



Committee and date  
 South Planning Committee  
 5 June 2018

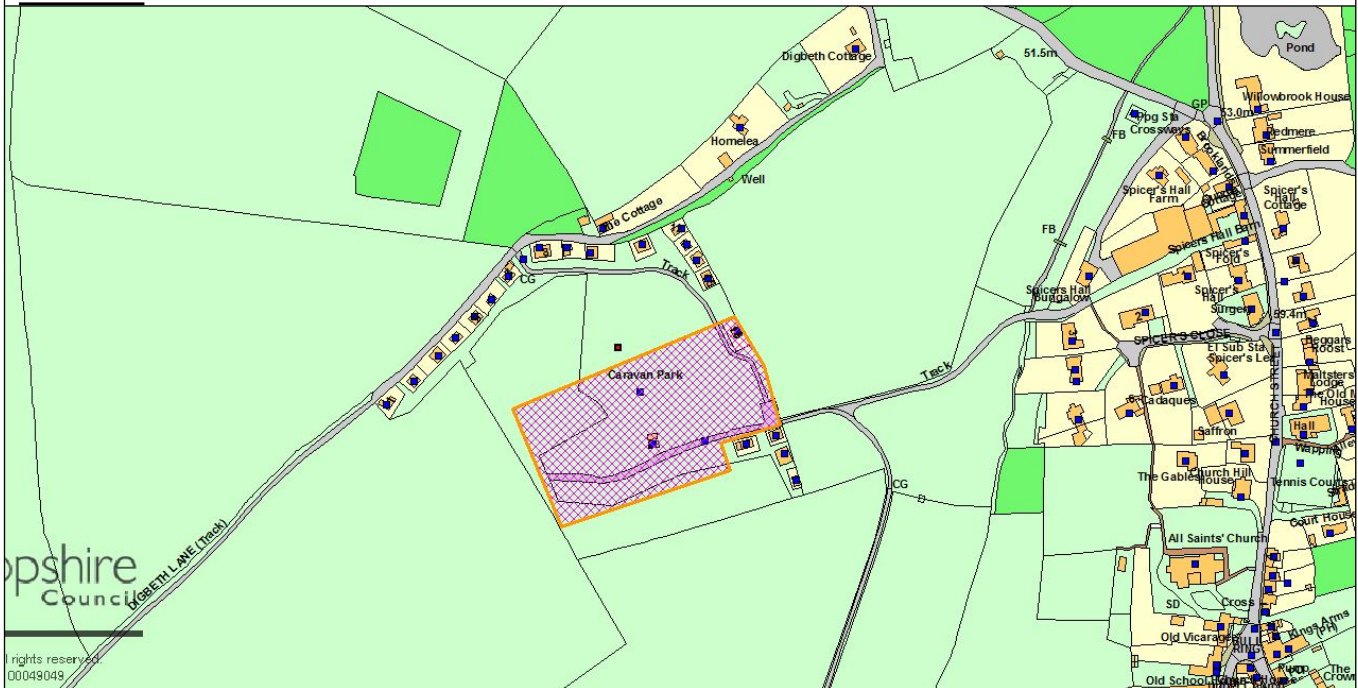
## Development Management Report

Responsible Officer: Tim Rogers  
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### Summary of Application

<b>Application Number:</b> 17/05265/FUL	<b>Parish:</b>	Claverley
<b>Proposal:</b> Application under Section 73A of the Town and Country Planning Act 1990 for ground levelling engineering operations		
<b>Site Address:</b> Spicers Hall Caravan Park Spicers Hall Farm , off Church Street, Claverley		
<b>Applicant:</b> Sought After Location Limited		
<b>Case Officer:</b> Richard Fortune	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 378903 - 293562



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**Recommendation: Permit, subject to the conditions set out in Appendix 1.**

