



Committee and date

South Planning Committee

18 December 2018

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 18/03476/FUL

Parish: Alveley And Romsley

Proposal: Application under Section 73A of the Town and Country Planning Act 1990 for the erection of toilet block, shower block and change of use to glamping and touring caravan site

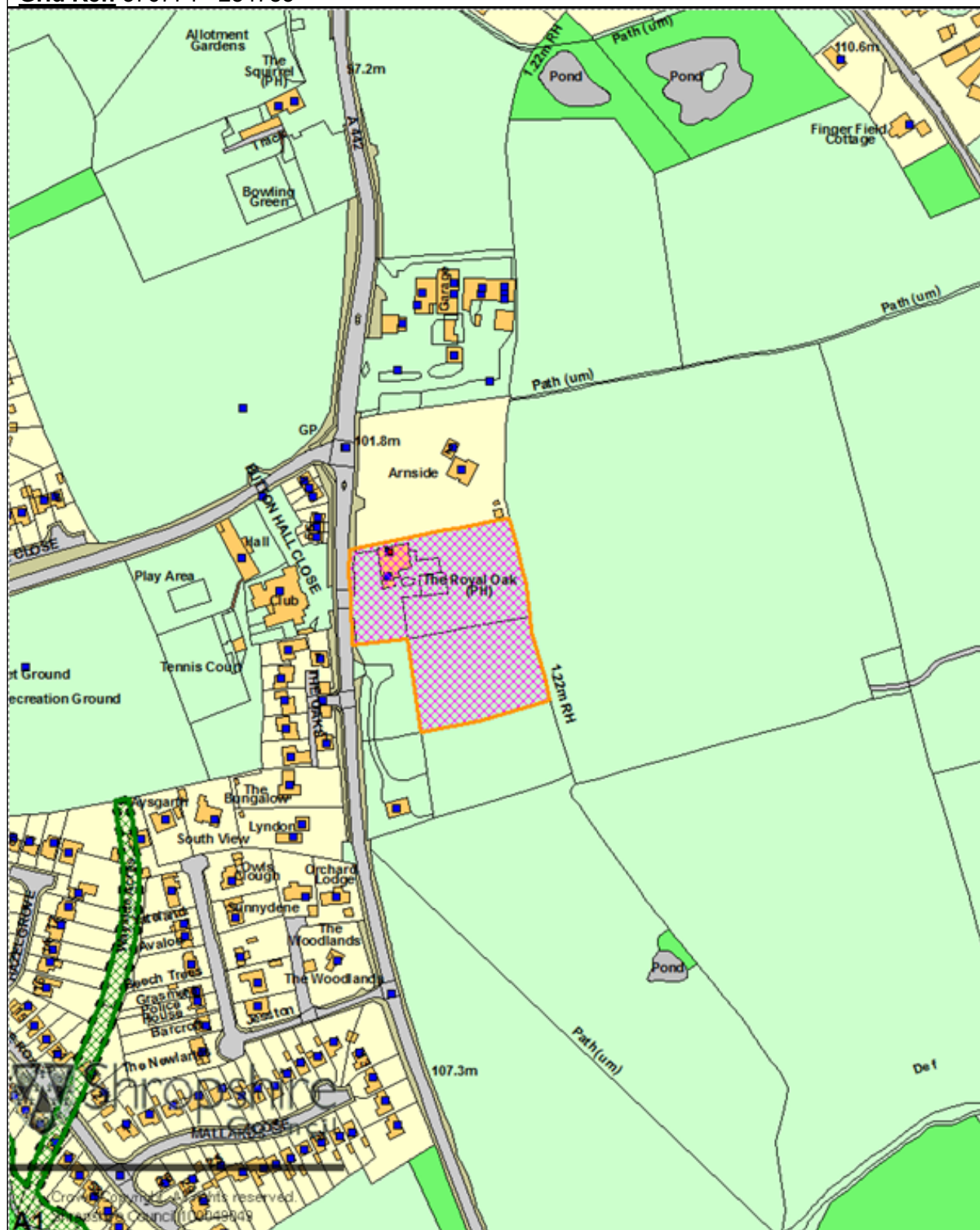
Site Address: Royal Oak, Alveley, Bridgnorth, Shropshire, WV15 6LL

Applicant: Mr David Skitt

Case Officer: Sara Jones

email: planningdmse@shropshire.gov.uk

Grid Ref: 376774 - 284783



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Recommendation:- Refuse.

