



Committee and date
South Planning Committee
30 July 2019

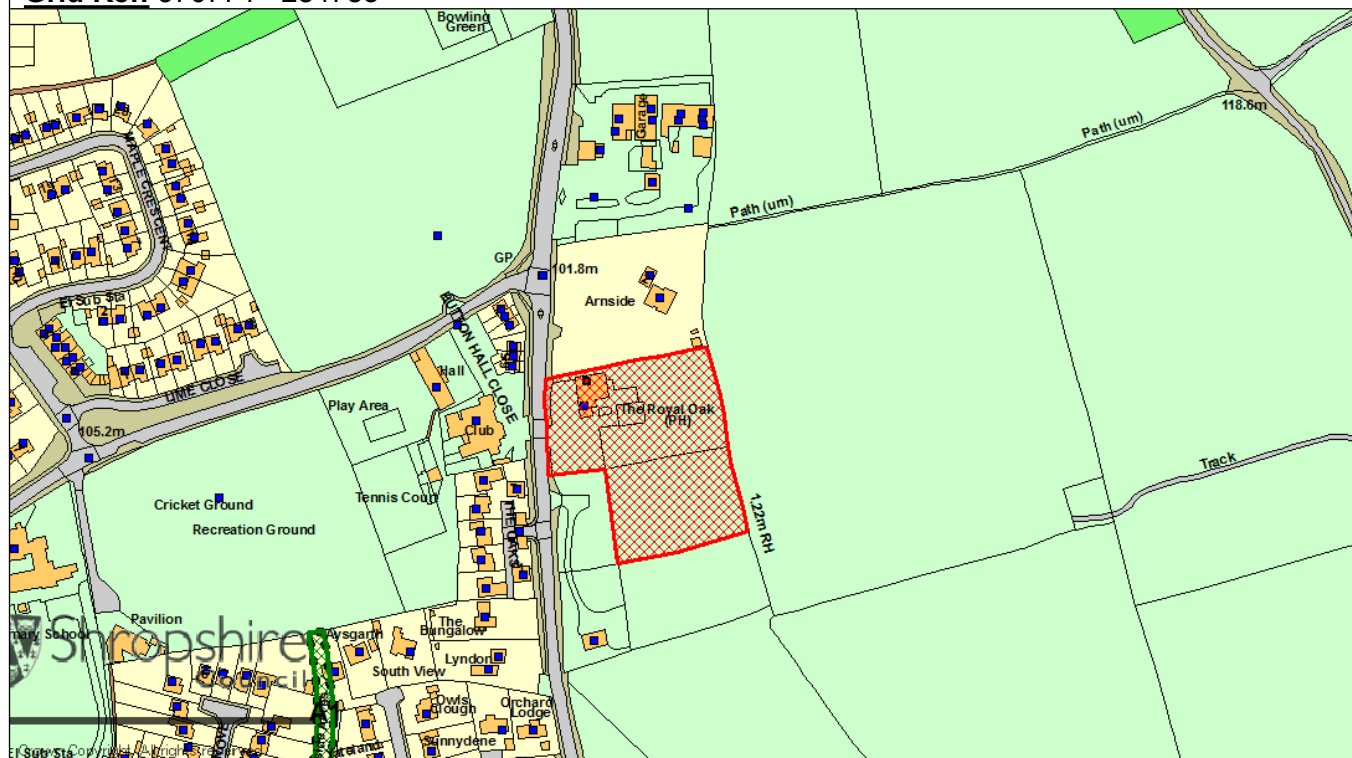
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 19/01487/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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Contact: Tim Rogers (01743) 258773

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

Recommended Reason for refusal

1. It is acknowledged that the proposed development would contribute to the rural economy, assist in the viability of the Public House and contribute 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 children's 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 A previous planning application was submitted under application No. 18/03476/FUL and Refused by the Planning Committee on the following grounds:

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.

1.3 At the Committee Meeting, Members expressed the view that, without prejudice to the decision made on any reapplication, Officers should guide the applicant on their options and suggested that the pods should be grouped more closely with the pub building and be less sprawled out across the site, a more robust landscaping scheme should be introduced, and a more in-depth case to be submitted as to why the applicant considered the development would be needed to sustain the public house. Members also required more information in relation to the management of the pods and would want them tied to the pub business.