Contact: Tim Rogers (01743) 258773

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This is a partly retrospective application for ground levelling engineering operations at Spicer's Hall Caravan Park, which is accessed via private access road from the south which connects to a lane leading to Church Street, and not from Digbeth Lane as was implied by the site address on the planning application form. Work had commenced on terracing the land to form bases for caravan units. The site owner has advised that the works required planning permission and a temporary stop notice was served to halt the works. The applicant has complied with this notice and has submitted this application. The detail provided initially with the application was sparse and contained some inconsistencies. Through negotiations a revised set of proposals have been submitted for consideration.
- 1.2 The original proposals would have involved a series of retaining walls of varying heights to the edges of the area where the caravan bases would be formed, and also between the individual plots, to retain the sandy soil. The design details of the retaining structures were requested and a site meeting with the structural engineer established that the stabilisation approach advocated did not marry with the vertical drops shown on the section drawings.
- 1.3 The amended drawings which have now been received following the above meeting have revised the proposed site levels and would no longer involve the construction of vertically faced retaining walls. Instead, the proposed levels and sections drawings show that the land between the bases for the caravans, and to the land immediately surrounding caravan grouped would be graded so that the angle of repose of the sandy soil would be no greater than 30 degrees, with the majority of slopes in the 6 degree to 26 degree range. The application site boundaries have been adjusted so that they encompass the entire area affected by the regrading of the land levels.
- 1.4 The access road and parking areas would be of permeable materials to allow for drainage. The agent has submitted an indicative landscaping scheme which shows reinforced tree planting to the eastern site boundary, a band of new tree planting to extend that existing to the north of the proposed works, new planting on re-graded land close to the site boundaries, and planting within the area enclosed by the internal loop road.
- 1.5 The agent has advised that the existing chalet in the north eastern corner of the application site would be removed as part of the proposed development. The ground level changes shown on the proposed site layout would form 31 caravan plots served by a loop road (With 10 of the plots inside that loop), with a parking area on each plot. The bases for the caravans would be some 12 metres long by 6 metres wide (With shorter 9 metre long bases for the four plots adjacent to the eastern boundary), with separation distances between the bases mostly in the 6 – 8 range where they are on the same side of the road. The internal loop road width would be some 4 metres wide.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The site is situated in Green Belt countryside to the west of Claverley and is outside of the Claverley Conservation Area. To the north of the site, along Digbeth Lane, is a row of chalet type dwellings which have separate planning histories and do not constitute caravans. A row of trees is situated on part of the land between these chalets and the application site. There is no vehicular access from the caravan site area to which this application relates onto Digbeth Lane, with access being from the south over an existing track that connects to a lane off Church Street. The land form is a bowl shaped depression which is open at the eastern end with a hedge sections, trees and access gate defining the eastern edge of the site. There is a group of four existing chalets adjacent to the south eastern corner of the application site. The toilet block and one caravan remained on the site at the time of the site visit and work had ceased on some land re-grading works that had commenced.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The Parish Council view is contrary to the Officer recommendation and the Shropshire Council Ward Member has requested Committee determination. The Chair and Vice Chair of the South Planning Committee, in consultation with the Principal Planning Officer, consider that the application raises material planning considerations that warrant consideration by the South Planning Committee.

### **4.0 Community Representations**

#### **- Consultee Comments**

(Where consultees have made more than one set of comments, the latest set is listed first below in order to show whether any earlier concerns have been addressed by revisions).

4.1 Claverley Parish Council (24.04.18) – Object:  
Claverley Parish Council continues to object to this planning application. Although further information has been supplied by the applicant, questions raised by the Planning Officer remain unanswered, namely:

1. The proposed landscaping arrangements still appear very unclear. There appears to be no detail on the size, number and type of trees which will be used. Furthermore it is now unclear as to whether the existing trees on the eastern boundary will be removed and, if so, what will replace them. For these reasons the visual impact of the proposed site on the Claverley Conservation Area is of great concern.
2. There are still no details provided regarding the site lighting arrangements.
3. The proposed site layout now shows a parking space adjacent to each plot. However there still appears to be no provision made for visitor parking.
4. The whole site still appears to be very congested from a health and safety point of view.
5. The objections regarding the proposed layout extending beyond the red line boundary of the site still do not appear to have been fully addressed.