Contact: Tim Rogers (01743) 258773

Recommended Reasons for refusal:

1. It is acknowledged that the proposed development would contribute to the rural economy and to the role of Shropshire as a tourist destination to stay. However these benefits are considered to be outweighed by the harm the openness of the Green Belt and be at odds with one of the five purposes of the Green Belt, namely safeguarding the countryside from encroachment. No very special circumstances have been demonstrated or exist that would be of sufficient weight to justify inappropriate development in the Green Belt. The development would therefore be contrary to the adopted Core Strategy policy CS5, SAMDev policy MD6 and the guidance set out in the National Planning Policy Framework Part 13.

2. Notwithstanding the above the benefits of proposed development are considered to be outweighed by the environmental harm. The introduction of the structures proposed would appear as incongruous additions to the area and as such would result in a detrimental impact upon the character and appearance of the area. Accordingly, the proposed development is contrary to Local Plan policies CS5, CS6, CS16 & CS17 of the adopted Core Strategy and policies MD2, MD11, MD12 of the SAMDev and national guidance contained within the NPPF, in particular paragraphs 83 and 110.

REPORT**1.0 THE PROPOSAL**

1.1 This is a retrospective application for the change of use of land to a glamping and touring caravan site and the erection of a toilet block and shower block. The details submitted with the application indicate 7 camping pods positioned predominantly along the rear (eastern) boundary of the site furthest away from the adjacent highway (A442). The ablution blocks are shown to be positioned immediately adjacent the childrens play area, associated with the Public House and the internal access track. The touring caravans are shown to be located on land to the south of the Public House and the west of the proposed camping pods.

1.2 The details submitted indicate four different designs for the pods, described as :- Caravan, Chalet, Alpine and Tipi; each constructed in timber. The ablution blocks are container type structures which are to be clad in natural timber. The Design and Access Statement submitted with the application states that an application to the Caravan and Motorhome Club has been made for a certificate to facilitate 5 touring caravans on the site.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site lies at the eastern end of the settlement of Alveley, and is located on the eastern side of the A442 Bridgnorth to Kidderminster Road. The site comprises an L shaped plot which supports the Royal Oak Public House, its associated car park and play area and a field. There is also a static caravan which has historically occupied the land to the rear of the play area and which it is understood has been used for staff accommodation.

2.2 The boundaries comprises mature hedging and trees to the east (rear) and north and south and is adjoined by agricultural land to the east and south. The site lies in the Green Belt countryside outside by close to the settlement of Alveley.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposed development is not considered to accord with the requirements of the Councils relevant adopted policies and a contrary opinion has been received from the Parish Council. Whilst the Local Member has subsequently confirmed her view that a Committee decision is unnecessary, the Principal Planning Officer in consultation with the Chairman and Vice Chairman consider that the application raises issues which warrant consideration by Committee.

4.0 Community Representations

- Consultee Comments

4.1 Alveley Parish Council - The Parish Council recommends approval of this application subject to strict conditions being imposed with regard to:-

1. The number of visitors on the site at any one time;
2. The maximum number of glamping pods (no more than 8) and caravans (no more than 5) on the site;
3. Disturbance (especially outside normal working hours or daylight hours) covering:
 - (a) Noise (including music);
 - (b) Movement on and off the site;
 - (c) External lighting (so that it does not impact on local residents or road users).
4. Access and egress arrangements, which should continue to be via the Royal Oak car park, rather than direct onto the A442.
5. Environment - planting of a hedge of native species bushes/trees to screen the site from the road and passing traffic - also minimum disturbance to existing trees and bushes.

4.2 SC Regulatory Services - The applicant is advised to familiarise themselves with the following document published by the Communities and Local Government, Model Standards 2008 for Caravan Sites in England Caravan Sites and Control of Development Act 1960 Section 5.