1.4 This current application has subsequently been submitted. The application repositions the camping pods to the rear of the public house building and car park and, as previously, includes the erection of a toilet block and shower block in its original position immediately adjacent the children's play area, associated with the Public House and the internal access track. As previously 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 touring caravans are shown to be located on land to the south of the Public House and the west of the proposed camping pods. The applicants Agent has confirmed that his applicant will apply for a License from the Shropshire Council if planning permission is granted. The applicants Agent has confirmed that initially the scheme proposes 5 touring vans and also stated that the applicant also applied to the Caravan Club (Exempted Organisation) for a 5 van accreditation but was informed that they should wait until Planning Permission was achieved.

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 the Principal Planning Officer in consultation with the 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 supports this application in principle as potentially positive for the rural economy. However, Councillors are aware of the impact on the Green Belt and the need for the economic justification to be strong and sustainable. Parish Councillors are agreed that, at present, the site has a very negative visual impact and falls well below the standard they see as acceptable to outweigh harm to the Green Belt. They feel that the facility should be sited, arranged and substantially screened in order to minimise:

1. The potential intrusion on nearby residential properties; and
2. The extent to which the appearance of the site is out - of keeping with the surrounding countryside.

The Parish Council is concerned by the proposal to use leylandii for screening purposes, and would wish to see hedging of mixed native species in keeping with the rural location.

After careful consideration, the Parish Council recommends approval of the application subject to strict conditions being imposed with regard to:

- a. Numbers on site at any one time (possibly through a licensing agreement);
- b. Layout and landscaping, especially mixed species hedges for screening, and no disturbance to existing trees and hedges;
- c. The number of pods (no more than 8) and the number of caravans (no more than 5) on the site;
- d. The number of touring vans on site but unoccupied during the week;
- e. Disturbance (especially outside normal working hours or daylight hours) covering
 -
 - (i) Noise, including music,
 - (ii) Movement on and off site,
 - (iii) External lighting (so that it does not impact on local residents or road users).
- f. Access and egress arrangements, which should be via the Royal Oak car park.

4.2 SC Regulatory Services - Recommends that if permission is granted that the following condition is attached.

Prior to use of the development a noise management scheme that details what measures shall be employed to control noise from users of the site shall be submitted for written approval to the Planning Authority. Upon approval the scheme shall be fully implemented at all times.

4.3 SC Drainage – Recommend informative.

4.4 Shropshire Fire And Rescue Service – Recommend informatives.

4.5 - Public Comments

Site notice displayed/dated 09.04.2019. Expired 30.04.2019. Twelve letters sent 03.04.2019. Expired 24.04.2019. Thirteen representations received at the time of writing this report which raise the following issues : -

Concerned that this is a retrospective application.

Increased noise from the Royal Oak, particularly since a seating area has been constructed at the front of the building, directly facing residential housing. There has already been some loud noise from customers late in the evening and this has disturbed residents.

No objection, in principle, to this application if run in a tidy and orderly way, without noise or nuisance to neighbours and/or the wider community, it should enhance the profile of the village.

Concerned about the number of touring caravans and compliance with safety regulations relevant to such a caravan site. Limited access points for emergency vehicles such as the fire service and fire safety risks as a consequence of the use of firepits, chimneas and campfires. Insidious risk of carbon monoxide poisoning.

Disappointed to read that planning permission has been granted to convert the stables to two holiday lets. Concerned that if at first you're unsuccessful, keep applying and the planning authority will eventually cave in!

Noise and disturbance with no respect for neighbouring residents shown by the owner and no regard for neighbouring residents by visitors/campers. Antisocial behaviour (rowdy and raucous campers shouting and swearing into the early hours of the morning). Numerous local reports of public nuisance with excessive noise going on to 03:00 in the morning and local people having to sleep with the windows closed in the summer due to the smoke from campfires and chimnaeras.

Unightly advertising banners banner signs erected.

Concerned that caravans and tents to be left on site when visitors are away from the area.

Use of the site for caravan storage considered to be inappropriate in the green belt. Over the past two winter seasons there have been at least six and up to eight or nine unoccupied caravans stored on the site all of which contributed to a long term

impact on the visual amenity of this green belt site.