4.1.1 Claverley Parish Council (19.02.18) – Object:

The applicant has failed to fully answer the questions raised by the Planning Officer in his letter of 14th December 2017 namely:

- a) Existing and proposed site levels have not been provided in a form that can be properly understood.
- b) The alignment of the site sections is not shown on the plan. The number of site sections is inadequate given the greatly differing levels contained within the site.
- c) Insufficient details about the retaining walls have been provided i.e. no details of foundations, heights and land drainage.

Due to lack of information, the Parish Council remains unable to fully understand the scale and appearance of the proposed work, but wishes to confirm its objection:

- 1. The apparent difference between the base levels of the caravan pads and the surrounding land as shown on the proposed site plan indicate that it would be impossible to accommodate stable sloping retention walls without extending the excavated area beyond the site boundary.
- 2. The layout of the caravans appears congested and raises questions about site safety.
- 3. The internal access road does not appear wide enough to accommodate residents cars and service/emergency vehicles.
- 4. The proposed site layout does not show vehicle parking spaces for the caravans. No provision appears to have been made for visitor parking.
- 5. No details have been provided regarding site lighting arrangements.
- 6. There are no proposals for landscaping to mitigate visual impact.

4.2 Severn Trent Water – No Objection:

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

4.3 Environment Agency – Comment:

Since the imposition of the Flood and Water Act in 2010 matters relating to the management of surface water drainage has moved to the Local Authority as the 'Lead Local Flood Authority' (LLFA).

4.4 SC Drainage – Comment:

Recommend an informative relating to sustainable drainage.

4.5 SC Conservation – No Objection:

In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2 and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published March 2012, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The application proposes ground levelling engineering operations at this site known as Spicers Hall Caravan Park, Spicers Hall Farm, Digbeth Lane, Claverley. The site

lies to the west of the Claverley conservation area. The proposed works relate to an existing caravan park and the ground levelling works are contained within the existing site boundary. The site is visible from the Claverley conservation area and a number of listed buildings within it, however due to the existing and historic use of the site as a caravan park and the proposed new works being wholly included within the existing site, it is not considered that the proposal will create any further harm to the setting of the Claverley conservation area or nearby listed buildings. The proposal would therefore preserve the character of the conservation area and setting of listed buildings in line with policies, guidance and legislation as outlined above.

#### -Public Comments

#### 4.6 27 Objections (Some being in the form of more than one set of comments) to submission and original drawings:

- Site address is not correct as the existing Spicer's Hall Caravan Site was granted under the address of Church Street, Claverley
- Site is on a hill that overlooks Claverley village and the Conservation Area.
- Ground works will be highly visible from the surrounding green belt and disrupt appearance of village.
- Plan is vague and highly inappropriate.
- Documents do not adequately describe the work to be undertaken; no details on how it would be screened from the adjacent conservation area.
- No detail of landscaping and screen planting to mitigate the effect of the work on the adjacent Conservation Area.
- Overdevelopment.
- Should restore the land to its former condition and restore natural beauty of area.
- Query how many properties are proposed; of what type; would they be for holiday or residential use.
- Understood that only social housing was planned as a requirement for Claverley at this time.
- Green Belt location; only appropriate for holiday homes and temporary use as originally granted but not as permanent homes.
- Road network and services cannot support this application.
- Concern about safety of works; have been a property and land owner adjacent to this camp site for over 60 years and many times rivers of red sand have been washed down from the fields on this hillside in heavy rain.
- No plans for land drains, sewage and water drains.
- Site layout plan drawn in isolation with no reference to other site features or boundaries.
- No Design and Access Statement to give more detail or the rationale behind the proposed design and layout; no landscape and visual impact assessment which analyses the impact on longer range views into and out of the site, impact on the character of the landscape or impact on the setting of Claverley village.
- The works would not preserve the openness of the Green Belt; would be inappropriate development and should not be approved except in very

special circumstances. No very special circumstances are put forward in the Planning Statement.