4.3 SC Drainage - *On the application form, surface water is discharging into soakaways. The site is located outside the SuDS Consultation area and therefore I am happy to attach our standard informative for this application.*

4.4 Shropshire Fire And Rescue Service – Recommend informatives.

4.5 - Public Comments

Site notice displayed/dated 07.08.2018. Expired 28.08.2018. Seven letters sent 06.08.2018. Expired 27.08.2018.

4.6 9 representations received objecting on grounds which may be summarised as follows:

-Site lies in the green belt and the development does not conform to the development plan as being an exception site.

-Retrospective application having been operating as a caravan site for over 2 years with in excess of 20 caravans and pods on the site.

-Undesirable noise and increased anti-social activity - 'campers' partying very vocally until the small hours, music, fires and increased amount of unwanted traffic accessing private road.

-Proximity to busy Bridgnorth-Kidderminster main road and concerns about safety and suitability of the access.

-Previous application by Freedom Camping was opposed.

-The application refers to historic use of caravans on this green belt site. There is no history of touring caravans staying on this site. There has been very occasional campers on the site but those stays have been extremely rare.

-This application does not refer to tents but there have been tents there this year.

-The toilet/shower block is not unobtrusive. Clearly visible from the main road and pub car park in the centre of a green belt area.

-The site's floodlights are intrusive.

-The static caravan is too close to the boundary and is a permanent residence.

-Exacerbate existing problems with the sewage system.

-The recent application for a shop nearby was refused partially due to traffic reasons. The increased volume of caravans turning into and out of this site will cause a further traffic hazard on an already busy road.

-There is a permanent marquee in place which has live music playing on a regular basis and the noise can be heard in the village.

-Have no objection to a small, (up to 5 units), camping and touring caravan site at the side of the Royal Oak, provided that it is well run and consideration is given to neighbours.

-A site notice has not been displayed on the campsite fence or anywhere visible from the road during the consultation process.

Inaccuracies in the application documents:

-The location plan does not show the 7 houses forming The Oaks opposite the campsite although they do appear on the block plan. The 6 houses of Button Hall Close opposite the Royal Oak Public House are not shown either. This give could give the impression that there are no near neighbours to the campsite.

-Block Plan Drawing Number 2018-072-01: There are 8 wooden glamping pods, not the 7 shown on the Block Plan, 4 in each field.

-Touring caravans and motorhomes pitch anywhere in the field, not just along the southern boundary as shown on the plan.

-The hedge marked "existing native hedge" alongside the A442 is backed by a close-boarded fence, behind the fence, fast growing conifer trees have been planted. The native hedge was a condition of planning granted to The Stables, the barn shown at the southern boundary on the plan. Conifers are not in keeping with the existing hedgerow to the south of the barn, nor do they enhance the green belt.

-An extensive access road and parking for the pods in the paddock behind the Royal Oak has been laid with coarse aggregate. This has degraded the natural appearance of the paddock.

-There is no mention of the touring caravan, currently situated on the southern boundary that has been present for the last 12 months. This appears to be rented out to campers, based on photographs and reviews on Booking.com.

<https://tinyurl.com/yct647hw>

-Glampod Details Drawing Number 2018-072-03 - This document omits the design of three of the pods that are situated in the southern field, the Hobbit House, The Lodge and Caravan 2

-A simple measurement based on the scaled Block Plan (ref. 2018-072-01) supplied by the applicant's Agent, shows that the actual distance from the facade of the nearest house 7 The Oaks, to the boundary of the campsite is 28.8m, not 50m as claimed.

-The "Alveley Festival" as such does not exist, can only surmise that this refers to the Rebel Rising Country Music Festival organised by Steve Farrar Promotions from Tenbury Wells, Worcestershire. This is an event attended by people from all over the country, with camping onsite for caravans and motorhomes, with some choosing to camp on the Royal Oak site. The Oaks is located opposite the campsite, while the festival site is located on the far side of Daddlebrook Road, opposite the old garage.

