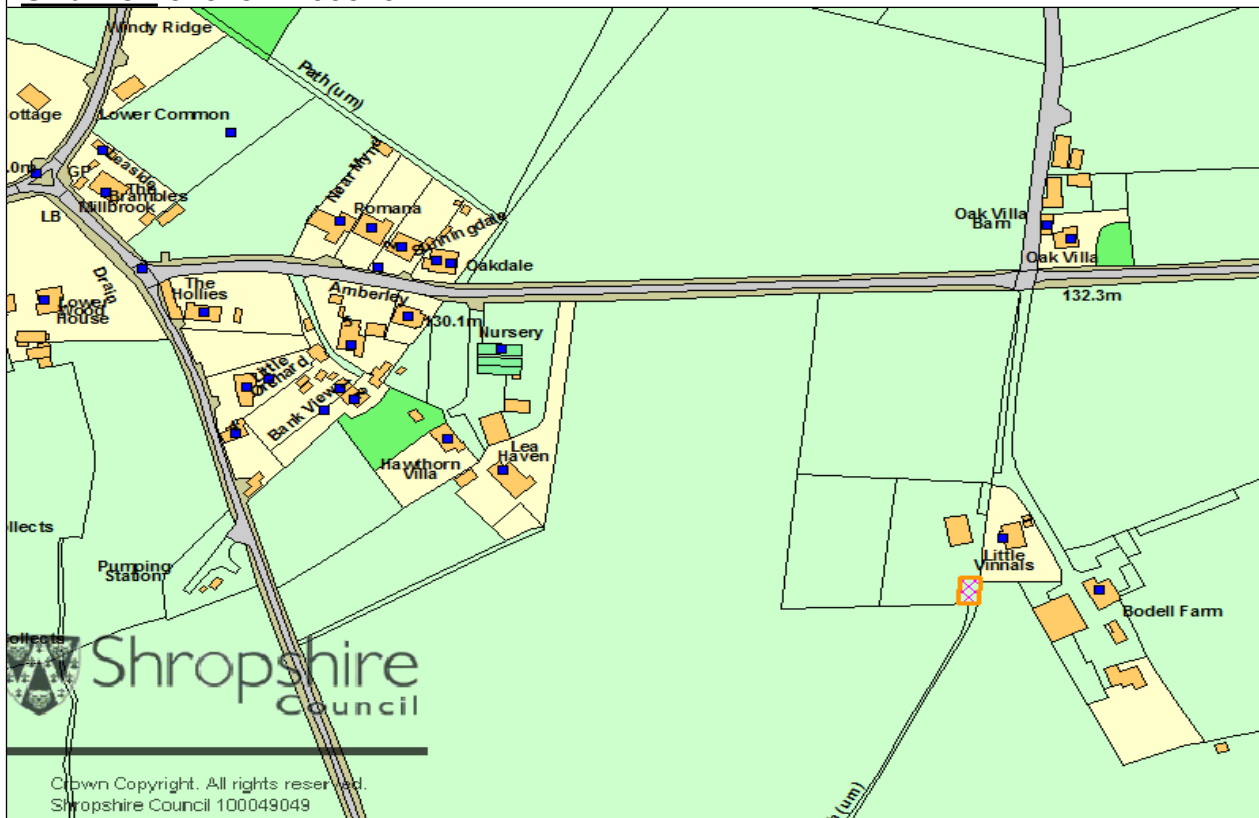
Development Management Report

Responsible Officer: Tim Rogers
Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

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| Application Number: 16/02515/FUL | Parish: | Longden |
| Proposal: Erection of a holiday cabin to include change of use of land (revised scheme) | | |
| Site Address: Little Vinnals Bungalow Longden Shrewsbury Shropshire SY5 8HF | | |
| Applicant: Mrs Ruth Gamble | | |
| Case Officer: Nanette Brown | email: planningdmc@shropshire.gov.uk | |

Grid Ref: 345781 – 305231



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The application is brought back to Committee having been presented to the Committee at its last meeting which took place on August 25th 2016, at which members concluded not to support the Officer recommendation and decided that planning permission should be granted subject to an occupancy condition.

The application is therefore brought back to Committee in order to seek members approval with regards to recommended conditions and informatives' to be attach to the approval notice. The original report to Committee is attached as appendix one.

The recommended conditions are:

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

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. No built development shall commence until details of all external materials, including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

4. This permission shall inure for the benefit of Mrs Ruth Gamble only and shall not inure for the benefit of the land. Upon the applicant ceasing to occupy the site it shall not be used for any purpose other than the lawful use that existed prior to the determination of this application.

Reason: This permission is only granted in view of the exceptional circumstances of the applicant.