- Drawings suggest a significant raising of existing ground levels; proposals would make caravan park more prominent and densely developed than at present, harming the character of the countryside and Green Belt openness.
- Planning Statement fails to acknowledge the Claverley Conservation Area as a heritage asset.
- Errors in Planning Statement and no evidence to back assertions made.
- Ground levelling works a prerequisite for further expansion of the site that will negatively impact on village infrastructure.
- Medical Practice would not be able to cope with an additional 50+ people following closure of the Pattingham Surgery on 16-02-18.
- Primary School will come under strain.
- A full environmental impact assessment should be carried out.
- Question whether a 31 weekend/holiday caravans, in use for 7 month April to October each year since 1963, can be changed to permanent all-year round residential use by Shropshire Council without any formal development control process.
- Believe Shropshire Council has failed comply with the Caravan Sites and Control of Development Act 1960 in issuing a new site licence without the conditions of a site licence previously issued.
- Loss of about 10 mature oak trees on the upper bank of the landscaped area has already occurred, which formed a wind break for the bungalows in Digbeth Lane.
- Set precedent for further development.
- Lack of detail of how the typical arrangement of retaining blocks to the slope would retain a sandy slope; should request a geotechnical site slope stability check.
- Retaining structure proposed would extend excavations well beyond the red line development boundaries; threaten retention of existing trees
- Suggest whole development built on sand could be ill-conceived.
- No details of land drainage suitable for soil conditions and impervious areas supplied.
- Caravans much bigger than the originals, with little room for landscaping.
- Disturbance and pollution from construction traffic.
- Pollution from occupiers' vehicles.
- No provision for a waste recycling centre.
- Internal access road not wide enough for emergency, delivery and service vehicles.
- Comments listing matters from the 23<sup>rd</sup> October 2015 Caravan Site Licence; question whether Park Homes can be classed as caravans; believe site is not capable of accommodating 32 park homes.
- A contribution for up-grading local infrastructure and services should be sought in the form of a Section 106 Agreement if the proposals are approved.
- If the Council is minded to grant planning permission further tree screening sought be required and there be provisions to prevent light pollution from the site.

4.7 36 Objections received in response to 11.04.18 re-consultation on amended details:

- Objections in previous letter stand
- Suggests that Court judgements show that caravans left in one position for a sufficient length of time should be regarded as a building operation, and that the caravans proposed should be the subject of an application for formal planning permission, and be made to comply with Building Regulations and the DDA/Equality Act 2010 Regulations. Internal access roads, car parking bays and garden amenity areas to the individual park home pitches are steeper than the disabled access provisions of these documents.
- A planning application should be made for the building operations proposed to follow the engineering works before a decision is made on the present applications 17/05264/FUL and 17/05265/FUL, with all three applications considered together by the South Planning Committee.
- Technical issues raised have not been addressed.
- Planning permission should be required for permanent occupation.
- Not intended as a site for permanent occupation; was for weekend/holiday use.
- Inadequate screening and water disposal; should be a realistic assessment of traffic generation and impact on already stretched parish facilities.
- Should await outcome of referral to local government ombudsman relating to the caravan site licence.
- Housing survey has not yet established village housing need; village not earmarked for new development.
- Village infrastructure will be overloaded.
- Only one entrance and exit to the development, which could lead to in excess of 60 cars passing their cottage on any day; will be highway capacity problems.
- Visual impact would be totally unacceptable.
- Loss of trees on eastern site boundary, increased risk of surface run-off; new planting would take time to establish and be as effective.
- Will make site obvious from the entire conservation area; the listed church and Spicer's Close.
- Harm rural setting.
- New landscaping should be a more continuous planting screen top the eastern boundary, with no large gaps, to include existing and proposed trees.
- No provision for visitor parking; no outdoor space allocated.
- High fire risk.
- No lighting details.
- Proposed park homes do not conform to site licence for caravans and a formal planning application should be made before this application is considered.
- Should be a S106 contribution offered solely to the Parish Council, to take account of impact of further permanent housing on village infrastructure which is full to capacity.

