

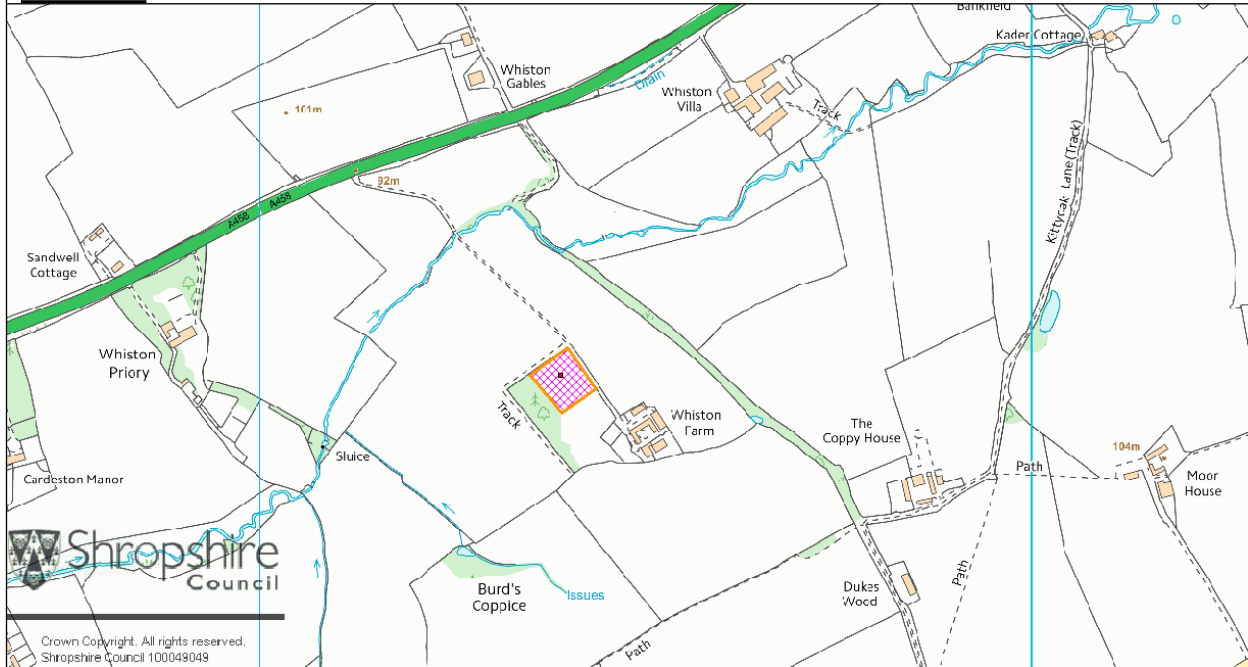
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 17/05153/FUL	Parish:	Alberbury With Cardeston
Proposal: Application under Section 73A of the Town and Country Planning Act 1990 for the change of use of agricultural land to secured compound area for storage of caravans and container storage		
Site Address: Proposed Caravan Storage Land NW Of Whiston Farm Cardeston Ford Shropshire		
Applicant: Mr & Mrs Nick Challenor		
Case Officer: Aileen Parry		email: planningdmc@shropshire.gov.uk

