



Committee and date
South Planning Committee
29 August 2017

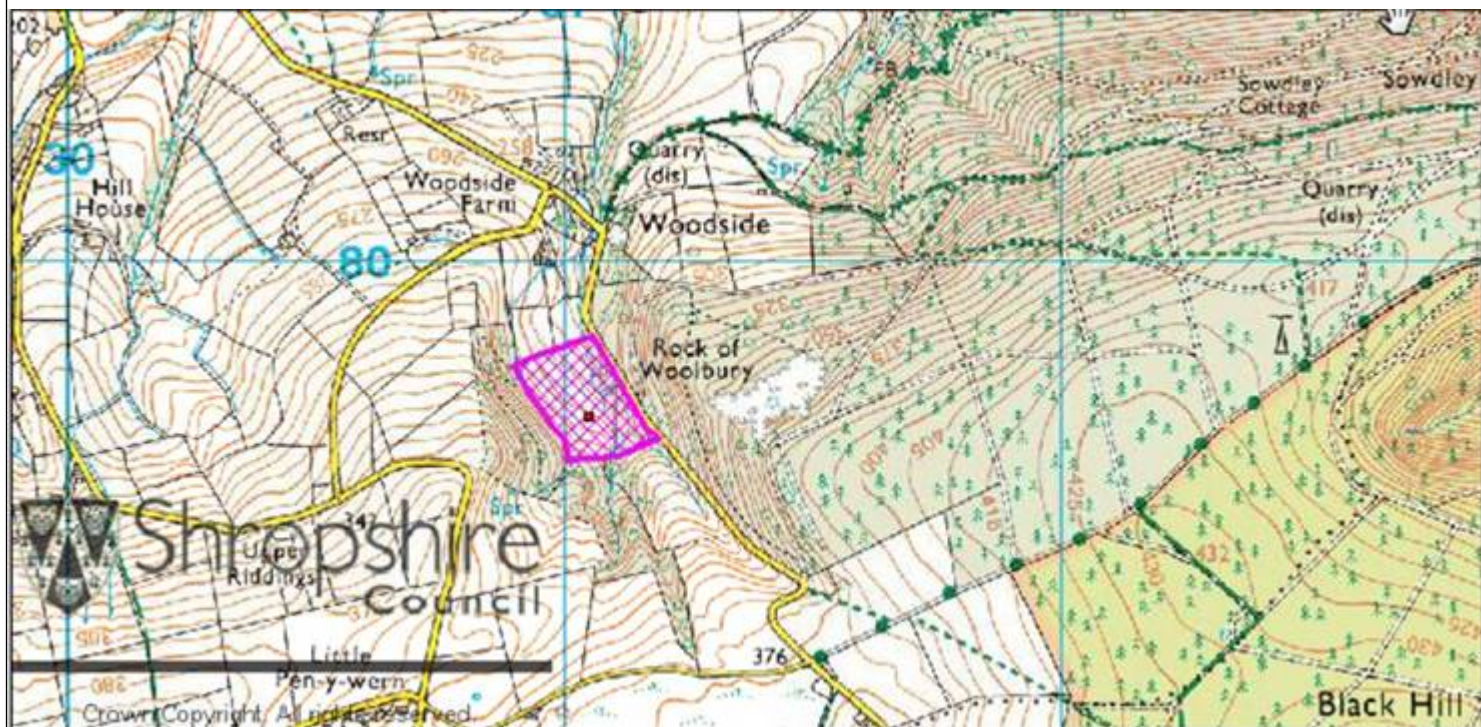
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 17/01380/FUL	Parish: Clun
Proposal: Change of use of land to form camping site to include the erection of 6 self-contained yurts for holiday lettings; one amenity building; installation of sewage treatment plant (amended description)	
Site Address: Proposed Camping Site At Jenny Knoll Woodside Clun Shropshire	
Applicant: Mr & Mrs D Roberts	
Case Officer: Vincent Maher	email: planningdmsw@shropshire.gov.uk

