



Committee and Date  
North Planning Committee  
12<sup>th</sup> November 2019

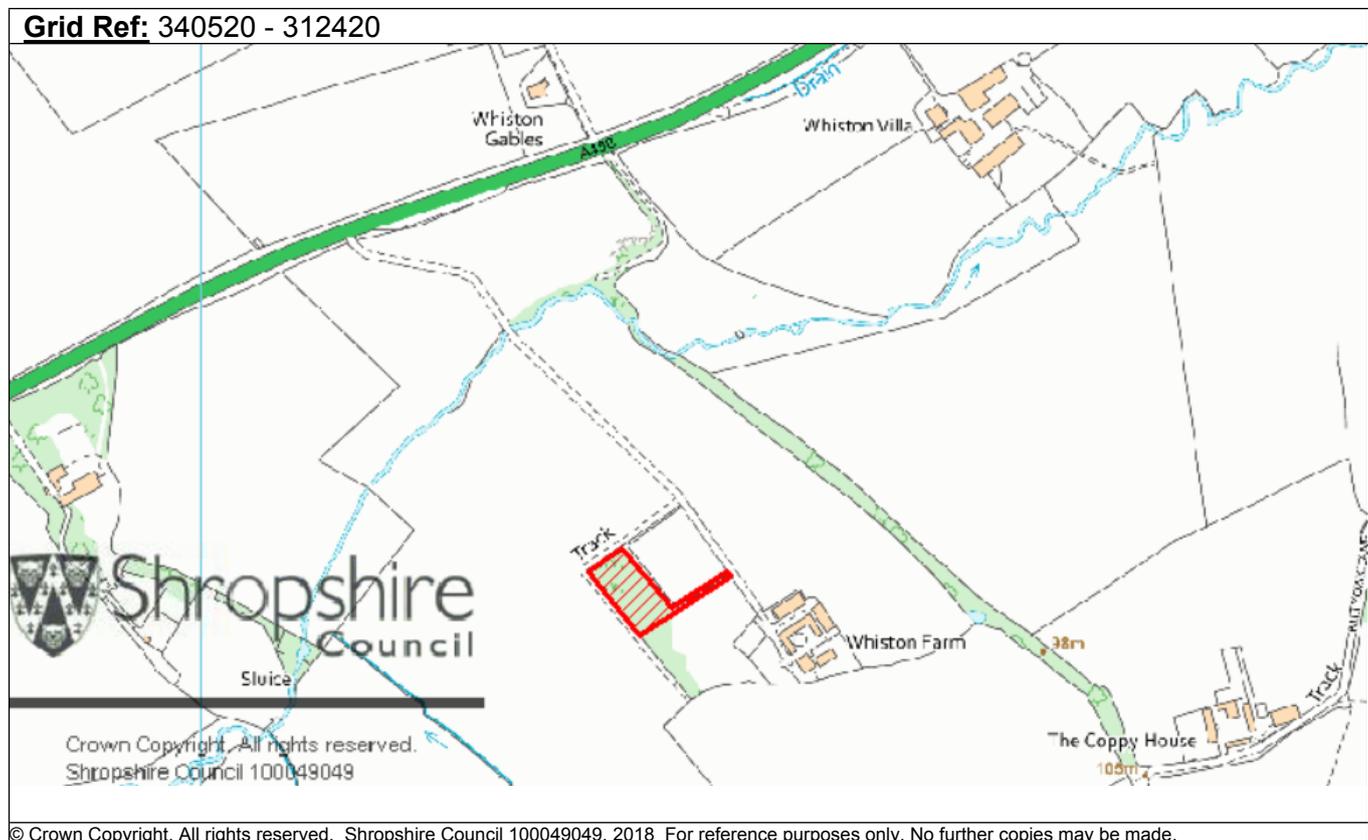
Item  
**5**  
Public

## Development Management Report

Responsible Officer: Tim Rogers  
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### Summary of Application