- No prior consultation with the village.
- Should be smaller units to fit the allocated area.
- Do not want extra lighting at night.

4.8 Claverley Preservation Society – Object:

1. The earthworks appear to extend locally beyond the red boundary line of the caravan site
  2. The details, heights and facing materials for the necessary retaining walls are not shown
  3. The internal access road, even if it is a one-way system, does not seem wide enough to safely accommodate emergency, delivery and service vehicles as well as cars
  4. The layout of Park Homes seems congested: are they spaced in accordance with current safety standards?
  5. The Park Homes appear to be much bigger (up to 3 times in plan size) than the caravans that they will replace: is this allowed without planning permission?
  6. There is no provision for visitors' car parking or a waste recycling centre, pedestrian walkways or cycle tracks within the designated site area
  7. The external space for each Park Home seems just enough for one car parking space: should the number of dwellings be reduced to create space for amenity areas and patios?
  8. There is no space for landscaping (e.g. earth mounding, tree and shrub planting) within the caravan site boundaries to mitigate the impact of the Park Homes on the Green Belt
  9. There are no proposals for landscaping and tree and shrub planting to screen the development from the Green Belt (noting the poor quality of soil for growing)
  10. The proposals are for a steeply graded site but do not show provision of ramps for disabled people
  11. The topsoil for the site is stated to be sourced within the site: there does not seem to be much, if any surplus for this purpose
  12. The proposals do not show a boundary fence or hedge around the caravan "site" with a 3m verge perimeter barrier strip as required by usual licence standards
- The above, together with the fact that the conversion to permanent dwellings on this site is entirely detrimental to the village as a whole, and that the village had neither been consulted nor informed, form the reasonable objections to such change of use, and the civil works required to convert and consolidate the site.

**5.0 THE MAIN ISSUES**

- Principle of development
- Visual impact and landscaping
- Land Stability
- Other Matters

**6.0 OFFICER APPRAISAL**



## 6.1 Principle of development

6.1.1 This application relates to a long established caravan site. A planning application was made in 1957 for the use of part of Spicer's Hall Farm, Camping Site for the stationing of 31 caravans (ref 13719). The application form with that application indicated that caravans were already in place on the land at this time. The planning permission issued on the 5<sup>th</sup> November 1957 included a number of planning conditions, including condition 4 stating "No caravan shall be used as permanent living accommodation". Subsequently a further planning application was made in 1963 (ref 63/401) for the "Use of land as a caravan site and car park, Spicer's Hall, Claverley which relates to land which included that covered by the earlier planning permission 13719. The drawing associated with planning permission 63/401, issued on the 3<sup>rd</sup> April 1963 showed 31 caravans and a brick toilet block which has been constructed. The planning permission decision notice for 63/401 does not contain any planning conditions restricting how the caravans can be occupied and has no condition restricting caravan numbers on the land to which it relates. The 1963 permission is a stand-alone planning permission and is not linked to the earlier 1957 conditioned planning permission. Consequently there is no control through planning legislation on whether caravans in the area covered by planning permission 63/401 are occupied as permanent residential properties or for holiday use only. The proposed bases for caravans shown within the current application for ground re-profiling fall within the area covered by planning permission 63/401. The comparative effects of holiday and permanent residential use cannot therefore be considered in assessing this application for land re-profiling. The manner in which the previous owner may have restricted use of the 1963 planning permission area would have been a private matter between the parties involved.