Grid Ref: 331049 - 279692



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

REPORT

1.0 THE PROPOSAL

- 1.1 The application (as revised) would provide for six “yurts” (portable round tents), an amenity block and parking area to be provided as tourist accommodation. Each yurt would measure 5.5m in diameter and up to 3.2m in height and be of canvas construction (green and sand colour) constructed on a timber platform. Each yurt would have its own “bathroom pod”, a separate building measuring 3.5m in length, 2.5m in width and 2.6m in height. A communal single storey amenity block with veranda (approximately 3.4m in height, some 4 m in width and 14.35m in length) would contain a kitchen, common room and a WC. A car parking area would be located just off the access and passing road. The applicant proposes that this area be laid down over an eco-mesh seeded with meadow grass mix seed to maintain the rural appearance of the site.
- 1.2 The applicants are promoting this proposal as a low energy “sustainable glamping site” forming part of a larger farm holding currently used for alpaca and angora goat rearing and woodland. They propose a number of initiatives to demonstrate its “green” credentials. These include: using solar panels to provide electricity and not having a connection to either the electricity grid or gas mains (supplying bottled gas only); sourcing yurts from a firm in Clun and timber locally; supplying visitors with torches to avoid the need for lighting; and ensuring that no detergents with phosphates are provided.
- 1.3 Sewerage would be collected in a septic tank. Surface water drainage would be managed via a soakaway.
- 1.4 The application was initially accompanied by a planning statement, a “Phase 1 Environmental Report” (an ecology report) which contains a series of recommendations to mitigate environmental impact and to enhance the habitat value of the site; and a plan showing the SUDs Applicability. A highways access report and highways plan was submitted later in response to initial consultation comments from the highway authority.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is an agricultural field at Jenny Knoll, Woodside, some 1.3km south of Clun. It forms part of a larger farm (some 28.3ha or 70 acres) recently acquired by the applicants.
- 2.2 The field sits within a scenic valley setting within the Shropshire Hills AONB. It is wooded on three sides. Land levels fall steeply to the south affording some views towards the neighbouring property (Hollybush Farm) and further afield into the wider countryside. A stream crosses the middle of the site that forms part of the Clun Catchment Area.

2.3 Vehicular access to the site would be onto the unclassified “Woodside to Pen-y-Cwm” road, the U7706, a single-track rural unlit road where the national speed limit theoretically applies. There are two passing places on this road created by tracks off it. The opportunity for passing places is currently restricted by the hill (Rock of Woolbury) rising to the east and falling to the west. The aspect of the road is enclosed by the hill with overhanging trees opening out to hedging toward the south.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This proposal is being reported to the South Planning Committee because the officer recommendation is at odds with the consultation responses from Clun Town Council. The Chair of the Committee, in consultation with the Principal Planning Officer, considers that the application raised material planning considerations that warrant consideration by the Committee in this case.

4.0 Community Representations

Consultee Comments

4.1 Clun Town Council: Objection

- Not appropriate for this location and not close to a settlement so contrary to Policies CS5 and CS16.
- Highway concerns.
- Amenity building has potential to become accommodation or residential rather than incidental support.
- Concern that open fires may occur.
- How will pets be managed on site?

4.2 SC Drainage – require detailed drainage plan if permission is granted

4.3 SC Rights of Way – no comments.

4.4 SC Archaeology – no comments.

4.5 SC Trees – no objection based on revised plans and reduced scheme.

4.6 Shropshire Hills AONB – advise of policy context for decision making.

4.7 SC Regulatory Services (Public Protection) - – recommend informative regarding private water supply.

4.8 SC Highways – initially objected but now have no objection following submission of a highways access report, access plan and amended layout. Specifically, they advise that:

- Access onto the U7706 is adequate as long as the visibility splay is maintained. It would be preferable if the access could be set at 90 degrees to the road so that an emerging driver can have an easily obtainable view in both directions.
- The applicant needs to provide appropriate facilities for storage/ collection of household waste.

4.9 SC Ecology Comment

- Site close to Rock of Woolbury Local Wildlife Site. Shropshire Wildlife Trust should be consulted on this application and their comments received prior to a planning decision being made.
- Site within water catchment for the River Clun and upstream of the River Teme SSSI and the River Clun SAC. The River Clun SAC is currently failing its water quality targets.
- Development within catchment needs to be supported by detailed information relating to drainage/ foul water treatment. Details available online. Request an FDA1 form. This has subsequently been submitted.

Public Comments

4.10 Eleven objections raising the following matters:

- Anomalies/ errors in planning application documentation.
- Unsupervised site – noise/ litter/ fires/ extra occupants cannot be controlled.
- Spacing of yurts far apart maximising visual impact and harm to AONB.
- Impact on infrastructure – would more than double population of Woodside. Light pollution because electricity supply would be required.
- Traffic concerns – road poorly maintained and steep; difficult to cross in snow or rainy conditions; impacts on cars, walkers and horse riders
- Ecological impacts – surveys submitted inadequate, how will sewerage/ waste be disposed of, impact on Clun Catchment Area.
- Amenity building is a residence, a precedent for permanent dwellings.