Grid Ref: 340389 - 312512



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

Recommended Reason for refusal

1. The proposal will have a significant detrimental visual and landscape impact on the surrounding countryside, which cannot be adequately mitigated by means of additional planting. It is considered that development on this site has a significant detrimental visual impact when viewed from the A458 public highway and surrounding public footpaths. As such the proposal is considered contrary to Policies CS5, CS6, and CS17 of the Shropshire Core Strategy, Policies MD2, MD7b and MD12 of the SAMDev and the overall aims and objectives of the NPPF in relationship to sustainable development.
2. The proposal does not constitute farm business diversification, and it is considered that the significant detrimental visual and landscape impacts do not outweigh any economic benefits as a result of the development. As such the proposal is considered contrary to Policies CS5, CS13 and CS17 of the Shropshire Core Strategy and Policies MD2, MD7b and MD12 of the SAMDev and the overall aims and objectives of the NPPF in relationship to sustainable development.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks retrospective change of use of agricultural land to secure a compound area for storage of caravans and container storage, including landscaping measures.
- 1.2 An indication of the number of caravans is stated as a maximum of 30 but no indication on the number of containers has been provided within the application documentation. However the proposed site plan and landscape proposals referenced NC_006 and LD07 - 001 rev02 respectively provide an indicative layout.
- 1.3 As part of the application, landscape proposals have been included under drawing reference number LD07-001 REV 02; a background paper entitled Whiston Farm Landscape Appraisal dated August 2017; and a planting schedule dated October 2017.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Whiston Farm extends to 6 acres (2.4ha), and is situated in an elevated location at the end of a private drive off the A458 Shrewsbury to Welshpool Road approximately 8 miles from Shrewsbury and 14 miles from Welshpool. The property is no longer a working active farm but is surrounded by farmland in the control of another nearby farm.

For policy purposes the application site is within open countryside.

- 2.2 The D&A Statement states that Whiston Farm serves as a base for the applicant's agricultural business (ND Challenor Livestock Services), which includes foot trimming, branding and hiring out mobile livestock handling equipment, serving farms within the surrounding local area and further afield.
- 2.3 Site History

- 2.3.1 Presently on site there is indoor storage of caravans within former agricultural buildings which was granted planning permission under planning reference 17/01638/FUL on 08.06.17.

It was noted on a site visit undertaken for the current retrospective application by officers on 16.11.17 that caravans are being stored outside of the area stipulated within condition 3 of planning permission reference 17/01638/FUL and outside of the red line area of the current application. This observation was drawn to the attention of the agent.

- 2.3.2 An application under planning reference 16/05816/COU was received in December 2016 for the change of use of agricultural land to secured compound area for storage of caravans and container storage. The application it was considered would have a significant detrimental visual and landscape impact on the surrounding countryside and contrary to the LDF and refused on 27.04.17.
- 2.3.3 An application under planning reference 15/04600/FUL was received in October 2015 for the change of use of land to provide an outdoor caravan storage facility for up to 40 caravans. Officers advised that the proposal was unacceptable and were minded to recommend refusal. The application was withdrawn in January 2016 with the agent advising officers that their client would like to withdraw the application and take time to re-evaluate their options.
- 2.3.4 An application under planning reference 15/01270/FUL was received in March 2015 for the change of use of agricultural land to outdoor caravan storage facility for up to 50 caravans. Officers advised that the proposal was unacceptable and were minded to recommend refusal. An alternative area was suggested by officers to the agent and applicant but the applicant did not want to store caravans on land nearer their dwelling. The application was withdrawn in July 2015.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 No response has been received from Alberbury With Cardeston Parish Council at the time of writing this report but officers have sort the views of the Local Councillor who has requested that the application should be placed on the Central Planning Committee agenda; the application was placed on the Central Planning Committee draft agenda and the Area Manager in consultation with the committee chairman and vice chairman agreed that the application should be determined by committee. A copy of the draft agenda has been placed on the planning record.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 Ecology

No objection. Informative recommended.

4.1.2 Drainage

No objection. Informative recommended.

4.1.3 Rights Of Way

No comment.

4.1.4 Highways

No Objection subject to the development being carried out in accordance with the approved plans. Condition recommended.

4.1.5 Archaeology (Historic Environment)

Have no comments to make on this application with respect to archaeological matters.

4.1.6 Trees

No objection. Condition recommended.

4.2 Highways England

No objection.

4.3 Councils Landscaping Consultant

Whilst the Landscaping Appraisal (LA) has correctly described the landscape and visual baseline, it has not adequately assessed the likely effects, and as such, does not provide sufficient information to judge the degree of potential adverse landscape or visual effects of this development.