6.1.2 The definition of a caravan used in planning legislation is the same as that found in the Caravan Sites and Control of Development Act 1960, the Caravan Sites Act 1968 and the Mobile Homes Act 1983. It is:

*A structure designed or adapted for human habitation which:*

- (a) Is composed of no more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices, and*
- (b) Is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or transported on a motor vehicle or trailer), shall not be treated as not being (or as not having been) a caravan within the meaning of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot be lawfully so moved on a highway when assembled.*
- (c) Maximum dimensions: Length (exclusive of any drawbar): 65.616 feet (20 metres); Width: 22.309 feet (6.8 metres); Overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10.006 feet (3.05 metres).*

The sizes of the caravan bases indicated on the current application drawings are below the maximum sizes in terms of widths and lengths that would qualify as a caravan. No planning permission is needed to replace caravans with new caravans which comply with the above definition on land with a lawful use as a caravan site.

- 6.1.3 In many instances the works associated with the laying out of a caravan site in accordance with the conditions/requirements of a caravan site licence would not need an application for planning permission due to the provisions of Schedule 2, Part 5, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. Examples of where caravan sites have been modernised to accommodate new static caravans without the need for planning applications to be made include High Green, Chorley; The Woodlands, Button Oak; and Hollins Park, Quatford. The reason why this application is required for the Spicers Hall Caravan site is because the land regrading is a more extensive engineering operation in this case, due to the topography. In addition, as originally proposed, the engineering works would have involved the more extensive use of retaining structures which in themselves would have required planning permission.
- 6.1.4 The site is situated within the Green Belt where there is a presumption against inappropriate development (Core Strategy policy CS6). The National Planning Policy Framework advises at paragraph 90 that certain other forms of development (In addition to specified building operations in paragraph 89) are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. This list includes engineering operations and the ground re-profiling proposed in this application would constitute such an operation. There is already planning permission to station caravans on the land and the re-profiling of the land would not affect the openness of the site. There is considered to be no in-principle Green Belt policy objection to the proposed works.

## **6.2 Visual impact and landscaping**

- 6.2.1 Policies CS17 and MD12, alongside CS6 and MD2 support NPPF policies and seek to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possess in exercising planning functions. Section 72 of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 6.2.2 Aerial photographs of the site prior to the removal of caravans and the commencement of land re-grading works show that the caravans were largely positioned on east-west orientation as would be the case with the majority of plots that would be created by the proposed land re-grading. The southern element of the internal loop road arrangement would largely follow the route of the existing access road within the site. The effect of the proposed re-grading works would be to allow caravans to sit lower in the landscape, particularly along the northern and western sides of the application site than was previously the case. While the original arrangement proposed with extensive use of vertical retaining walls within and on the edges of the site would have created a hard edged and potentially austere local environment, regardless of the facing material used for the walls, the amended details avoiding the need for retaining walls and grading the land at angles that are appropriate for the soil conditions (As confirmed by the Chartered Civil Engineer at 6.3 below) would create a softer visual setting, responding sympathetically to the existing surrounding land form and allowing a grass covering to be restored. In addition, the applicant is receptive to carrying out new tree planting on the re-graded, sloped areas (See

paragraph 1.4 above) which would further assist in assimilating the established caravan site into the rural landscape.

- 6.2.3 It is acknowledged that the site is visible from the Claverley Conservation Area to the east and listed buildings in that area, including All Saints Church. (From the north, west and south the site is largely concealed from view in the wider landscape by rising land). There is some existing tree planting along the eastern boundary to partly conceal the site from view from the east. The condition of some of this planting appeared poor at the time of the site visit and it was raised with the agent that the proposed levels changes close to the eastern site boundary could affect the retention of these trees. He has replied that:

*“The existing trees on the eastern site boundary will be retained, if possible, and augmented with the additional planting shown on the landscape drawing. They will only be replaced should they fail to thrive or die as a result of adjacent ground works. If this proved to be necessary, they would be replaced with native trees on a like-for-like basis. We intend to provide a specification, produced by an arborist, for the new planting detailing the species, numbers, size at the time of planting and measures for their protection while they become established. However, we request that these details be the subject of a planning condition, to be discharged prior to the first occupation of the site.”*

Amended drawings have also been submitted which reduce the length of the slab bases for the four caravans adjacent to the eastern boundary from 12 metres to 9 metres, so that they would not affect the existing trees, allowing them to remain. Having regard to the long term effectiveness of tree/hedge planting on the eastern site boundary, it is considered that the details of an appropriate planting scheme that includes retained and new planting, together with measures for their protection during development, while new planting becomes established and to make good any losses is a matter which can be controlled through conditions on any planning permission that is issued. This would achieve a greater degree of protection/maintenance of landscaping for the site than that which exists at present.