5. The holiday cabin structure shall fall within the definition of a caravan as set out in The Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006 (or any order revoking or re-enacting that order with or without modification).

Reason: To ensure proper control of the development and to prevent the establishment of a permanent residential unit in an area where new dwellings would not normally be permitted.

6. Notwithstanding the details indicated prior to any above ground works commencing details of the external materials and their colour to be used for the external walls and

roof and the details of the windows and doors and their colour shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and shall be retained as such for the lifetime of the development.

Reason: To ensure that the external appearance of the development is satisfactory.

7. Notwithstanding Classes C2 and C3 of the Schedule to the Town and Country (Use Classes) Order 1987, the development shall be used to provide holiday accommodation only and shall not be occupied as any permanent unrestricted accommodation or as a primary place of residence.

Reason: The site is outside of any recognised settlement and is in an area where unrestricted residential accommodation would not be appropriate. The lodge is permitted in order to provide holiday accommodation, with consideration to the circumstances of the applicant.

8. The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the units of holiday accommodation on the site, and of their main home addresses, and shall when requested make this information available at all reasonable times to the local planning authority.

Reasons: To ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation.

9. On cessation as use for Holiday accommodation by the applicant, the structure will be removed off site and the site returned to its current agricultural form.

Reason: In order to ensure the temporary structure hereby approved is not used for any other use and to comply with the detail as set out in the Design and Access Statement submitted in support of the application and the personal circumstances of the applicant, as it is acknowledged that owing to the site's location there will be very minimal impact on the surrounding landscape as a result of the construction of the two-part mobile unit.

Informatives:

- Standard Informatives – pre-commencement conditions.
- A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at:
www.shropshire.gov.uk/drainage-and-flooding/local-flood-risk-management-strategy/.
The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed. Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

- It is recommended that consideration is given to the installation of a sprinkler system that conforms to the 'BS 9251:2005 - Sprinkler Systems for Residential and Domestic Occupancies - Code of Practice' published by the British Standards Institute. Further guidance on residential sprinkler systems can be obtained by contacting the British Automatic Sprinkler Association Ltd on 01353 659187 or their web site www.basa.org.uk

Access for Emergency Fire Service Vehicles
It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter.

THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5. provides details of typical fire service appliance specifications.

- The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- This planning permission does not authorise the applicant to construct any means of access over the publicly maintained highway (footway or verge) or carry out any works within the publicly maintained highway, or authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details <https://www.shropshire.gov.uk/street-works/street-works-application-forms/>
Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

Appendix One.

Recommendation:- Refuse subject to the conditions set out in Appendix 1.

Recommended Reason for refusal

1. The principle of a holiday let in an isolated open countryside location accessed via a shared private shared lane is not considered to be acceptable. This proposed development would not be related to any existing tourism business at the site, would not involve the conversion of any existing suitable building, and would be in an isolated location within open

countryside away from any settlements. The scheme is considered to represent a sporadic and unsustainable form of development which is detrimental to the character and setting of the surrounding open countryside. As such it is considered that the development is contrary to policies CS5, CS6, CS13, CS16 and CS17 of the Shropshire Core Strategy and policy MD11 of the adopted SAMDev (Shropshire Council Site Allocations and Management) Development Plan as well as the National Planning Policy Framework.

REPORT

1.0 THE PROPOSAL

1.1 This application seeks planning permission for the erection of a holiday cabin within a field that currently forms part of a small holding. The cabin would be constructed of timber, measuring 10.5 metres x 6.2 metres, reaching a height internally of 3.048m. The agents have confirmed that the proposed cabin in physical terms meets the statutory definition of a caravan. Access to the cabin would be via the existing bungalow's access and driveway and a new footpath that would lead along the edge of the field to the chalet.

1.2 Planning permission was refused earlier this year for the erection of a holiday chalet on the site (Ref: 15/04917/FUL). The reasons for refusal were as follows:

The principle of a holiday let in an isolated open countryside location accessed via a shared private shared lane is not considered to be acceptable. This proposed development would not be related to any existing tourism business at the site, would not involve the conversion of any existing suitable building, and would be in an isolated location within open countryside away from any settlements. The scheme is considered to represent a sporadic and unsustainable form of development which is detrimental to the character and setting of the surrounding open countryside. As such it is considered that the development is contrary to policies CS5, CS6, CS13, CS16 and CS17 of the Shropshire Core Strategy and policy MD11 of the adopted SAMDev (Shropshire Council Site Allocations and Management) Development Plan as well as the National Planning Policy Framework.