4.4 Parish Council

No comments have been received from Alberbury With Cardeston Parish Council at the time of writing this report.

4.5 Cllr Potter Member for Loton

I would be very great full if this could be placed on the agenda for the central planning committee please. As I have said before I support this application.

4.6 Public Comments

Four neighbours have been consulted; and a site notice was placed by officers on 03.11.17. Two neighbour objections have been received. And a letter of support from a resident in Halfway House.

Letter of support comments include:

- ☐ True farm diversification with no impact on local residents or communities;
- ☐ It is not noticeable from the road.

Neighbours objections include:

- ☐ Unsightly;
- ☐ Detrimental to local area;
- ☐ Unsuitable location;
- ☐ An eyesore and unsympathetic development;
- ☐ Obtrusive;
- ☐ Unsuitable for open countryside;

- ☒ Lack of screening / inadequate screening
- ☒ In full view of A458 (Welshpool Road) and layby
- ☒ Slope of land increases visibility of sight
- ☒ Site can be seen clearly from the nearby Humphrey Kynaston Way (a long distance footpath)
- ☒ Visual impact on both public footpath and bridleway
- ☒ Shipping type containers are not appropriate for the site
- ☒ Risk of soil contamination from oil leaks of motor vehicles stored on site
- ☒ Previous ecological advice has not been followed
- ☒ Circumvention of planning policy
- ☒ Unsuitable development in a rural setting
- ☒ Now dealing with a fait accompli.

Also as part of the planning application the agent has submitted a document containing letters and emails from clients of the applicant providing support for the facility they use.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and visual impact
Landscaping

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The NPPF requires Local Planning Authorities to encourage economic development in rural areas through the support of sustainable growth and expansion of existing businesses together with support for sustainable tourism and leisure development that benefit businesses, communities and visitors. It should be ensured that these are appropriate in terms of location and that they respect the character of the countryside.

6.1.2 Shropshire Core Strategy Policy CS13 supports rural enterprise provided schemes accord with CS5 which seeks to retain and permit appropriate expansion of existing established business in the countryside (unless relocation to a suitable site within a settlement would be more appropriate) provided they maintain and enhance countryside vitality and character.

6.1.3 It is also necessary to ensure that the additional facilities proposed would comply with policy CS17 and ensure “developments identify, protect, enhance, expand and connect Shropshire’s environmental assets, to create a multifunctional network of natural and historic resources”.

6.1.4 Shropshire Core Strategy Policy CS5: Countryside and Green Belt states that new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. Development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they

improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to small- scale new economic development diversifying the rural economy, including farm diversification schemes. Development will be expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity where this is appropriate.

- 6.1.5 MD7b - General Management of Development in the Countryside states that planning applications for agricultural development will be permitted where it can be demonstrated that the development is:
- a. of a size/ scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise or business that it is intended to serve;
 - b. Well designed and located in line with CS6 and MD2 and where possible, sited so that it is functionally and physically closely related to existing farm buildings;
- and,
- c. There will be no unacceptable impacts on environmental quality and existing residential amenity.
- 6.1.6 MD7b also states that in order to promote a sustainable approach to development, proposals which minimise the impacts of new development, appropriately conserve the existing historic and landscape resource, and/or provide environmental amelioration are encouraged. This will include the appropriate re-use of existing suitable buildings and previously developed land.
- 6.1.7 Shropshire's high quality natural and built environment is one of its greatest assets. Protecting and enhancing the material, natural and historic resources which make Shropshire special is central to the role of the Local Development Framework.
- 6.1.8 CS13 : Economic Development, Enterprise and Employment states that Shropshire Council, working with its partners, will plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities. In doing so, particular emphasis will be placed on:
- ② Promoting Shropshire as a business investment location and a place for a range of business types to start up, invest and grow, recognising the economic benefits of Shropshire's environment and quality of life as unique selling points which need to be valued, conserved and enhanced;
 - ② In rural areas, recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with agricultural and farm diversification, forestry, green tourism and leisure, food and drink processing, and promotion of local food and supply chains. Development proposals must accord with Policy CS5.
- 6.1.9 CS16 supports the delivery of high quality, sustainable tourism, and cultural and leisure development, which enhances the vital role that these sectors play for the local economy, benefits local communities and visitors, and is sensitive to Shropshire's intrinsic natural and built environment qualities.
- 6.1.10 Policy MD11 supports delivery of Core Strategy Policy CS16 which sets out a positive approach to tourism, leisure and recreation development that balances the benefits to the economy with the need to protect the qualities of Shropshire in line with the aims of the