- 6.2.4 This existing caravan site was in existence prior to the designation of the nearby Claverley Conservation Area. The Conservation Officer is content that the amended proposals would preserve the setting, and not have a negative impact upon the setting of the Conservation Area and that of listed buildings in the vicinity in comparison with the previous form of the caravan site.
- 6.2.5 It is considered therefore that the proposed works would assist in assimilating the modernised caravan site into the rural landscape and would not conflict with Development Plan policies CS6; CS17; MD2 and MD12, and would not conflict with the environmental role of sustainable development set out in the National Planning Policy Framework.

### **6.3 Land Stability**

- 6.3.1 The National Planning Policy Framework (NPPF) at paragraph 120 states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. It continues, with respect to land stability, that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, and any proposals for mitigation. It states also at paragraph 121

that adequate site investigation information, prepared by a competent person, should be presented.

6.3.2 The Chartered Civil Engineer commissioned by the applicant has advised:

*“ I have previously submitted calculations for the provision of a retaining wall structure that would form the leading edge of the dwelling space and in those calculations I had considered the existing ground formation of dry sand to have an ‘Angle of Friction’ of 30 degrees.*

*However, from visiting the site it became apparent that the space required to accommodate the homes was not restricted to a definitive width. As a consequence it was proposed that the embankment, together with the frontage of the homes, be stabilised by grading back to its ‘Natural Angle of Repose,’ that is 30 degrees.*

*By adopting this form of construction the concrete walling will be omitted and the frontages to the homes and the embankment itself may be soft landscaped so as to be more aesthetically pleasing and compatible with the surrounding landscape.”*

The amended drawings show the above recommended maximum ‘natural angle of repose’ would be achieved. It is considered that this information from the Chartered Civil Engineer is sufficient to demonstrate that the proposed works would result in a stable land form.

## 6.4 Drainage

6.4.1 Core Strategy policy CS18 relates to sustainable water management and states that all developments should aim to achieve a reduction a reduction in the existing run off rate, but must not result in an increase in run off. This application relates solely to the proposed ground level re-profiling engineering operation. With the removal of retaining walls and the ground being re-profiled to angles which would not exceed the natural angle of repose, it is not considered that a refusal on land drainage grounds could be sustained in this case. The Council’s Drainage Consultants, the Environment Agency and Severn Trent Water have all not raised drainage objections to the proposals.

## 6.5 Other Matters

6.5.1 The objectors to this application have raised a number of objections/concerns which have been addressed by the revised proposal or are outside the remit of this planning application, which is to carry out the specified works on land already benefitting from planning permission for use as a caravan site. In particular:

-The manner in which the caravans may or may not be occupied is not relevant to the application proposals.

-The proposed ground level re-grading works would be contained within the red line defining the application site on the revised application drawings.

-Site lighting is not a matter for consideration in this application.

-Section 106 Contributions could not be sought for community benefits or off site works because none would be an essential requirement to make the proposed works acceptable in planning terms, and the application under consideration is not a proposal to create a new

caravan site. There would be no increase in caravan numbers on the site as a result of the proposed works in comparison with the numbers possible under the existing planning permission.

-The complaint that has been lodged about the Caravan Site Licence which has been issued relates primarily to the manner in which caravans on the site may be occupied: It is not a reason for delaying a decision on this application for engineering operations that would be equally appropriate for caravans occupied for permanent residential or holiday purposes.

-The development proposal is not of a category which requires an Environmental Impact Assessment.