<b>Application Number:</b> 19/04096/FUL	<b>Parish:</b>	Alberbury With Cardeston
<b>Proposal:</b> Change of use of land from agriculture to outdoor storage of caravans and containers to include laying of hardstanding area and associated landscaping		
<b>Site Address:</b> Whiston Farm Cardeston Ford Shrewsbury Shropshire		
<b>Applicant:</b> Mr And Mrs N Challenor		
<b>Case Officer:</b> Cathryn Robinson	<b>email:</b>	<a href="mailto:planning.northern@shropshire.gov.uk">planning.northern@shropshire.gov.uk</a>



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

## Recommended Reasons for refusal

1. The proposal requires the felling of visually mitigative trees associated with former consent 18/03367/FUL. Increasing the caravan storage - and associated visual impact of hardstanding and caravan - by 50% alongside felling the aforementioned trees it is considered will have a significant detrimental visual and landscape impact on the surrounding countryside which cannot be adequately mitigated by means of additional planting. It is also considered that the development on this site has a significant detrimental visual impact when viewed from the A458 public highway and surrounding public footpaths. As such the proposal is considered contrary to Policies CS5, CS6, and CS17 of the Shropshire Core Strategy, Policies MD2, MD7b and MD12 of the SAMDev and the overall aims and objectives of the NPPF in relationship to sustainable development.
2. There is insufficient information in regards to ecology, where the site is a semi-natural broadleaved woodland and no Ecological Impact Assessment has been provided. Accordingly it is not possible to conclude that the proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2017.
3. There is insufficient information in regards to highways and traffic, where no transport and highways statement nor access details have been submitted. Highways England are not able to test for compliance with the requirements for access from the A458 as laid out in DMRB CD 123, nor ascertain whether the proposal could materially affect the continued safe operation of the SRN, contrary to DfT Circular 02/2013 para. 10 policy. Accordingly it is not possible to conclude that the proposal will not have an adverse impact on highway safety. Such development would be in conflict with Core Strategy Policy CS7 and SAMDev policy MD8.

**REPORT**

<b>1.0</b>	<b>THE PROPOSAL</b>
<b>1.1</b>	This application seeks permission for the change of use of agricultural land to secure a compound area for storage of caravans and container storage, including landscaping measures. The proposal is looking to extend an existing caravan storage area approved by permission 18/03367/FUL.
<b>2.0</b>	<b>SITE LOCATION/DESCRIPTION</b>
<b>2.1</b>	Whiston Farm extends to 6 acres (2.4ha), and is situated in an elevated location at the end of a private drive off the A458 Shrewsbury to Welshpool Road approximately 8 miles from Shrewsbury and 14 miles from Welshpool. The property is no longer a working active farm but is surrounded by farmland in the control of another nearby farm. For policy purposes the application site is within open countryside.

<b>3.0</b>	<b>REASON FOR COMMITTEE DETERMINATION OF APPLICATION</b>
<b>3.1</b>	The Parish Council have provided views contrary to the Officers recommendation. This application has been discussed with the Local Member whom concurs with the support of the Parish Council, and as such has requested a committee determination of the scheme. The application was further discussed by the Chair and Vice Chair of planning committee, whom also determined that a committee determination was appropriate.
<b>4.0</b>	<b>Community Representations</b>
<b>4.1</b>	<b>- Consultee Comments</b>
<b>4.1.1</b>	<b>Alberbury with Cardeston Parish Council</b> The Parish Council supports this application and feel that the applicant has done extensive works to shield the site. There is also a view that the photographs of the site seen by the Council are out of date by several years and do not reflect current plant growth etc as viewed by our councillors locally
<b>4.1.2</b>	<b>SUDs</b> No objection; see decision notice, where informatives are recommended.
<b>4.1.3</b>	<b>SC Rights of Way</b> No comments to make on the application.
<b>4.1.4</b>	<b>WSP on behalf of Highways</b> The A458 to the west of Shrewsbury is under the control of Highways England and their consultation should be sought in this matter.
<b>4.1.5</b>	<b>SC Ecology</b> <u>15.10.19</u> Additional information is required relating to protected species and habitats. In the absence of this additional information (detailed below) I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2017.
<b>4.1.6</b>	<b>Highways England</b> <u>28.10.19</u> Highways England recommend that planning permission not be granted for a specified period.  The site has consented use for the storage of caravans and self-service storage containers. Notwithstanding that, the Design and Access Statement suggests the access to the site from the SRN is appropriate for the continuing use of the site along with the proposed change of use, in the absence of a transport statement or similar document quantifying the existing vehicle movements including those proposed, we are unable to test for compliance with the requirements for access from the A458 as laid out in DMRB CD 123.  Therefore, as the proposed development is likely to result in a daily increase in vehicle flow/change in vehicle type using the existing access layout with the SRN, which has sub-standard design elements, this is regarded a material intensification that could materially affect the continued safe operation of the SRN, contrary to DfT Circular 02/2013 para. 10 policy.

