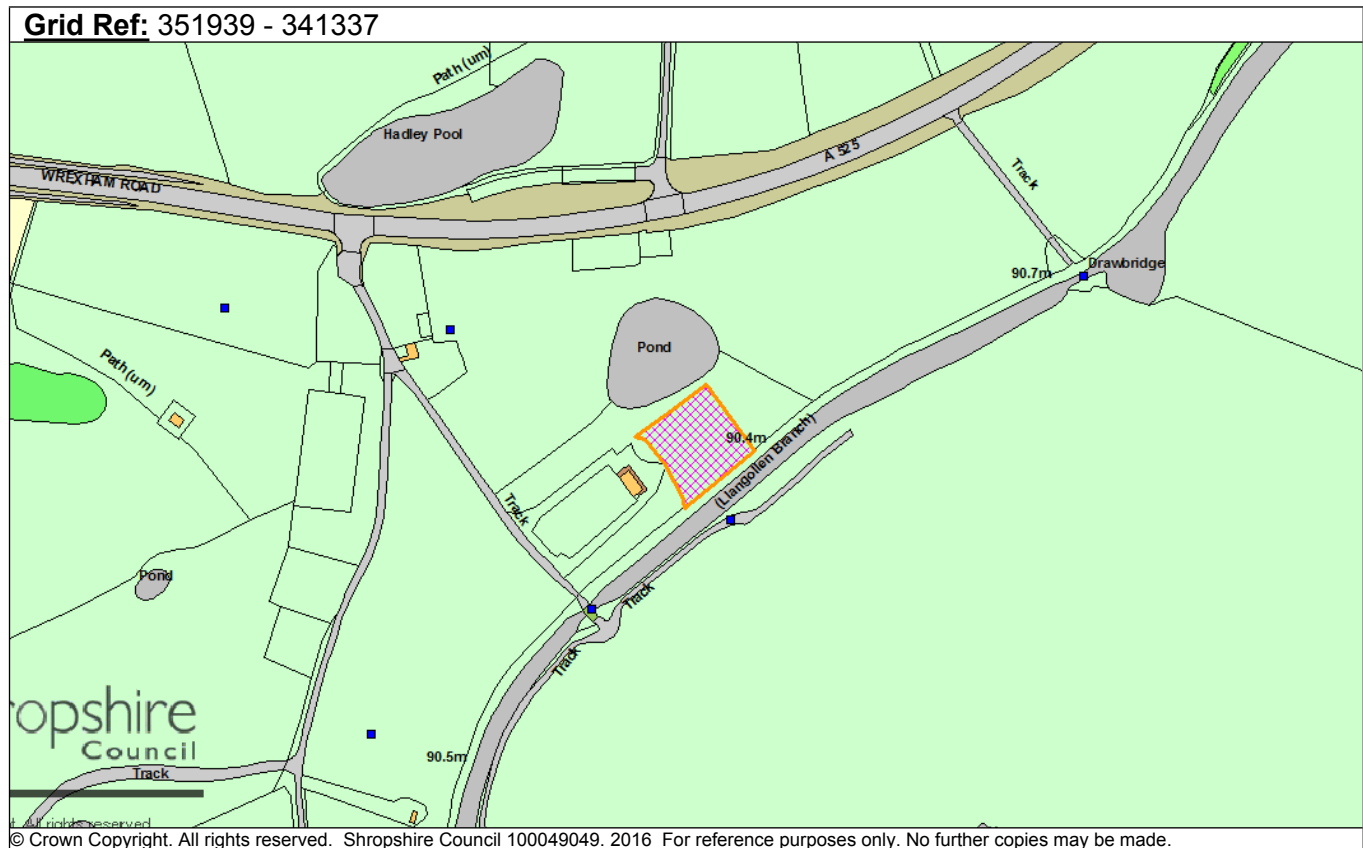


## Development Management Report

Responsible Officer: Tim Rogers  
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### Summary of Application

<b>Application Number:</b> 17/01662/FUL	<b>Parish:</b>	Whitchurch Urban
<b>Proposal:</b> Siting of up to 8no. camping pitches and up to 2no. glamping pods including change of use of land		
<b>Site Address:</b> Hadley Farm Wrexham Road Hadley Whitchurch SY13 3AB		
<b>Applicant:</b> Mr Paul Wynn		
<b>Case Officer:</b> Sue Collins		<b>email:</b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>



**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

1.1 This application seeks planning permission for a change of use of agricultural land for the siting of 8 camping pitches and two glamping pods. Included within the application are: the formation of the roadway to service the pitches; and the creation of parking spaces. Boundary hedgerows will also be planted to help soften the appearance of the site within the landscape.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located to the north east of the existing caravan park and is sited adjacent to the Shropshire Union Canal. It is currently used for grazing purposes in association with the existing farming business. Access to the site is off the A525 Wrexham Road and then via a private driveway which is surfaced in stone.