-Neighbours of the campsite, including The Oaks, have not received notification of the application for a Certified Location site in accordance to the application process of the Caravan and Motorhome Club. Residents have not been given the opportunity to comment and believe the Club will be making their decision next week. A site notice for the Certified Location application has not been displayed, contrary to the application process.

-The site does not qualify for a club exemption, given the 8 pods are classed as caravans, there are at least two permanent caravans on the site, one of which is being let out and the site also accepts tent campers.

-The main road is not busy all the time and the nearest house (7 The Oaks), based on the measurements made on the scaled Block Plan mentioned above, is 64.8m from the pods.

-The location of the children's play area is still behind the pub and the ablutions block has been placed on the boules court. The flood lights from the boules court are still in place, enabling the location to be easily identified.

-One or two caravans does not make a campsite and are in any case, permitted under the 28 day rule. The mobile home visible in the photograph was originally being lived in by a member of staff. Since autumn 2011, any touring caravans or tents on the site, prior to the applicant's ownership, have been highly sporadic and do not constitute established use of a campsite.

-The previous occupants of The Royal Oak mowed the area behind the pub to enhance the aesthetic appeal of the pub. Good grass land management cannot be a justification for established campsite use. The curving drive was in place to enable the occupant to access the mobile home.

-Photograph No. 6 was taken after May 2013, when the house in the bottom left corner (7 The Oaks) was sold for the first time. The photograph shows a white

object in the top left hand corner, which may or may not be a caravan.

5.0 THE MAIN ISSUES

Principle of development
Green Belt
Accessibility
Very Special Circumstances
Visual Amenity
Residential Amenity
Ecology
Highway Safety

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.2 Paragraph 83 of the NPPF (2018) supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; the development and diversification of agricultural and other land-based rural businesses; sustainable rural tourism and leisure developments which respect the character of the countryside; and the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

6.1.3 Paragraph 84 also recognises that “...sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”

6.1.4 Policy CS5 advises 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 development diversifying the rural economy; including farm diversification; and the retention and appropriate expansion of an existing established business.

6.1.5 Policy CS16 requires visitor accommodation to be in accessible locations served by a range of services and facilities. In rural areas proposals must be of an appropriate scale and character for their surroundings, be close to or within settlements, or an established and viable tourism enterprise where accommodation is required. As

noted above in order to be considered sustainable, Government guidance contained within the NPPF rural tourism is expected to respect the character and appearance of the countryside. The provision of visitor facilities should be in appropriate locations where identified needs are not met by existing facilities in rural service centres.

6.1.6 Policy MD11 states that holiday let development that does not conform to the legal definition of a caravan will be resisted in the countryside. Broadly speaking the legal definition of a caravan covers any structure designed or adapted for people to live in which is capable of being moved from one place to another (whether by being towed or by being transported on a motor vehicle or trailer) and any motor vehicle. This includes twin units separately constructed and designed for assembly on site, provided that the twin unit is physically capable of being moved or transported on a motor vehicle or trailer.

6.1.7 It is acknowledged that this development is associated with the existing public house and that the site is adjacent to Alveley village. There are, however, other material planning considerations applicable to this case and these are considered in turn below.

6.2 Green Belt

6.2.1 The site lies in the Green Belt countryside. Paragraphs 145 and 146 of the NPPF (2018) indicate types of development that are inappropriate in the Green Belt, and those that may be appropriate in the Green Belt, provided that the openness of the Green Belt is preserved and there is no conflict with the purpose of including the land in the Green Belt. Development in the Green Belt is inappropriate (and thus can be permitted only in very special circumstances) unless it falls within one of the exceptions identified in Paragraphs 145 and 146.

6.2.2 Given the above, when considering any planning application, local planning authorities are required to ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

6.2.3 Paragraph 145 refers to the erection of buildings and states that "*The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*" represents appropriate development in Green Belt terms.

6.2.3 Green Belt serves five purposes:
a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;

- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.2.4 It is considered that the construction of the toilet and shower block and the change of use associated with the stationing on the land of the camping pods and touring caravans would constitute inappropriate development in the Green Belt because the development has introduced additional built footprint and volume onto land that was previously open. It is also clearly visible from the adjoining highway and appears as an encroachment into the countryside from this position. The development therefore fails to preserve the openness and would represent an encroachment of development into the countryside, therefore conflicting with the purposes of including land within it. It is therefore concluded that the proposal harms the objectives of the Green Belt to which the Government attaches significant importance.