-Were it to be proposed to station caravans/erect structures on the land that do not comply with the definition of a caravan (as set out at paragraph 6.1.2 above) in the future, an application for planning permission would need to be made and would be assessed against Development Plan policies in force at that time.

6.5.2 Ecological interests can be adequately safeguarded in this case by informatives advising developers of their obligations towards protected species and nesting birds.

## 7.0 CONCLUSION

7.1 The site is situated within the Green Belt where there is a presumption against inappropriate development. The National Planning Policy Framework advises at paragraph 90 that certain other forms of development (In addition to specified building operations in paragraph 89) are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. This list includes engineering operations and the ground re-profiling proposed in this application would constitute such an operation. There is already planning permission to station caravans on the land and the re-profiling of the land would not affect the openness of the site. There is considered to be no in-principle Green Belt policy objection to the proposed works.

7.2 The proposed works would assist in assimilating the modernised caravan site into the rural landscape. They would not harm the setting of the conservation area or that of listed buildings in the locality. The details of an appropriate planting scheme that includes retained and new planting, together with measures for their protection during development, while new planting becomes established and to make good any losses is a matter which can be controlled through conditions on any planning permission that is issued.

7.3 Adequate site investigation information, prepared by a competent person, has been presented to demonstrate that the proposed works would result in a stable land form. There are no grounds on which a drainage refusal reason could be sustained in this case. Ecological interests can be adequately safeguarded in this case by informatives advising developers of their obligations towards protected species and nesting birds.

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  
National Planning Practice Guidance

Shropshire Core Strategy and SAMDev Plan policies:  
CS5 Countryside and Green Belt  
CS6 Sustainable Design and Development Principles  
CS17 Environmental Networks  
CS18 Sustainable Water Management  
MD2 Sustainable Design  
MD6 Green Belt  
MD12 Natural Environment  
MD13 Historic Environment

### RELEVANT PLANNING HISTORY:

17/05264/FUL Application under Section 73A of the Town and Country Planning Act 1990 for the widening of site access track

## 11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Planning Statement
Structural Engineer Letter
Cabinet Member (Portfolio Holder)
Cllr R. Macey
Local Member
Cllr Tina Woodward
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.

3. No further development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials and timing and routing of traffic movements to and from the site
- storage of plant and materials used in carrying out the development
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

4. Prior to the stationing of any caravan on the plateau areas formed by the land regrading works, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. The landscape planting works shall be carried out in full compliance with the approved details prior to the first occupation of any caravan. 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. Any existing trees retained as part of the approved landscaping scheme that, within a period of five years from the completion of the development are removed, die or become seriously damaged or defective shall be replaced in accordance with details which have first been approved in writing by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs, in the interests of the visual amenities of the area.

5. No further ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to

safeguard trees to be retained on site as part of the development. The approved scheme shall be implemented in full prior to the continuation of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area.

### **Informatives**

1. In arriving at this decision Shropshire 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.

2. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:  
National Planning Policy Framework  
National Planning Practice Guidance

Shropshire Core Strategy and SAMDev Plan:  
CS5 Countryside and Green Belt  
CS6 Sustainable Design and Development Principles  
CS17 Environmental Networks  
CS18 Sustainable Water Management  
MD2 Sustainable Design  
MD6 Green Belt  
MD12 Natural Environment  
MD13 Historic Environment

3. Barn owls are protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure or take a barn owl; to take or destroy an active nest; to take or destroy an egg; and to disturb their active nests. An active nest is one that is being built, contains chicks or eggs, or on which fledged chicks are still dependant. Barn owls can breed at any time of the year in the U.K. There is an unlimited fine and/or up to six months imprisonment for such offences.

4. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. To avoid harming hedgehogs during the works, site clearance (including removal of piles of deadwood and other potential hibernation sites) should be undertaken between April and October. Materials should not be stacked in the working area before then unless they are raised up on pallets, or similar.

If a hibernating hedgehog is found on the site then it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

5. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

6. It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

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