This previous application was for a larger timber chalet. The design and scale of the new proposal has been reduced overall.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site currently consists of a detached bungalow with adjacent domestic garden and an adjacent field containing an agricultural style open sided shed that forms the existing smallholding. The site is situated towards the end of a shared private lane that also serves the adjacent property, Bodell Farm, set to the south west of Little Vinnals.

2.2 The site is surrounded by open countryside. The proposed holiday cabin would be sited in the southern corner of the field, accessed via a footpath that would lead from a shared parking area with the bungalow, past the western side of the bungalow and then along the eastern field boundary to the chalet. The field boundaries are currently defined by a mix of fencing and hedging.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council has submitted a view contrary to officer's recommendation for refusal. These contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman and the Local Member agrees that the application should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

SC Highways – No objection in principle

Do not approve – the application as submitted has not adequately demonstrated an appropriate parking arrangement for the development proposed. It is noted that the current application appears to be a further submission following the recent refusal of the previous application for a larger holiday chalet. The Highway Authority continues to raise no objection to the principle of providing holiday accommodation on the property served via the existing access, but the current application has failed to include the parking and turning provision in connection with the development within the red line of the application site. The earlier application included these facilities to the front of Little Vinnals.

SC Affordable Housing – Comments

If limited in its occupation, Holiday Lets are noted as an exemption in the SPD Type and Affordability of Housing from the need to contribute to the provision of affordable housing as per Policy CS11 of the Core Strategy. Therefore no contribution will be required in this instance.

Shropshire Fire Service – Comments

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications Document – specific consideration should be given to advice given in the document relating to sprinkler systems and access for emergency fire service vehicles.

Longden Parish Council – Support

After discussion it was agreed to fully support this application.

4.2 - Public Comments

None received.

5.0 THE MAIN ISSUES

Principle of development

Design and Visual Impact

Residential Amenity

Other matters

6.0 OFFICER APPRAISAL**6.1 Principle of development**

- 6.1.1 Paragraph 28 of the National Planning Policy Framework states that in order to promote a strong rural economy, planning authorities should support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met in rural service centres.
- 6.1.2 Policy CS5 of the adopted Core Strategy sets out that new development in the countryside will be strictly controlled in accordance with national planning policies protecting the countryside and green belt. It also identifies that proposed developments which maintain and enhance the countryside's vitality and character will be permitted where they relate to sustainable rural tourism, leisure and recreation proposals requiring a countryside location, in accordance with policies CS16 and CS17.
- 6.1.3 Policy CS6 of the Core Strategy requires proposals which generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel can be reduced. This policy also seeks to ensure that development protects, conserves and enhances the natural environment.
- 6.1.4 Policy CS13 seeks to support the development and growth of Shropshire's key business sectors including tourism. Policy CS16 also aims to ensure deliverance of high quality, sustainable tourism. With regards to the development of visitor accommodation the policy requires high quality visitor accommodation to be located within accessible locations that are served by a range of services and facilities in order to enhance the role of Shropshire as a tourist destination. In terms of the provision of new accommodation in rural areas the policy states that this new accommodation must be: of an appropriate scale and character for their surroundings; be close to or within settlements or an established and viable tourism enterprise where accommodation is required; and wherever possible existing buildings should be re-used.

6.1.5 Policy CS17 also seeks to protect and enhance the high quality and local character of Shropshire's natural, built and historic environment.

6.1.6 Policy MD11 of the adopted SAMDev (Shropshire Council Site Allocations and Management of Development Plan – Adopted 17th December 2015) covers the subject of tourism facilities and visitor accommodation. In addition to the requirements of policies in the core strategy including policy CS16, policy MD11 notes that chalets, static caravans and log cabins are recognised as having a greater impact on the countryside and that any proposals for new development of this type should be landscaped and designed to a high standard and have regard to their impact on the natural and historic assets of the area. MD11 also states that holiday let accommodation that does not conform to the legal definition of a caravan, and is not related to the conversion of existing appropriate rural buildings will also be resisted in the countryside.

6.1.7 In this instance the application site is located adjacent to an existing bungalow, set at the end of a private lane and is clearly within an isolated location in open countryside for the purposes of both the core strategy and SAMDev policies. The closest settlements or villages to the site are Longden, Longden Common and Stapleton that are by road at distances from the site of:

Longden (that has a shop, post office, public house and church) = 2.34km
Longden Common (public house) = 2.48km
Stapleton (church) = 1.83km

It is noted that the distance using local footpaths may be slightly less although it is still considered that the application site is not within easy or reasonable walking distances of these villages. Additional facilities such as larger shops and restaurants are situated further still from the application site in Dorrington and Shrewsbury. There are no bus routes that pass the site directly, the nearest bus routes to Shrewsbury (the nearest town) pass through either Longden or Dorrington.