	<p>If the developer argues that the design solution that complies with the standards laid out in DMRB CD 123 is not feasible or not required, Highways England would suggest that a Departure from Standard will be required in accordance with DMRB GG 101 procedures. As explained in Highways England’s planning guidance document titled ‘Planning for the Future: A Guide to Working with Highways England on Planning Matters para. 114’, a scheme promoter should not assume a Departure from Standard will be granted but seek an agreement in principle (AiP) from Highways England prior to the determination of the planning application.</p> <p>In light of the above, Highways England recommends that planning permission not be granted for a period of up to three months from the date of this notice, to allow the applicant time to provide additional information.</p>
<b>4.2</b>	<b>- Public Comments</b>
<b>4.2.1</b>	<p>This application was advertised via notice at the site. At the time of writing this report, two representations had been received objecting to the proposal. The main points are surmised as follows –</p> <ul style="list-style-type: none"> <li>• The existing landscaping for the adjacent site is not being properly implemented, neither are the caravan covers stipulated</li> <li>• Comparable sites listed with the supporting statement are not considered relevant nor useful comparisons</li> <li>• The application would destroy an established woodland including Scots Pine and Oak</li> <li>• Loss of the mature woodland this proposal entails is contrary to policy CS17, and also fails to meet the environmental concerns of policies MD11 and MD12</li> <li>• The screening proposed would not hide the caravans</li> </ul>
<b>5.0</b>	<b>THE MAIN ISSUES</b>
	<p><b>Principle of development</b>  <b>Siting, scale and visual impact</b>  <b>Highways and Access</b></p>
<b>6.0</b>	<b>OFFICER APPRAISAL</b>
<b>6.1</b>	<b>Principle of development</b>
<b>6.1.1</b>	<p>The NPPF requires Local Planning Authorities to encourage economic development in rural areas through the support of sustainable growth and expansion of existing businesses together with support for sustainable tourism and leisure development that benefit businesses, communities and visitors. It should be ensured that these are appropriate in terms of location and that they respect the character of the countryside.</p>
<b>6.1.2</b>	<p>Shropshire Core Strategy Policy CS13 supports rural enterprise provided schemes accord with CS5 which seeks to retain and permit appropriate expansion of existing established business in the countryside (unless relocation to a suitable site within a settlement would be more appropriate) provided they maintain and enhance countryside vitality and character.</p>
<b>6.1.3</b>	<p>It is also necessary to ensure that the additional facilities proposed would comply with policy CS17 and ensure “developments identify, protect, enhance, expand and</p>