National Planning Policy Framework (NPPF). All proposals in the countryside must also meet relevant considerations within Policies CS5, CS16 and MD7b.

- 6.1.11 MD11 also seeks to limit the effects of new and extended sites in areas where cumulatively the impacts would outweigh any potential economic benefits.
- 6.1.12 Officers consider that the proposal does not comply with the above policies and specifically for the following reasons:
- 6.1.13 Policy CS13 supports rural enterprise provided schemes accord with CS5 which seeks to retain and permit appropriate expansion of existing established businesses in the countryside (unless relocation to a suitable site within a settlement would be more appropriate) provided they maintain and enhance countryside vitality and character. Officers consider that the harm to the environment and visual amenity of the area significantly outweighs the benefits of the proposed scheme;
- 6.1.14 The proposal is not considered to be agricultural in nature or a farm diversification scheme; neither is it a well designed scheme or located in line with CS6 and MD2 as it is not sited so that it is functionally and physical located in relation to existing farm buildings and that the land was previously not developed land being agricultural land; neither does the scheme afford protection to the environment as it is considered that there will be unacceptable impacts on environmental quality and existing residential amenity. The proposal therefore does not accord with MD7b;
- 6.1.15 CS17 states that development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources. Shropshire's high quality natural and built environment is one of its greatest assets. As stated in section 6.1.7 above, protecting and enhancing the material, natural and historic resources which make Shropshire special is central to the role of the Local Development Framework;
- 6.1.16 In addition SAMDev Policy MD12: The Natural Environment builds on Policy CS17 providing development which appropriately conserves, enhances, connects, restores or recreates natural assets. Policy MD12 also sets out in detail the level of protection offered to Shropshire's natural assets which include: biodiversity and geological features; trees, woodlands and hedges in both rural and urban settings; the ways in which the above combine and connect to create locally distinctive and valued landscapes, including the Shropshire Hills Area of Outstanding Natural Beauty and the contribution all of the above make to visual amenity.
- 6.1.17 Officers consider that the proposal does not meet the relevant criteria within CS17 and MD12 and in particular the requirement that development does not adversely affect visual amenity.
- 6.1.18 Officers appreciate that the provision of caravan storage at the site is a growing business, and that the caravans are a part of the tourism business for Shropshire and surrounding areas but the site is purely for the storage of the caravans associated with tourism and not tourism directly. Officers consider that the proposal therefore does not meet the relevant criteria within CS16 or MD11.
- 6.1.19 The proposal also includes the placing of storage containers which according to the

supporting information is for the storage of equipment for local businesses. As with the storage of the caravans on this site, the change of use from agricultural land to an outdoor compound area for storage of containers is considered to be unacceptable due to its separation from the existing buildings, dominance in the landscape and the impact on visual amenity.

6.1.20 Officers appreciate that the application now has the support of a landscaping plan which includes native species some which will eventually be of a size that may potentially provide screening to some degree to parts of the site but not the whole site. The landscaping may during spring and summer months afford substantial screening. However, it is considered that the existing and proposed landscaping measures do not and will not provide adequate screening during what is assumed is the main time of year for the storage of the caravans i.e. during the autumn and winter months or due to the topography during the whole calendar year to the higher levels of the site.