2.2 The existing caravan site is already maturing with planting having been undertaken to help improve the appearance of the site within the rural landscape.

2.3 Other activities at Hadley Farm include the agricultural business as well as equestrian facilities, fishing pools and a café.

2.4 The land is located adjacent to the canal and comprises open grazing land. There are small sections of hedgerows along the field boundaries, with fencing completing them. Most of the land is fairly level, however the levels rise up to the canal.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Applications made, by or on behalf of, or relating to the property of Members or officers of the Council who hold politically restricted posts or who either directly or indirectly report to the Group Manager Environment.

4.0 **COMMUNITY REPRESENTATIONS** full details of the responses can be viewed online

#### 4.1 Consultee Comments

4.1.1 **Whitchurch Town Council:** Whitchurch Town Council support this application, but would suggest some landscaping with trees be included.

4.1.2 **Highways:** No Objection subject to the development being carried out in accordance with the approved details.

Observations/Comments: [s/v 24/4/17]

The application proposes an extension to a previously approved caravan site under planning permission 14/00344/COU which was granted in June 2014. The site is situated at the end of a private road which connects with the A525 via an existing junction, which serves a number of other facilities, including a café, equestrian facilities and fishing pools.

The traffic associated with the current proposal is not considered to be significant and is likely to occur outside of the traditional weekday peak traffic periods and at weekends. The existing access arrangements are considered to be acceptable to serve the proposed additional camping pitches and glamping pods.

4.1.3 **Drainage:** No objection

4.1.4 **Public Protection:** No objection

4.1.5 **Canal and River Trust:** No objection

The Trust has reviewed the application. This is our substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

The main issues relevant to the Trust as statutory consultee on this application are:

- a) Impact on water and environmental quality due to the drainage proposals.
- b) Impact on the character, appearance and biodiversity of the waterway corridor

On the basis of the information available our advice is that suitably worded conditions are necessary to address these matters. Our advice and comments are detailed below:

Impact on water and environmental quality due to the drainage proposals.

The Application form states foul sewage will be discharged to an existing facility on site and surface water drainage is indicated to be to a 'soakaway' though no further details are provided on these.

The drainage methods of new developments can have significant impacts on the structural integrity, water quality and the biodiversity of waterways. It is important to ensure that no contaminants enter the canal from foul or surface water drainage.

As the submission does not include any detail on the proposed operation of the surface water and foul discharge systems it cannot be determined if they are 'fit for purpose' and will not result in any adverse impact to the structural integrity of water quality of the canal.

It needs to be demonstrated that the existing foul sewage facility is capable of accommodating additional loading and details of any additional maintenance required also needs to be submitted.

The applicant should submit, prior to commencement of development, full details of the foul water and surface water drainage arrangements for assessment. These details should include the location existing facilities and where they discharges to, to enable us to determine the potential impact on the canal. The details on the maintenance and management of the systems should also be included. This could be required by condition.

Impact on the character, appearance and biodiversity of the waterway corridor

The site sits adjacent to the Llangollen canal and is within a rural setting. The use of the site for camping will be in keeping with the use of the adjacent site and on balance will not be wholly out of keeping with its surrounds or have a detrimental impact on the character or visual amenities of the locality.

The submission indicates that a hedgerow is to be planted to the site boundaries

with some specimens to grow to mature trees. This will maintain habitat connectivity and provision and act as a natural screening for the development and the Trust therefore welcome this approach.

It should however be ensured that a robust barrier is provided to prevent vehicles from accessing the waterway corridor or entering the canal itself. A barrier, such as a post and rail fence, could be included to address this and the details should be required by condition.

## 4.2 **Public Comments**

4.2.1 No letters of representation have been received.

## 5.0 **THE MAIN ISSUES**

- Policy & Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Landscaping
- Drainage

## 6.0 **OFFICER APPRAISAL**

### 6.1 **Policy & principle of development**

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 Section 3 of the National Planning Policy Framework (NPPF) deals with the issues of supporting a prosperous rural economy. This encourages the promotion and diversification of agricultural and land-based rural businesses and also supports sustainable rural tourism and leisure facilities that benefit businesses in rural areas, communities and visitors. These should respect the character of the countryside and be in appropriate locations.