Adverse impact on the value of neighbouring property and an inability to sell property in the future.

Consider that the “glamping pods” are essentially cheap sheds. The failure to employ authentic natural materials will mean that the built structures will age very badly.

Consider the internal road is unsympathetically constructed of generic crushed stone. It has recently been top dressed with Cotswold stone chippings in an attempt to soften the impact, the effect however will only be temporary as normal trafficking will crush the soft Cotswold stone and bring the original ugly aggregate to the surface.

Concern that if this application is approved the illegal road building will be extended into the adjacent touring caravan field.

Proposed leylandii screening planting has already taken place despite the Parish Council expressing a preference for "native species". Question approach to allow an unsympathetic development in the green belt and then to simply conceal the blot with non-native planting that provides little opportunities for wildlife and which will in itself become a major detriment to the visual environment in a few years.

In order to legally operate a camping site an operator needs either an exemption certificate for smaller scale sites or a site licence and the associated planning permission. Currently the applicant has none of these and has therefore illegally operated the site for around two years.

As a consequence there is no formal process in place whereby the safety of the site users can be assured.

Therefore:-

- The safe limit for units on site is not established.
- The safe spacing of pitches has not been determined.
- The adequacy of fire precautions has not been tested.
- The safety of the electrical installation & appliances has not been certified.
- There is no process for neighbours to address public nuisance issues.

Consider that since the site is being operated illegally any public liability insurance the applicant may hold will be invalid and customers will have no redress in the event of an accident.

Representation from CPRE received stating that:

The development represents inappropriate development in the Green belt, being in the wrong location and setting.

This resubmission only involves cosmetic changes and considers that there are no

very special circumstances to justify the development.

Concern that there is no specific legislation concerning glamping sites nor an Officer of the Council available to monitor the development if permitted.

At present there are 5 caravans on the second field, a sixth that is residential plus a seventh tucked into the top left hand corner.

Other issues raised during the course of the previous application include:

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

Use of site for tented camping.

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.

5.0 THE MAIN ISSUES

Principle of development
Green Belt
Accessibility
Very Special Circumstances
Visual Amenity
Impact on Residential Amenity
Ecological Impact
Highway safety

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Whilst frustration over the retrospective nature of this application is understandable, it must be remembered that the process is quite legitimate by virtue of Section 73a of the Town and Country Planning Act 1990. Retrospective applications must

therefore be considered objectively within the same framework as any other, and since the planning system is not punitive the applicant's reasons for not having obtained consent previously are irrelevant.

- 6.1.2 Paragraph 83 of the NPPF (2019) 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.
- 6.1.8 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.
- 6.1.9 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.
- 6.1.10 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 (2019) 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.

6.2.4 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.

6.2.5 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:

The Pod and Touring Caravan development income is vital to the economic activity of the business and has submitted trading figures to support this claim. The trading figures supplied show the necessity of the tourism and leisure use for the business viability.

Unfortunately the trade at the Royal Oak is very seasonal and although the food offer is value for money the applicant has found that a second offering was needed to compensate for the leaner times.

Many local organisations now meet regularly at the pub and wedding guests associated with the Mill wedding venue, a short distance away stay for several nights in the pods.

When the family took over the tenancy of The Royal Oak, it had been closed for some time. The business thus started with no established goodwill. By hard work, the family has established a destination pub, which is popular with local residents, passing trade and people visiting Shropshire for tourism and leisure. It has proved extremely hard work, as the pub and restaurant trade is undergoing severe economic hardship. In order to establish a profitable trading situation, the family decided to try glamping pods and pitches for up to five touring caravans.

Residence is permitted for up to 28 days is permitted under current planning law. It is intended to license the site for both glamping pods and touring caravans.

Currently they employ 14 people most of which are residents in Alveley and at least one employee who is specifically employed to clean and monitor the pods.

The business brings trade to the local area and sources products locally both in the restaurant and for the glamping. The pods host guests attending functions and use the village shop. There is a proven need for accommodation in the village.

If the applicant are not allowed to continue with the glamping there is a very strong possibility that the applicant will have to make a decision to leave The Royal Oak due to its viability.

Consider that a similar case at Abels Harp in Minsterlsy was approved with similar objections.