6.1.8 It is considered therefore that the proposed application site cannot be considered for the purposes of policies CS16 and MD11 as being either close to or within any settlement and it is noted that the closest bus services are limited. As a result, occupiers and visitors of the chalet would be very reliant on private motor vehicles which conflicts with one of the fundamental principles of sustainable development. The application is also for a new build cabin style caravan and would not re-use any existing building as required wherever possible by policy CS16.

6.1.9 The application does state that the site is situated only 300 metres from the route of the Shropshire Way and that it is walkers using this route that are envisaged to use the proposed chalet. Whilst the Shropshire Way is well used by visitors to the area, the aims of policy CS16 and MD11 seek to provide sustainable accommodation that

is located either close to settlements that provide services to visitors or are next to existing tourist facilities that require overnight accommodation. It is not considered that the positioning of visitor accommodation in open countryside away from settlements but close to the Shropshire Way would result in the provision of sustainable accommodation.

- 6.1.10 Policy MD11 does state that holiday let development that does not conform to the legal definition of a caravan and is not related to a conversion of an existing appropriate building will be resisted. Officers do note that the design of the cabin has been reduced from the building previously refused planning permission (Ref: 15/04917/FUL in order to meet the legal definition of a 'caravan'. Whilst this is the case, the proposed location of the siting of this caravan/cabin is still unsustainable.

6.2 Design and Visual Impact

- 6.2.1 The proposed chalet would be constructed of materials that would aim to match and reflect the nearby agricultural building and general local vernacular with the use of timber. The building would be smaller than the existing agricultural building already sited within the field. The agent for the application puts forward that the design of the cabin offers rustic charm to its proposed countryside setting.
- 6.2.2 It is noted that as well as the above specified materials and design, the siting of the chalet would be set within the southern corner of the field in order to benefit from partial screening by the existing boundary hedging. Views of the chalet taken from the north, from outside of the property, would also be limited by the existing agricultural barn and adjacent bungalow. However, in spite of this it is inevitable that any new structure within an open countryside location will have some visual impact that will be detrimental to the open countryside setting and character. This site is set in an isolated position accessed by a private lane that serves just two dwellings and their associated agricultural outbuildings. The proposed chalet would be located at the southern end of the existing field and away from the existing buildings. This proposal would therefore result in an additional building to these properties which is considered would have some detrimental visual impact in this location.

6.3 Residential Amenity

- 6.3.1 Bodell Farm is the adjacent property which shares the private lane access from the highway to the north. This property consists of a large detached house set at the southern side of a group of existing farm buildings. It is considered that due to the distances that exist between this property and the application site there would be no significant detrimental impact on the residential amenity to occupants of either site.

6.4 Other matters

- 6.4.1 In terms of drainage, impact on the highway network, impact on biodiversity and ecology the likely impact of the development would be neutral. If minded to approve the scheme conditions could be included to ensure the necessary technical details were satisfactory in all regards. A plan confirming parking arrangements for the

proposed has been requested from the applicants agent.

- 6.4.2 Affordable Housing - It is noted that if limited in their occupation, Holiday Lets are noted as an exemption in the SPD Type and Affordability of Housing from the need to contribute to the provision of affordable housing as per Policy CS11 of the Core Strategy.

7.0 CONCLUSION

- 7.1 Having regard to all of the above issues, it is considered that the erection of the holiday cabin would not meet the requirements of the relevant Core Strategy and SAMDev policies in that it would not be located close to or within a settlement or an established and viable tourism enterprise and it would not involve the re-use or conversion of any existing building. The scheme is therefore considered to represent a sporadic and unsustainable form of development which would be detrimental to the character and setting of the surrounding open countryside. As such it is considered that the development is contrary to policies CS5, CS6, CS13, CS16 & CS17 of the Shropshire Core Strategy and policy MD11 of the adopted SAMDev (Shropshire Council Site Allocations and Management) Development Plan as well as the National Planning Policy Framework.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ② As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ② The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
CS5, CS6, CS13, CS16 & CS17 of the Shropshire Core Strategy
MD11 of the adopted SAMDev (Shropshire Council Site Allocations and Management)
Development Plan

RELEVANT PLANNING HISTORY:

PREAPP/15/00389 Proposed single storey 'chalet' timber frame holiday let with timber cladding to the external walls and profiled metal deck roof for short term holiday let PREUDV 23rd September 2015

15/04917/FUL Erection of a holiday chalet to include change of use of land REFUSE 4th February 2016

11. Additional Information

[View details online:](#)

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| List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) planning file 16/02515/FUL |
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|----------------------------------------------------|
| Cabinet Member (Portfolio Holder) Cllr M. Price |
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| Local Member Cllr Roger Evans |
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| Appendices - |
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