6.1.3 Policy CS16 of the Shropshire Core Strategy further deals with the issue of Tourism and reflects the requirements of the NPPF. The policy also identifies the Llangollen Branch of the Shropshire Union Canal as an area where tourism schemes seek to enhance the economic, social and cultural values of canals.

6.1.4 Policy MD11 of the SAMDev provides support for tourism and visitor accommodation in rural areas. It specifically allows for the extension of touring caravan and camping sites but should have regard to the cumulative impact of visitor accommodation on the natural and historic assets of the area, the road

network or over intensification of the area. The pitches are well spaced and landscaping is proposed which will help the proposal blend more with the surrounding area.

6.1.5 The site is located to the west of Whitchurch within easy walking or cycling distance of the Town Centre and its associated facilities and services. There is a network of public rights of way as well as the canal towpath which provides good connections not only to the town but other areas such as Grindley Brook and the Mosses at Whixall and surrounding area. Furthermore other towns and visitor attractions are also nearby.

6.1.6 The proposals will help to improve the offer of tourism facilities within the Whitchurch area as well as providing diversity within the agricultural holding. By increasing tourism in the area, it will also have a realistic potential to support the commercial vitality of the town and surrounding areas.

## 6.2 **Design, Scale and Character**

6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. As the site is in countryside policy CS5 is also applicable. This requires any development to have a minimal impact on the character and appearance of the area.

6.2.2 In addition policy MD2 of SAMDev builds on policy CS6 and deals with the issue of sustainable design.

6.2.3 This application will provide a 8 camping pitches and 2 glamping pod sites. This offers an alternative form of accommodation both on the site and within the vicinity of Whitchurch.

6.2.4 Tents are very temporary structures and therefore would be moved/changed quite regularly. While the glamping pods are more permanent in their appearance, they are moveable. The details provided with the application also indicate they will be timber clad and have a footprint of 2.7 metres x 5.2 metres. Their size and external materials will minimise their visual impact on the rural landscape.

## 6.3 **Impact on Residential Amenity**

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

6.3.2 There are no residential properties within close proximity of the application site. Therefore the proposal will have no impact on residential amenities of the area.

## 6.4 Landscaping

- 6.4.1 The Town Council has requested that additional landscaping be provided at the site. The Canal and Rivers Trust have also requested that a form of barrier is installed on the boundary with the canal to prevent vehicles from being driven into the canal. A condition is recommended for inclusion on any planning permission granted that the details of the barrier are approved prior to its installation.
- 6.4.2 The application includes details of a proposed landscaping scheme that will be planted around three sides of the site. The scheme will include a range of native species both in terms of hedging and tree specimens. This will complement the landscaping that has been carried out at the existing caravan site extend the existing screening of the site from the canal and provide habitat connectivity for wildlife.
- 6.4.3 As such this will be in accordance with the requirements of the NPPF, policy CS17 of the Shropshire Core Strategy and policy MD12 of SAMDev.

## 6.5 Ecology

- 6.5.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. Policy MD12 of SAMDev further supports the principle of protecting and enhancing the natural environment.
- 6.5.2 The application for the caravan park did not contain an ecology report and while it was accepted that there had been recordings of Great Crested Newts in the area, the nature of the scheme did not meet the trigger for an Ecology Survey to be carried out. It was also detailed that the site was of low suitability for Great Crested Newts. As the application site is similar to the previous application it is the opinion of officers that the situation remains the same. Therefore as with the previous approval an informative is recommended for inclusion to ensure that they remain protected.
- 6.5.3 Furthermore the planting of mixed native hedgerows and trees will also help to improve the biodiversity of the area and encourage more species to be present at the site.
- 6.5.4 In view of the above it is considered that the proposed development will not have a detrimental impact on statutorily protected species and habitats. Therefore the proposal meets the requirements of the NPPF policy CS17 of the Shropshire Core Strategy and policy MD12 of SAMDev

## 6.6 Drainage

- 6.6.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development.
- 6.6.2 The Canal and Rivers Trust has requested that more information be provided in relation to the proposed means of drainage. This is to ensure that the development does not have any impact on the canal system. This matter can be dealt with by the inclusion of a condition on any planning permission requiring these details to be submitted for approval prior to installation.

6.6.3 In view of the above it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.

## 7.0 CONCLUSION

7.1 In view of the above, it is the opinion of officers that the proposal will provide a useful contribution to the tourist accommodation in the Whitchurch area and will increase the type of accommodation available. The landscaping scheme will enhance the rural landscape and also the biodiversity of the area with providing an extended connection for wildlife. Therefore the proposal is in accordance with the NPPF and policies CS5, CS6, CS16, CS17, CS18, MD2, MD11, and MD12 of the Shropshire LDF.