	connect Shropshire’s environmental assets, to create a multifunctional network of natural and historic resources”
<b>6.1.4</b>	Shropshire Core Strategy Policy CS5: Countryside and Green Belt states that new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. Development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to small-scale new economic development diversifying the rural economy, including farm diversification schemes. Development will be expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity where this is appropriate.
<b>6.1.5</b>	MD7b - General Management of Development in the Countryside states that planning applications for agricultural development will be permitted where it can be demonstrated that the development is: <ul style="list-style-type: none"> <li>a. of a size/ scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise or business that it is intended to serve;</li> <li>b. Well designed and located in line with CS6 and MD2 and where possible, sited so that it is functionally and physically closely related to existing farm buildings; and,</li> <li>c. There will be no unacceptable impacts on environmental quality and existing residential amenity.</li> </ul>
<b>6.1.6</b>	MD7b also states that in order to promote a sustainable approach to development, proposals which minimise the impacts of new development, appropriately conserve the existing historic and landscape resource, and/or provide environmental amelioration are encouraged. This will include the appropriate re-use of existing suitable buildings and previously developed land.
<b>6.1.7</b>	Shropshire’s high quality natural and built environment is one of its greatest assets. Protecting and enhancing the material, natural and historic resources which make Shropshire special is central to the role of the Local Development Framework.
<b>6.1.8</b>	CS13 : Economic Development, Enterprise and Employment states that Shropshire Council, working with its partners, will plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities. In doing so, particular emphasis will be placed on: <ul style="list-style-type: none"> <li>• Promoting Shropshire as a business investment location and a place for a range of business types to start up, invest and grow, recognising the economic benefits of Shropshire’s environment and quality of life as unique selling points which need to be valued, conserved and enhanced;</li> <li>• In rural areas, recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with agricultural and farm diversification, forestry, green tourism and leisure, food and drink processing, and promotion of local food and supply chains. Development proposals must accord with Policy CS5.</li> </ul>
<b>6.1.9</b>	CS16 supports the delivery of high quality, sustainable tourism, and cultural and leisure development, which enhances the vital role that these sectors play for the local economy, benefits local communities and visitors, and is sensitive to Shropshire’s intrinsic natural and built environment qualities.
<b>6.1.10</b>	Policy MD11 supports delivery of Core Strategy Policy CS16 which sets out a

	<p>positive approach to tourism, leisure and recreation development that balances the benefits to the economy with the need to protect the qualities of Shropshire in line with the aims of the National Planning Policy Framework (NPPF). All proposals in the countryside must also meet relevant considerations within Policies CS5, CS16 and MD7b. MD11 also seeks to limit the effects of new and extended sites in areas where cumulatively the impacts would outweigh any potential economic benefits.</p>
<b>6.1.11</b>	<p>Officers consider that the proposal does not comply with the above policy and specifically for the following reasons:</p>
<b>6.1.12</b>	<p>Policy CS13 supports rural enterprise provided schemes accord with CS5 which seeks to retain and permit appropriate expansion of existing established business in the countryside (unless relocation to a suitable site within a settlement would be more appropriate) provided they maintain and enhance countryside vitality and character. This application is seeking to extend – by 50% - the storage area permitted by application 18/03367/FUL. The 2018 application was accompanied by a Landscape Appraisal, which establishes the baseline information regarding the landscaping character of the site etc. What transpired was the importance of the existing woodland to the west of that site i.e. the land subject to this application in terms of screening and reflection of local landscape character. Where the development site would – by default – involve eradicating this area of woodland recognised as important to local character, the appropriateness of the development must be called into question. Particularly when the expansion of the business by 50% would also have implications, by virtue of vehicular movements etc, on the local countryside vitality.</p>
<b>6.1.13</b>	<p>CS17 states that development will identify, protect, enhance, expand and connect Shropshire’s environmental assets, to create a multifunctional network of natural and historic resources. Shropshire’s high quality natural and built environment is one of its greatest assets. As stated in section 6.1.7 above, protecting and enhancing the material, natural and historic resources which make Shropshire special is central to the role of the Local Development Framework.</p>
<b>6.1.14</b>	<p>In addition SAMDev Policy MD12: The Natural Environment builds on Policy CS17 providing development which appropriately conserves, enhances, connects, restores or recreates natural assets. Policy MD12 also sets out in detail the level of protection offered to Shropshire’s natural assets which include: biodiversity and geological features; trees, woodlands and hedges in both rural and urban settings; the ways in which the above combine and connect to create locally distinctive and valued landscapes, including the Shropshire Hills Area of Outstanding Natural Beauty and the contribution all of the above make to visual amenity.</p>
<b>6.1.15</b>	<p>Per 6.1.12 the existing woodland that currently makes up the development site has been recognised as valuable in terms of landscape character. Indeed, amongst the suggested mitigation measures within the appraisal report for application 18/03367/FUL was “strengthening the screening provided by the woodland to the west, using native evergreen species to improve screening in the winter months”. This application seeks to increase the visual impact, in conjunction with felling the trees that helped the original storage to be viewed acceptably in landscape terms. On this basis, the proposal is not considered to meet the criteria of policies CS17 and MD12. The cumulative impacts of loss of existing landscaping alongside increased caravan storage at this site rather represent environmental harm.</p>
<b>6.2</b>	<b>Siting, scale and visual impact</b>

