


Development Management Report

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Summary of Application

<u>Application Number:</u> 15/00352/VAR	<u>Parish:</u>	Whitchurch Urban
<u>Proposal:</u> 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		
<u>Site Address:</u> Hadley Farm Wrexham Road Hadley Whitchurch SY13 3AB		
<u>Applicant:</u> Mr P Wynn		
<u>Case Officer:</u> Melanie Durant	<u>email:</u> planningdmnw@shropshire.gov.uk	

Grid Ref: 351939 - 341337



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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 is for a 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.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 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. Access to the site is off the A525 Wrexham Road using an access that serves other existing dwellings, the equestrian and catering facilities as well as the agricultural land. Once past the main entrance the access track forks with the spur leading to the site and the main section leading on to the houses and other land that is in the control of the applicant. The track is unsurfaced and leads to the bridge over the canal and peters out in the field beyond.

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

- Consultee Comments

Shropshire Council Rights of Way:

The public right of way Whitchurch Footpath 99 passes to the north east of the development site. Whilst it would not be directly affected by the proposed caravan park, there are a number of longstanding issues concerning public rights of way in this area. The Mapping & Enforcement Team have previously been in discussions with the applicant about applying to divert some of the footpaths concerned and this would appear to be a timely opportunity for us to contact him again about the matter.

Shropshire Council Highways:

The Highway Authority raises no objection to the alteration to the internal layout of the caravan site as submitted.

Canal & Rivers Trust:

We have no comments to make on the revised layout of the caravan park. However, we note on the planning approval condition 4 (relating to foul drainage) and condition 5 (relating surface water discharge) and we look forward to being consulted on the discharge of these conditions.

Shropshire Wildlife Trust:

The variation of Condition No.2 would not appear to have any significant ecological effect and therefore Shropshire Wildlife Trust has no comment in relation to this application.

- Public Comments
Whitchurch Town Council support the application

One neutral comment was received regarding the right of way, as follows:
As assistant Ramblers Footpath Sec for this area I must insist that the activities associated with this application do not interfere with the use of or impede the passage along the right of way 0234/99/1 nor should materials be stored on the right of way. There should be access at all times to the Right of Way.

5.0 THE MAIN ISSUES

- Proposed alterations to approved scheme
- Impact on amenity

6.0 OFFICER APPRAISAL

6.1 Proposed alterations to approved scheme

6.1.1 The proposed variation of condition 2 will see the approved scheme altered in several ways.

6.1.2 These include a change to layout of the access track through the site. Currently two tracks run through the site giving access to the pitches, the proposal is to replace this layout with a looped single access which will provide safer ingress and egress from the site by towing vehicles etc.

6.1.3 A second change to the approved scheme is the relocation of the shower block, this will now be positioned the rear of the site and at the centre of the new looped track-way. This will provide easier and more convenient access of the facility by users of the site.

6.1.4 Other alterations include minor changes to the layout of the caravans again providing better privacy and safer access to the pitches plus the addition of hard-standing beneath the caravans.

6.1.5 In summary the variation to the scheme would provide an improvement to the current approved plan in terms of ease of access, health and safety, better privacy for occupiers etc. Therefore the proposed alteration is considered acceptable and will accord with policies CS5 and CS6 of the Shropshire Core Strategy.

6.2 Impact on residential amenity

6.2.1 The position of the site means the overall impact on the amenities of neighbouring properties based purely on the amendments to the scheme is considered to be minimal. There are no residential properties immediately adjacent to the application site. In addition the distance from the caravan site to the nearest dwellings would be sufficiently far enough to not cause any loss of light or privacy to the residents of Blackoe Cottages.

6.2.2 As such it is considered that the new scheme is acceptable and there will be little to no adverse impacts on the surrounding area created by the alterations in accordance with policy CS6 of the Shropshire Core Strategy.

7.0 CONCLUSION

The proposed variation of the original scheme to provide additional or altered facilities at the site are considered to be acceptable in visual terms with no adverse impact on the surrounding open countryside or local amenities. As such the proposed development is considered to accord with policies CS5 and CS6 of the Shropshire Core Strategy.

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

National Planning Policy Framework

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

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/90/00174/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

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

14/02914/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

11. Additional Information

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 M. Price
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 the original permission which was dated 5th June 2014.

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 deposited and amended 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. The conditions of planning permission ref. 14/00344/COU dated 5th June 2014 remain in full effect.

Reason: To define the permission.

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