In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

## 8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

### 8.1 Risk Management

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

- 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 - written representations, a hearing or inquiry.
- The decision is 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 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 give 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 1970.

### 9.0 **FINANCIAL IMPLICATIONS**

9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far 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

National Planning Policy Framework  
 CS5 - Countryside and Greenbelt  
 CS6 - Sustainable Design and Development Principles  
 CS16 - Tourism, Culture and Leisure  
 CS17 - Environmental Networks  
 CS18 - Sustainable Water Management  
 MD2 - Sustainable Design  
 MD7B - General Management of Development in the Countryside  
 MD12 - Natural Environment

### Relevant planning history:

NS/07/01195/FUL Proposed erection of a reception cabin in association with equestrian cross country course CONAPP 1st August 2007  
 NS/90/00835/FUL Erection of single storey extension to side of existing farmhouse. GRANT  
 NS/90/00174/FUL Erection of agricultural workers dwelling and alterations to existing vehicular and pedestrian access. GRANT 2nd January 2015  
 NS/89/01068/OUT Erection of agricultural workers dwelling (re-submission). GRANT 13th December 1989  
 11/01199/FUL Erection of two storey extension to side to form residential annex ancillary to the existing dwelling GRANT 22nd June 2011  
 11/02093/FUL Provision of catering unit and toilet block GRANT 21st July 2011  
 12/03675/AGR Erection of an agricultural building for the storage of agricultural equipment and machinery PNR 13th September 2012  
 13/00656/FUL Erection of an agricultural workers dwelling and double garage GRANT 27th November 2015  
 14/00344/COU Change of use of agricultural land to tourist caravan site for 10 no. touring caravans and 8 no. seasonal caravans GRANT 5th June 2014



14/01807/SCR Proposed solar farm EAN 4th July 2014

14/02914/FUL Installation and operation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras. GRANT 24th October 2014

15/00352/VAR Variation of Condition No.2 (approved plans) attached to planning permission reference 14/00344/COU dated 5th June 2014 to revise the layout of the caravan park GRANT 14th May 2015

15/02173/DIS Discharge of conditions 4, 5, 6, 7 and 8 attached to planning permission 14/02914/FUL for the installation and operation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras, for the life of the solar farm. DISPAR 30th June 2015

15/02657/DIS Discharge of conditions 3 (external materials), 4 (foul drainage scheme) and 5 (surface water drainage scheme) for the change of use of agricultural land to tourist caravan site for 10 no. touring caravans and 8 no. seasonal caravans relating to 14/00344/COU.. DISAPP 31st July 2015

16/03515/AMP Non Material Amendment attached to Planning Permission 14/02914/FUL for the installation and operation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras GRANT 8th September 2016

17/01662/FUL Siting of up to 8no. camping pitches and up to 2no. glamping pods including change of use of land PDE

NS/96/00869/FUL erection of replacement agricultural buildings to form covered collecting yard CONAPP 7th May 1996

## 11. ADDITIONAL INFORMATION

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Thomas Biggins Cllr Peggy Mullock
Appendices APPENDIX 1 - Conditions

## **APPENDIX 1**

### **Conditions**

#### **STANDARD CONDITION(S)**

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.

#### **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

3. Prior to the commencement of works on the site, full details for the proposed barrier along the boundary with the canal shall be submitted in writing to the Local Planning Authority. The approved scheme shall be implemented prior to the use of the site commencing and shall be thereafter maintained.

Reason: To prevent vehicles from accessing the waterway corridor or entering the canal.

4. Prior to the commencement of development details of foul and surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details.

Reason: To ensure that foul and surface water from the site are disposed of in a safe and appropriate manner in order to protect the integrity of the waterway structure and water quality.

#### **CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out within the first planting season of works commencing on site associated with the proposed development. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved design

6. The whole site shown within the red edging on the approved plan, shall be used for no more than a maximum of 8 camping pitches and for 2 glamping pods at any one time. The site shall not be used as the sole, primary or permanent residence of any occupier.

Reason: To safeguard the visual amenities of the area and to prevent the establishment of a permanent residential planning unit in an area where new dwellings would not normally be permitted

7. The owners/operators of the site shall maintain an up-to-date register of the names and main home addresses of all occupiers of individual caravans and shall make this information available on request at all reasonable times to the Local Planning Authority.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised residential occupation.