6.2.1	<p>Though separated from the rear of the main farmstead, the site is adjacent to an existing caravan storage area which does provide visual precedent for the works. Officers acknowledge that the applicant has provided landscaping proposals and appraisals to try and avert the visual impact of the development, but it is officers opinion that although native species are proposed and some which will eventually be of a size that may potentially provide screening to some degree of parts of the site, which would afford some screening during spring and summer months, would not provide adequate screening during what is assumed is the main time of year for the storage of caravans during the autumn and winter months. This issue is exacerbated, per 6.1.12, where the existing trees – which require felling to make way for this development - have been recognised of landscape value, particularly where the topography of the site sees it clearly visible from the nearby A458, layby and rights of way that pass near to the site.</p>
6.2.2	<p>Previous permission 18/03367/FUL attracted a condition to help ward against adverse visual impacts, which required all caravans stored within the application site shall be permanently covered in dark green tarpaulin (or similar material) for each storage period. Its wording is as follows –</p> <p><i>All caravans stored within the application site shall be permanently covered in dark green tarpaulin (or similar material) for each storage period.</i></p> <p><i>Reason - In the interests of visual amenity, in particular whilst the proposed planting matures.</i></p> <p>The site is clearly visible from the A458 trunk road, thus requiring visual mitigation measures. At the time of writing this report, the site had been viewed – on several occasions – from the A458, and the caravans in question noted to be uncovered. Whilst the incompliance of this condition is not a reason in its own right to refuse this application, its implications do weigh against the current proposal. The failure of this condition to achieve its intended function also raises ambiguity as to whether this condition would meet the NPPF 6 tests; an inability to replicate this condition further exacerbates the aforementioned visual concerns surrounding the application in question.</p>
6.2.3	<p>The proposal is considered will have a significant detrimental visual and landscape impact which cannot be adequately mitigated by the LA submitted. It is also considered that development on this site has a significant detrimental visual impact when viewed from the surrounding landscape which includes the nearby A458 public highway and surrounding public footpaths.</p>
6.2.4	<p>The proposal is considered not to be in accordance with the overall aims and objections of the NPPF in relationship to sustainable development and policies CS5, CS6, CS13, CS16 and CS17 of the Shropshire Core Strategy and MD2, MD7b, MD11 and MD12 of SAMDev.</p>
6.3	<p><b>Highways and Access</b></p>
6.3.1	<p>The nature of use at this site sees vehicular movements, of larger vehicles, entering and leaving the site to drop off and collect the caravans and/or storage containers. By increasing the storage provisions at this site, the proposal by its fundamental nature is increasing the vehicular movements; where the storage increase is proposed to be 50% of the existing, this vehicular increase is considered material.</p>