The toilet and shower block has been clad with natural timber, which is not incongruous in the location. They are set back behind the single storey wing of the public house.

Members were concerned about the sites exposure to the main road and as a consequence the scheme has been amended to include the planting of a Leylandii hedge where the rear field adjoins the carpark (west boundary); along the boundary between the first and second field to the south which is currently delineated by a post and rail fence; the south boundary and similar native hedging with trees forms the whole rear and east boundary of the site. There is a detached property standing in large grounds to the north of the application site and this has a tall and dense Leylandii or similar screen hedge all along this boundary. The planting would immediately screen the pods, cars and tourists and help to cut down noise pollution.

The applicants are agreeable to entering into a Sec 106 Agreement to permanently maintain all screen hedging and/or erect and maintain a 1.8 metre high close boarded fencing at the rear of the car park, so that the pods would not be directly visible from the road.

There is a long established vehicular access into the site from the car park fronting Kidderminster Road, with a separating fence and lockable gateway into the site.

- 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 Financial information submitted indicates that the PH made a loss of some £14,000 in 2017. It is acknowledged that the information submitted demonstrates that there is a strong market for the type of accommodation proposed (682 nights booked last year) and that the income raised would provide a valuable supplementary source of income which would help towards the viability of this community asset, there are three Public Houses in Alveley and therefore this material consideration can be given only limited weight. Moreover, this site could be separated from the public house business in the future, regardless of the applicant's current intentions.
- 6.4.4 Policy CS5 encourages appropriate expansion of 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.
- 6.4.5 In respect of the Abels Harp in Minsterlsy case (application 15/02309/FUL), made

reference to above, it is noted that each case is considered on its own merits and this case currently under consideration can be distinguished from the Abels Harp, in that the site was located in the AONB but not in the Green Belt; the separate ablutions block was deleted from the application (as the amended scheme proposed to use facilities within the public house); it was judged that the impact of the pods was insufficient to justify refusal given the sites lawful use as an overspill car park and its limited visibility in the landscape being generally well screened.

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 In response to the Members suggestions the pods have been repositioned so as to be grouped more closely with the existing Public House and a significant number of leylandii trees planted. Furthermore it is noted that the applicants agent has confirmed that the applicants are agreeable to entering into a legal agreement to permanently maintaining all screen hedging and/or to erecting and maintaining a 1.8 metre high close –boarded fence at the rear of the car park, so that the pods would not be directly visible from the road.

6.5.9 These amendments however are considered ineffectual and indeed the introduction of non-native planting and close boarded fencing would in this instance further erode the visual amenity of the area and be insufficient to mitigate the harm.

6.5.10 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, fumes from open fires 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 considers that in time the introduction of planting should help with noise and light pollution over and above that caused by the busy A442.

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.

6.6.6 As noted above Members of the Planning Committee, also suggested that more

information in relation to the management of the pods, should be provided with any future application. To that end the applicant, during the course of this current application has submitted a copy of the “Campsite Rules” – this may be viewed on the Councils web site. The applicant has also confirmed that the applicant lives permanently at The Royal Oak and together with his staff maintain an “efficient and sociable site.”

6.6.7 It is also noted that the SC Public Protection Team have been consulted on this application and recommend that, should planning permission be forthcoming, a suitable condition be attached to require the submission and approval of a noise management scheme that details what measures shall be employed to control noise from users of the site and that this should be fully implemented at all times. 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.

6.8 **Other Issues**

6.8.1 As part of the previous application the applicant stated that he had previously 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.

6.8.2 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.

6.8.3 The application form states that the foul drainage is to be connected to the main sewer which already serves the Public House and that the surface water would be disposed of via a soakaway system. The site is located outside the SuDS Consultation area and SC drainage raise no objection and recommend an appropriate informative.

7.0 **CONCLUSION**

7.1 It is acknowledged that the proposed development would contribute to the rural economy, assist in the viability of the Public House and contribute 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:

- ② As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ② The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Shropshire Core Strategy policies:

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

RELEVANT PLANNING HISTORY:

18/03476/FUL 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 REFUSE 19th December 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)
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Cabinet Member (Portfolio Holder) Councillor Gwilym Butler

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 policies:
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