6.3 Accessibility

6.3.1 Policy CS16 encourages the development of visitor accommodation “in accessible locations served by a range of services and facilities”. It further states that in rural areas, proposals must be “close to or within settlements, or an established and viable tourism enterprise where accommodation is required”.

6.3.2 In this case, it is accepted that, whilst the site lies to the east side of the A442 and the settlement lies to the west, the site lies close to the settlement of Alveley where there are a range of facilities and adjacent to the existing well established Public House which occupies the site. Furthermore the A442 has a number of pedestrian refuges to facilitate its safe crossing. It is concluded therefore that the site is in a relatively accessible location as required by development plan policy. It is therefore not considered to contradict the relevant sections of Policies CS6 and CS16 of the Shropshire Core Strategy (2011), and Policy MD11 of the Development Plan which seek to ensure, amongst other things, that new visitor accommodation is accessible to services and facilities.

6.4 Very Special Circumstances

6.4.1 In support of the application the applicant states that:

Tourism and Leisure is a key component of the Councils Core Strategy and vital to Alveley's economy.

That the proposed development would complement the existing tourism and leisure offer provided by the conversion of the stables to the holiday lets to the east of the site which is owned by the owner of the Public House (the tenant is the applicant).

Guests stay at the site associated with the nearby wedding venue “Mill Barns”.

The applicant and his siblings are tenants of three pubs and the margins in their

trade are very tight. Without the income generated by the pods and caravans the PH would operate at a loss for 4 – 6 months of the trading year. In August the income from the Pods and five caravans has been £8,000.

The PH is therefore able to employ 12 local people.

Guests purchase food from the Alveley shop and the applicant lends plates to take to the Chinese takeaway, when using the pods.

6.4.2 Whilst it is accepted that planning policy supports the location of visitor accommodation close to or within settlements, and associated with established and viable tourism enterprises where accommodation is required, this conflicts with other planning controls which seek to protect the green belt countryside from development which would be inappropriate by definition and would not preserve the open undeveloped character of the countryside.

6.4.3 The appellant states that the development provides a significant source of income to the supplement the Public House business. In this regard, it is asserted that it helps to keep this rural public house viable which is a valuable community asset. However it is noted that there are three Public Houses in Alveley and therefore this material consideration can be given limited weight. Moreover, this site could be separated from the public house business in the future, regardless of the applicants current intentions.

6.4.4 Policy CS5 encourages appropriate expansion of an existing established businesses however, that encouragement is caveated as being “subject to the further controls over development that apply to the Green Belt”. Accordingly, the proposal does not accord with Policy CS5 in this regard.

6.5 Visual Amenity

6.5.1 Paragraph 83 and 110 of the NPPF states that planning decisions for sustainable rural tourism and leisure developments should respect the character of the countryside; and generally that applications for development should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.

6.5.2 Policy CS6 seeks to ensure that development is appropriate in scale, density, pattern and design taking into account the local context and character.

6.5.3 Policy CS16 notes that the rural and tranquil nature of Shropshire’s countryside is a key component of Shropshire’s attractiveness as a visitor destination, it is therefore vital that all tourism proposals, particularly in rural areas, is compatible with their location so that Shropshire’s unique character and tranquillity is retained. Furthermore to the requirements in Policy CS16, policy MD11 recognises that chalets and log cabins have a greater impact on the countryside and schemes

should be landscaped and designed to a high quality.