5.0 THE MAIN ISSUES

- Principle of development
- Impact of the development on the countryside/ AONB
- Highways impact
- Ecological impact
- Other impacts arising from activities on site

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The application site is located in the open countryside south of the settlement of Clun where Core Strategy (CS) Policy CS5 applies. This imposes strict controls on new development. However, proposals on appropriate sites which maintain and

enhance the vitality and character of the countryside will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. This is particularly where they relate to sustainable rural tourism and countryside recreation proposals in accordance with CS Policies CS16 and CS17 which seek to promote high quality visitor accommodation that are appropriate to their location while respecting the county's environmental assets. Policy CS13 seeks to support farming but also other complementary economic activity such as green tourism and leisure consistent with the NPPF (paragraph 28).

- 6.1.2 Clun is designated as a community hub in the development plan (refer CS Policy CS4 and SAMDev Policies MD1 and S2.2(iii)). The services in Clun also support existing tourism enterprises within the town and immediate surrounding area.
- 6.1.3 At face value, a new tourist development in relatively close proximity to Clun could therefore theoretically complement the existing cluster of facilities and activity in the town and support local businesses and make a modest contribution towards supporting a prosperous local rural economy too but would need to be carefully controlled and managed. There is therefore no objection to the principle of the development at this site.
- 6.1.4 Acknowledging perceived concerns about the proposal being interpreted by some local people as allowing permanent structures on the site, the applicant has proposed a condition restricting the times of the year when the yurts can be erected. This makes clear that the development is not a precedent for housing. Nothing in the application would lend support for the amenity block to be used as a dwelling and another condition is proposed to confirm this cannot be occupied independently as such.

6.2 Impact of the development on the countryside/ AONB

- 6.2.1 Both national planning policy and the development plan attach great weight to conserving the landscape and scenic beauty of the AONB. The proposal can be assessed to have minimal impact on the surrounding countryside and AONB chiefly because it would be screened from the road and from three sides and there would be limited views in to the site. In addition, the ecological report accompanying the application recommends the introduction of additional native planting that would serve both as a chance to provide additional habitat for indigenous animals as well as a further visual screen. Overall it is concluded that this proposal would support relevant development plan policies (CS Policy CS6, CS17 and SAMDev Policies MD2 and MD11) and be broadly consistent with the AONB Management Plan.

6.3 Highways impact

- 6.3.1 The highway authority has not objected to a development of a reduced scale subject to revisions that improve the angle of access onto the site. It can be assumed that the additional traffic generated by the proposal would not affect highway safety on this lightly trafficked road significantly. The highway authority's advice is addressed in a relevant access condition.
- 6.3.2 Notwithstanding this advice, there is the potential for conflict between walkers, horse riders and vehicles on the U7706 and the manoeuvring of two passing vehicles was observed on a site visit. Acknowledging this, the applicants have

agreed to a Grampian condition (that is, a planning condition requiring off site works to be carried out before a development is implemented) to provide a scheme of passing places on the approach road from Clun.

- 6.3.3 This is considered to be necessary and consistent with the development plan as it would both support CS Policy CS7 which seeks to promote safe transport infrastructure while at the same time improving the appearance and quality of the development to facilitate pedestrian and other movements consistent with CS Policy CS17 and SAMDev Policy MD2. The provision of additional passing spaces would give opportunities for some tourists using the facility to walk into/ back from Clun instead of driving consistent with CS Policy CS6 and the NPPF (paragraph 35) which directs councils to exploit opportunities for the use of sustainable transport modes. This Grampian condition would incidentally deliver community benefits to other road users of the U7706.

6.4 Ecological impact

- 6.4.1 The ecology report confirms that the proposal would not affect any protected species and states that the introduction of yurts in place of grazing would reduce the potential impact on the Clun Catchment area by causing a net reduction in nitrogen leaching into the watercourse. Neither the Council's ecological expert nor Shropshire Wildlife Trust object to the proposal on the basis of the findings of the report prepared that forms part of the application. Conditions are proposed to enhance the site in line with the applicant's ecologist advice (additional landscaping, introduction of bat boxes) consistent with CS Policies CS6, CS13 or SAMDev Policies MD2 and MD12.
- 6.4.2 Some residents have raised concerns about potential run off affecting the Clun Catchment Area. This can be addressed by a drainage condition and the drainage condition requires the applicant to construct a temporary bund during the construction of the sewerage pipe system to protect the brook and wider catchment area from pollutant run off. A lighting condition would also serve to reduce the potential conflict between the introduction of human activity and fauna and the wider AONB. In this respect the proposal would not conflict with the development plan (refer CS Policies CS13, CS17 and SAMDev Policy MD2 in particular).