<b>6.3.2</b>	Where the development site gains access via the A458 trunk road, Highways England have been consulted for comment on the potential impacts of the proposal on the strategic road network (SRN). In the absence of information regarding the existing vehicular movements to and from the site, it is not possible to test for compliance with the requirements for access from the A458 as laid out in DMRB CD 123. Where this proposal intensifies those movements, the continued safe operation of the SRN is further questioned. These material impacts are contrary to DfT Circular 02/2013 para. 10 policy.
<b>6.3.3</b>	It's noted that the design and access statement confirms that customers are required to attend the site via appointment. Though primarily for security reasons, this does impact and somewhat regulate the flow of traffic; this function is noted, However no information has been provided regarding illustrating the effect of this current system in management traffic flow, nor further detailing the implications of the increased storage provision – and associated vehicular movements – on this system. In the absence of such information, it is not possible to make an informed assessment on highway safety.
<b>7.0</b>	<b>CONCLUSION</b>
<b>7.1</b>	Although the development will help to sustain and expand an existing rural business, to which the development as proposed does not have planning permission, the proposal it is considered would be detrimental to the character and appearance of the locality and the wider countryside setting, in relationship to both landscape and visual impact.
<b>7.2</b>	Of particular concern is the location of the outdoors storage which is on a site divorced from the former farmstead, to which it is considered does not assist as a backdrop or a screen or mitigate the development into the local landscape, on a site surrounded by agricultural land onto which there is significant views into the site, and to which there is insufficient screening both currently and as proposed in order to mitigate the development into the surrounding landscape. Where the proposal results in the loss of mature woodland which has previously been noted of mitigation impact, the visual impact – and associated harm – of this proposal is unacceptable.
<b>7.3</b>	Therefore the proposal is considered not to be in accordance with the overall aims and objectives of the NPPF in relationship to sustainable development and policies CS5, CS6, CS13 and CS17 of the Shropshire Core Strategy and MD2, MD7b and MD12 of SAMDev. Officers recommend that planning permission is refused for the reasons as discussed above.
<b>8.0</b>	<b>Risk Assessment and Opportunities Appraisal</b>
<b>8.1</b>	<b>Risk Management</b>
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> <li>☐ 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.</li> <li>☐ The decision may be challenged by way of a Judicial Review by a third <b>party</b>. The courts become involved when there is a misinterpretation or misapplication</li> </ul>

	<p>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.</p> <p>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.</p>
<b>8.2</b>	<b>Human Rights</b>
	<p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
<b>8.3</b>	<b>Equalities</b>
	<p>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.</p>
<b>9.0</b>	<b>Financial Implications</b>
	<p>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.</p>

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Core Strategy and SAMDev Policies:  
CS5 - Countryside and Greenbelt  
CS13 - Economic Development, Enterprise and Employment  
Economic Development, Enterprise and Employment  
CS16 - Tourism, Culture and Leisure  
CS17 - Environmental Networks  
MD7B - General Management of Development in the Countryside  
MD11 - Tourism Facilities and Visitor Accommodation  
MD12 - Natural Environment

#### RELEVANT PLANNING HISTORY:

15/01270/FUL Change of use of agricultural land to outdoor caravan storage facility WDN 1st July 2015

15/04600/FUL Change of use of land to provide an outdoor caravan storage facility WDN 11th January 2016

16/05816/COU Application under Section 73a of the Town and Country Planning Act 1995 for the change of use of agricultural land to secured compound area for storage of caravans and container storage REFUSE 27th April 2017

17/01638/FUL Application under Section 73a of the Town and Country Planning Act for the change of use of agricultural buildings to secure buildings for storage of caravans and other non-agricultural items GRANT 8th June 2017

18/03367/FUL Application under Section 73A of the Town and Country Planning Act 1990 for the change of use from agricultural land and construction of hardstanding to create secure compound for outdoor (covered) storage of caravans and storage containers (retrospective), including incorporation of landscaping measures GRANT 14th December 2018

19/04096/FUL Change of use of land from agriculture to outdoor storage of caravans and containers to include laying of hardstanding area and associated landscaping PDE

SA/84/0924 Installation of 1/2 tonne (1,000 litre capacity) LPG vessel for domestic heating purposes. PERCON 31st October 1984

SA/87/1134 Change of use of existing calf rearing unit to a workshop. PERCON 17th December 1987

#### 11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
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Local Member Cllr Ed Potter
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Appendices None
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