- 6.5.4 Policy CS17 aims to ensure that all development contributes to the local distinctiveness, having regard to the quality of Shropshire's environment, including landscape.
- 6.5.5 Policy MD2 requires development to respond effectively to local character and distinctiveness, it should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set. As such, new development should respect the existing pattern of development, both visually and in relation to the function of spaces, retain and enhance important views and landmarks and respond appropriately to local environmental and historic assets.
- 6.5.6 Policy MD11 of the SAMDev states that; Tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings, and meets the requirements in Policies CS5, CS16, MD7, MD12, MD13 and relevant local and national guidance. In addition all proposals should to be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate.
- 6.5.7 The site is agricultural in character and despite the existing hedgerows and trees the site itself is essentially open. It is readily visible from public vantage points along the A442 and the proposed development would result in an incongruous addition in this rural location, and would be at odds with the open character and appearance of the area. The pods would appear as alien features and this together with the associated amenity buildings, vehicles and camping paraphernalia would result in an adverse impact upon the relatively open rural character of the area.
- 6.5.8 It is noted that the applicant has confirmed that he is happy to provide a landscaping scheme by way of a planning condition however it is considered that, in this instance this would be insufficient to mitigate the harm.
- 6.5.9 The proposal is therefore considered contrary to Local Plan policies CS5, C16 and C17, MD2, MD11& MD12 and national guidance contained within the NPPF which aims to improve the character and quality of an area and the way it functions and conserve and enhance the natural environment by protecting and enhancing valued landscapes.

6.6 Impact on Residential Amenity

- 6.6.1 Policies CS6 of the Core Strategy refers to the need to safeguard residential and local amenity and recognise the importance of ensuring that developments do not have unacceptable consequences for neighbours. One issue surrounding the use of the land as a glamping/ touring caravan site is the potential impact of the use on the standard of amenity enjoyed by neighbouring residents.

6.6.2 Objections have been lodged by the neighbours on noise, disturbance and light pollution grounds and on how the site is to be managed in this regard.

6.6.3 In support of the application the applicant has made the following points (summarised) :

The applicant acknowledges that nuisances have occurred and apologizes to the community.

Notes that the Parish Council recommend approval subject to conditions and accepts “reasonable” conditions.

Accepts that rubbish was burnt and states that a specific skip has been provided for visitors.

That visitors will be asked to respect neighbours and obtrusive lighting will be limited.

6.6.4 In respect of noise it is noted that the Planning Practice Guidance Note advises that this issue should not be considered in isolation, and its effects should be weighed against the economic, social and environmental dimensions of the development.

6.6.5 It is also acknowledged that there is a potential for the proposed glamping/touring caravan site to generate noise/smells and light pollution, it is considered that provided the site is managed appropriately then the residential amenity of the area would not be impacted on in a significant way. Additionally in the event that planning permission be granted and noise/smells/artificial lighting from the site consequently proved to create an issue then the Councils Public Protection Team could investigate this under nuisance legislation.

6.7 Ecological Impact

6.7.1 As mentioned above Core CS17 requires development to protect and enhance the diversity, high quality and local character of Shropshire’s natural environment, and to have no adverse effect on ecological assets. Policy MD12 relates to the conservation, enhancement and restoration of Shropshire’s natural assets. In this respect it must be demonstrated that the social or economic benefits of development clearly outweigh the harm to natural assets.

6.7.2 In this case it is considered that the proposal would not significantly harm the biodiversity and ecological interests could be protected by the inclusion of appropriate conditions requiring the installation of a lighting plan and informatives covering nesting birds, wildlife protection and landscaping. Therefore there would be no conflict with the elements of Core Strategy policies CS17 and SAMDev policy MD12 which, amongst other criteria seek to ensure that development protects

Shropshire's environmental assets.

6.8 Highway safety

6.8.1 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic to be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 108 – 109 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

6.8.2 The access is to be afforded via a gate in the existing public house car park. The access onto the A442 is in existing use for the public house and is considered adequate. No parking plans have been submitted but there is sufficient space on site to provide a parking area for each pod/hut together with additional parking near the entrance which would cater for visitors and maintenance vehicles.

6.8.3 Given the above it is considered that the proposal is unlikely to lead to severe highway safety impacts and it is located in a relatively accessible location in terms of accessing the settlements wider facilities and services on foot.

6.9 Other Issues

6.9.1 The applicant states that he has applied to the Camping and Caravanning Club for an Exemption Certificate this would enable the land subject of the application to be used for the siting of up to 5 caravans and 10 tents. Regardless of the outcome of this application i.e. whether or not it is approved or refused, should a Certificate be granted by such an exempted organisation planning permission would not be required.