6.5 Other impacts arising from activities on site

- 6.5.1 Some local residents have raised concerns about how the campsite will be managed given that it will be unsupervised. They suggest there is also the possibility of additional campers using the site. In response to this, the applicants confirm they live nearby and have supplied a short statement confirming how they would manage the site to ensure there would be no local disturbance in time to come. Nonetheless, noting that planning control runs with the land and that this could be a standalone facility at a later date, a site management plan condition is proposed to formalise how the proposal would be managed as well as a control requiring the applicants to maintain a register of campers using the facility consistent with CS Policy CS6 and advice in the NPPF (paragraph 123). Breaches of these conditions or the erection of additional tents on site could be swiftly addressed via planning enforcement action and prosecution. The Council also has Public Protection powers that it can use to enforce noise nuisance or other forms of disturbance.

6.5.2 There would be no overlooking into the dwelling to the south.

7.0 CONCLUSION

Planning for a new tourist activity in an AONB over 1km from the nearest settlement is a very sensitive matter and the development plan directs the Council to control such development strictly. This report has demonstrated that there are likely to be modest economic and social benefits associated with the proposal both for the farm and the provision of a new facility in a picturesque setting. The environmental challenges of the development such as protecting the Clun Catchment watercourse and ensuring safe access to the site can be addressed by condition. Accordingly, it is recommended that planning permission be granted.

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, i.e. written representations, hearing or inquiry.
- 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:
National Planning Policy Framework

Core Strategy and SAMDev Plan policies

CS4 - Community Hubs and Community Clusters
 CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS13 - Economic Development, Enterprise and Employment
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 CS16 - Tourism, Culture and Leisure
 CS17 - Environmental Networks
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD11 - Tourism Facilities and Visitor Accommodation
 Settlement: S2 - Bishops Castle

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=ON8CZSTDKM200>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Planning Statement

Ecology Report

Surface Water Management Plan

Highways Report

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Nigel Hartin

Appendices

APPENDIX 1 - Conditions

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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. No development shall take place until details of the design and construction of localised road improvements (passing places), have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before the accommodation is occupied, for the first time.

Reason: To promote sustainable transport and in the interests of highway safety.

4. No development shall proceed until a detailed car parking and lighting plan has been submitted to and approved in writing by the local planning authority. The plan shall show details of on site lighting (number of lights and levels of lighting) and to confirm the areas, layout and materials to be used in the proposed car parking area. The development shall be implemented in accordance with the approved scheme and the approved layout retained thereafter in perpetuity.

Reason: In the interests of the visual amenity of a site within the Shropshire Hills Area of Outstanding Natural Beauty and to ensure safe access to and around the site.

5. No development shall take place until a site management scheme for visitors has been submitted to and approved in writing by the local planning authority. The scheme shall cover the following matters:

how guests will be welcomed and inducted on site;
measures that will be taken to manage on site activity to prevent fires and noise, to control pets on site, and to mitigate the potential for social behaviour; and
details of refuse management including where bin stores will be located on site and how refuse and recycling facilities will be collected.

The development shall be implemented and the site thereafter managed on first occupation in accordance with the approved scheme.

Reason: In the interests of amenity.

6. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') and a scheme of bat boxes have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become 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 and in accordance with the ecological advice set out in the Phase 1 Environmental Report accompanying the planning application.

7. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of a temporary bund for the duration of construction works contained in the recommendations of the Phase 1 Environmental Report submitted with the planning application to protect the Clun Catchment Area. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding and to protect the Clun Catchment Area.

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

8. The site shall be completely cleared of all yurts between the 1st November and 28th February in the succeeding year.

Reason: In the interests of the amenity of the area and to prevent a permanent settlement being established on site contrary to the provisions of the development plan.

9. Notwithstanding Classes C2 and C3 of the Schedule to the Town and Country (Use Classes) Order 1987, the development hereby permitted shall be used to provide holiday accommodation only and they shall not be occupied as permanent unrestricted residential 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 lodges are permitted as they provide holiday accommodation.

10. A register shall be maintained of the names of occupiers of the units, the period of their occupation together with their main home addresses. This information shall be made available at all reasonable times to the local planning authority.

Reason: General residential development in this location would be contrary to adopted local and national policy.

11. 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.