6.1.21 It is noted that the number of caravans has been reduced in number from 50 and 40 caravans from the previous applications to 30 for this application but, from the revised block plan provided, officers consider that adequate screening will not be possible due to the landscape and topography of the site. It is clearly visible from the nearby A458, layby and rights of way that pass near to the site.

6.2 Siting, scale and visual impact

6.2.1 Officers note and appreciate that the applicant has, in starting development without planning permission, spent money in providing improved security, signage, fencing, non-native planting and the laying of hard-core material on the land being assessed within this application. However this is at the applicants own risk as he has ben made aware.

6.2.2 The proposed storage is not immediately adjoining or to the rear of the existing former farm buildings, and farmstead, and is considered not to be sufficiently screened from the highway by the existing screening and planting.

6.2.3 Officers acknowledge that the applicant has provided landscaping proposals and appraisals (the specifics of which are discussed further in section 6.3 below) to try and avert the visual impact of the development, but it is officers opinion that although native species are proposed and some which will eventually be of a size that may potentially provide screening to some degree of parts of the site, which would afford some screening during spring and summer months, would not provide adequate screening during what is assumed is the main time of year for the storage of caravans during the autumn and winter months.

6.2.4 As stated above, it is officers' opinion that adequate screening will not be possible due to the landscape and topography of the site. The proposal site is clearly visible from the nearby A458, layby and rights of way that pass near to the site.

6.2.5 It is acknowledged that the proposed landscaping would afford some screening to the lower edge of the storage area, but this will take sometime time to mature.

6.2.6 It is therefore judged that the caravans to be stored are and would be very visible from the A458 and the nearby bridleway and public footpath. In terms of the wider landscape impact

the caravan storage would not be viewed alongside the existing built development at this site but as a very separate entity. The caravans and the containers are considered do have and will have an impact on the view of this site and would significantly increase the prominence of the development within the wider landscape.

- 6.2.7 Officers consider that the proposal does not constitute farm specific diversification and appears as an unacceptable encroachment into the rural landscape.

The proposal is not sited within the existing farm building structures envelope and away from nearby roads with the potential for overlooking and observed visual intrusion and in particular from nearby rights of way.

- 6.2.8 Officers note that there is storage of caravans and trailers within some of the existing buildings which now has planning permission under planning reference 17/01638/FUL. This is considered an appropriate re-use of these former farm buildings, however the area subject to this application is clearly separated from the former farmstead associated with caravan and container storage and use of the field for further storage and any economic benefits do not outweigh the considerable and significant visual and landscape impacts.

- 6.2.9 Officers have previously been advised by the applicant on the site visit that the buildings closer to the house are utilised for storage of equipment and kit for the applicant's agricultural business specialising in foot trimming, branding and hiring out mobile livestock handling equipment.

- 6.2.10 Officers appreciate that the proposal is considered would aid the retention of a new business to and in the area, which in turn would provide secure storage for caravan owners.

- 6.2.11 However, and as stated above, the proposal does not constitute farm diversification, is considered to be an unacceptable encroachment into the countryside and unacceptable in terms of visual amenity to the surrounding area and detrimental in character and appearance to the locality and wider countryside setting.

- 6.2.12 In addition, the business does not bring any substantial local economic benefits to the area as the benefits are considered to be solely for the applicants; the site is not within a recognisable named settlement but is sited away from the settlement of Ford which for policy purposes is open countryside. The site is also not within SAMDev Schedule S16.1e: Committed Rural Employment Sites where land adjoining the Poultry Unit, Ford is committed for employment uses and capable of accommodating the development of recycling and environmental industries.