6.9.2 The accommodation structures are relatively lightweight however, they are proposed to be stationed on the site for most of the year and therefore do not comprise temporary structures.

7.0 CONCLUSION

7.1 It is acknowledged that the proposed development would contribute to the rural economy and to the role of Shropshire as a tourist destination to stay. However these benefits are considered to be outweighed by the harm the openness of the Green Belt and be at odds with one of the five purposes of the Green Belt, namely safeguarding the countryside from encroachment. No very special circumstances have been demonstrated or exist that would be of sufficient weight to justify inappropriate development in the Green Belt. The development would therefore be contrary to the adopted Core Strategy policy CS5, SAMDev policy MD6 and the guidance set out in the National Planning Policy Framework Part 13.

7.2 Notwithstanding the above the benefits of proposed development are considered to be outweighed by the environmental harm. The introduction of the structures proposed would appear as incongruous additions to the area and as such would result in a detrimental impact upon the character and appearance of the area. Accordingly, the proposed development is contrary to Local Plan policies CS5, CS6, CS16 & CS17 of the adopted Core Strategy and policies MD2, MD11, MD12 of the SAMDev and national guidance contained within the NPPF, in particular paragraphs 83 and 110.

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
CS16 Tourism, Culture and Leisure
CS17 Environmental Networks
CS18 Sustainable Water Management

MD2 Sustainable Design
MD6 Green Belt
MD7b General Development in the Countryside
MD11 Tourism Facilities and Visitor Accommodation
MD12 Natural Environment

RELEVANT PLANNING HISTORY:

10/05136/FUL Improved access and visibility to existing field entrance GRANT 18th January 2011
14/05094/FUL Erection of an extension to existing stable block to house toilet a tack room and a WC including a toilet and sink GRANT 28th September 2015
17/05720/FUL Conversion of stables to two holiday lets GRANT 13th September 2018

18/04590/FUL Erection of canopy porch and disabled entrance door GRANT 30th November 2018
 BR/APP/FUL/05/0154 Erection of a boules piste and two floodlight columns GRANT 12th April 2005
 BR/APP/FUL/07/0277 Siting of a residential caravan for a temporary period REFUSE 17th May 2007
 BR/APP/FUL/07/0121 Repositioning of outdoor play equipment and adjustment to boules court GRANT 10th April 2007
 BR/APP/FUL/06/0600 Erection of a fire escape stair on north elevation GRANT 20th September 2006
 BR/APP/FUL/06/0140 Erection of a rear single storey extension GRANT 13th April 2006
 BR/87/0218 INSTALLATION OF L.P.G. TANK GRANT 30th April 1987
 BR/88/0104 CONSTRUCTION OF BOWLING GREEN REF 5th May 1988
 BR/85/0700 ERECTION OF SINGLE STOREY SIDE EXTENSION INCORPORATING EXISTING OUTBUILDING AND ALTERATIONS TO PORCH AND FRONT WINDOW GRANT 10th January 1986
 BR/86/0840 CONSTRUCTION OF L.P.G. TANK WDN 1st June 1987
 BR/86/0452 USE OF LAND AS BEER GARDEN REF 5th August 1986
 BR/93/0732 ERECTION OF SINGLE STOREY EXTENSION AT THE REAR OF THE PUBLIC HOUSE TO FORM FREEZER ROOM GRANT 15th December 1993
 BR/98/0356 PROVISION OF OUTDOOR PLAY EQUIPMENT GRANT 9th July 1998

Appeal

09/01202/REF USE OF LAND AS BEER GARDEN ALLOW 6th August 1987

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)
Design and Access Statement
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Tina Woodward

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 38, 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.

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 polices:

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

CS16 Tourism, Culture and Leisure

CS17 Environmental Networks

CS18 Sustainable Water Management

SAMDev policies:

MD2 Sustainable Design

MD6 Green Belt

MD7b General Development in the Countryside

MD11 Tourism Facilities and Visitor Accommodation

MD12 Natural Environment