- 6.2.13 It is concluded that the significant detrimental impacts cannot be adequately mitigated in consideration of information as contained within the applicants Landscape Assessment. It is also considered that development on this site has a significant detrimental visual impact when viewed from the surrounding landscape which includes the nearby A458 public highway and surrounding public footpaths.

- 6.2.14 The proposal as such is not in accordance with the overall aims and objectives of the NPPF in relationship to sustainable development and policies CS5, CS6, CS13, CS16 and CS17 of the Shropshire Core Strategy and MD2, MD7b, MD11 and MD12 of SAMDev.

6.3 Landscaping

- 6.3.1 Officers consulted the Councils Landscaping Consultant to undertake a Quality Assessment Review of the landscaping appraisal (LA) submitted with this application to provide the Council with technical support and information to inform the Councils considerations of the application.
- 6.3.2 The conclusions and recommendations contained within the review are as follows:
- 6.3.3 In general, the LA does not follow current published good practice advice. An assessment in line with current guidance would improve the transparency of the assessment, and provide a clear understanding of the adverse landscape and visual effects likely to arise from this development.
- 6.3.4 There is no description of the predicted cumulative landscape and visual effects.
- 6.3.5 The LA has produced a landscape strategy as part of the mitigation measures, but this is not founded upon a transparent assessment of potential landscape effects.
- 6.3.6 Whilst the LA has correctly described the landscape and visual baseline, it has not adequately assessed the likely effects, and as such, does not provide sufficient information to judge the degree of potential adverse landscape or visual effects of this development. It is recommended that the Applicant prepares a Landscape and Visual Appraisal in line with Table 3.1 of GLVIA3.
- 6.3.7 From the review and the advice contained within, officers consider that the LA does not comprehensively mitigate the likely adverse landscape and visual effects of this retrospective planning application and is therefore unacceptable.

7.0 **CONCLUSION**

Although the development will help to sustain and expand an existing rural business, to which the development as proposed does not have planning permission, the proposal it is considered is detrimental to the character and appearance of the locality and the wider countryside setting, in relationship to both landscape and visual impact. The unauthorised development is not in relation to appropriate farm diversification. Any economic benefits are outweighed by these impacts.

The LA does not comprehensively mitigate the likely adverse landscape and visual effects of this retrospective planning application and is therefore unacceptable.

Of particular concern is the location of the outdoors storage which is on a site divorced from the former farmstead, to which it is considered does not assist as a backdrop or a screen or mitigate the development into the local landscape, on a site surrounded by agricultural land onto which there is significant views into the site, and to which there is insufficient screening both currently and as proposed in order to mitigate the development into the surrounding landscape.

Therefore the proposal is considered not to be in accordance with the overall aims and objectives of the NPPF in relationship to sustainable development

and policies CS5, CS6, CS13 and CS17 of the Shropshire Core Strategy and MD2, MD7b and MD12 of SAMDev.

Officers recommend that planning permission is refused for the reasons as discussed above.

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 SAMDev:

CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS13 - Economic Development, Enterprise and Employment
CS16 - Tourism, Culture and Leisure
CS17 - Environmental Networks
MD2 - Sustainable Design
MD7B - General Management of Development in the Countryside
MD11 - Tourism Facilities and Visitor Accommodation
MD12 - Natural Environment

Relevant Planning History:

15/01270/FUL Change of use of agricultural land to outdoor caravan storage facility WDN 1st July 2015
15/04600/FUL Change of use of land to provide an outdoor caravan storage facility WDN 11th January 2016
16/05816/COU Application under Section 73a of the Town and Country Planning Act 1995 for the change of use of agricultural land to secured compound area for storage of caravans and container storage REFUSE 27th April 2017

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 Ed Potter

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

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

Informatives

1. Despite the Council wanting to work with the applicant in a positive and proactive manner as required in the National Planning Policy Framework paragraph 187, the proposed development is contrary to adopted policies as set out in the officer report and referred to in the reasons for refusal, and it has not been possible to reach an agreed solution.

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