



Appeal Decision

Site visit made on 8 October 2019

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2019

Appeal Ref: APP/L3245/W/19/3234109

Land adjacent to The Old Vicarage, Knowle Sands, Bridgnorth, WV16 5JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Kirbycraft Ltd against the decision of Shropshire Council.
 - The application Ref 18/03509/FUL, dated 23 July 2018, was refused by notice dated 12 March 2019.
 - The development proposed is change of use of land for the siting of 10 glamping tents plus one communal tent, formation of car park, and replacement of existing shower/amenity block (part retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land for the siting of 10 glamping tents plus one communal tent, formation of car park, and replacement of existing shower/amenity block (part retrospective) at Land adjacent to The Old Vicarage, Knowle Sands, Bridgnorth, WV16 5JL in accordance with the terms of the application, Ref 18/03509/FUL, dated 23 July 2018, and subject to the conditions set out in the attached schedule.

Procedural Matters

2. The description of development given above is taken from the Decision Notice rather than the planning application form. This description reflects changes that were made at application stage, including the removal of the proposed fitness 'boot camp' element of the scheme. The application was determined on this basis and I have taken the same approach.
3. Some works have already been undertaken including the regrading of part of the site to facilitate the introduction of the proposed tents. The development is therefore partly retrospective in nature.

Main Issues

4. The main issues are, firstly, the effect of the development on the character and appearance of the area and, secondly, whether the development would result in unacceptable safety risks and/or nuisance to guests.

Reasons

Character and appearance

5. The appeal site is a relatively narrow strip of land positioned between the B4555 and the River Severn. It is designated as being within the open countryside for planning policy purposes.
6. The site adjoins open land to the north, east, and south west. However, there are a number of existing properties in the vicinity, including several dwellings and a number of static caravans immediately to the south, many of which are on elevated ground. When viewed from nearby footpaths, and from the A442 to the east, the site is seen in the context of this pattern of development along the riverbank. Whilst the tents would be a relatively prominent feature, they would also be small in size and of lightweight construction. In my view, they would not appear out of place given their surroundings. Moreover, additional planting and landscaping could be secured by condition in order to secure an attractive riverbank setting. The proposal also includes a car parking area for up to 10 vehicles. However, this would be relatively small and would be seen against the backdrop of the existing parking area and static caravans to the rear.
7. For the above reasons, I conclude that the development would not significantly harm the character or appearance of the area. It would therefore accord with Policies CS6, CS16, and CS17 of the Shropshire Core Strategy (2011), and Policies MD2 and MD11 of the Shropshire Council Site Allocations and Management of Development Plan (2015). These policies seek to ensure, amongst other things, that new development achieves high quality design and preserves local character. It would also be consistent with the National Planning Policy Framework which seeks to achieve well-designed places.

Safety/nuisance

8. The appeal site is next to the River Severn and the proposed amenity block would be close to the river edge. However, there is an existing amenity block in this location and there is no evidence before me that this has resulted in any safety issues in the past. Moreover, the route from the tents to the amenity block could be appropriately lit during the hours of darkness to ensure the safety of guests, which could be secured by condition. The submission and approval of a Flood Evacuation Management Plan would also minimise any risks associated with flooding of the site. I further note that the proposed accommodation tents would be located in Flood Zone 1.
9. With regard to fumes and noise arising from the B4555, there is no evidence before me that this has harmfully affected existing holiday accommodation along this section of the road. In any case, guests staying at the site would only occupy the tents for relatively short periods of time.
10. For the above reasons, I conclude that the development would not result in unacceptable safety risks or nuisance to guests. It would therefore accord with Policy CS6 of the Shropshire Core Strategy (2011), which requires that new development is safe and provides a good standard of amenity.

Other Matters

11. An Ecological Appraisal¹ has been submitted in support of the development. This states that whilst the site is of little ecological merit for wildlife at present, it falls within a corridor alongside the River Severn which aids the movement and dispersal of many species. The Ecological Appraisal concludes that subject to the implementation of 'reasonable avoidance measures', no significant impacts upon protected species would be likely to arise. Such measures, and other ecological enhancements to the site, could be secured by condition. I further note that the Council's Assistant Biodiversity Officer has not objected to the development on ecological grounds.
12. The development would generate only a modest amount of additional traffic and would be served by a safe and suitable access onto the B4555. I further note that the Highway Authority has not objected to the development on highway safety or network capacity grounds.
13. It is asserted that an existing hedgerow along the site boundary has reduced the width of the pavement to the B4555. However, the Highway Authority is able to require a tree/hedge to be lopped or cut where a danger to roads or footpaths is caused. This power exists outside of the planning regime.
14. A number of interested parties refer to a footpath that runs through the site. However, the submitted plans do not indicate that any footpath would be affected by the proposals.
15. The proposed use is not intrusive in nature, and only 10 glamping tents are proposed. In my view, the proposal would be compatible with its surroundings and would not result in significant noise and disturbance to neighbouring properties.

Conditions

16. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. A condition that requires the development to accord with the approved plans is necessary in the interest of certainty. A further condition requiring the submission and approval of a lighting plan is necessary in the interest of biodiversity and the safety of guests. Another condition relating to landscaping is necessary in order to preserve the character and appearance of the area. Further conditions relating to bird/bat boxes, and reasonable avoidance measures, are necessary to implement the recommendations of the submitted Ecological Appraisal. Conditions requiring the submission and approval of a Flood Evacuation Management Plan, and relating to the level of the proposed tents, are also necessary in order to ensure that the site is safe from flood risk. I have imposed additional conditions relating to the proposed parking area, entrance gates, and occupancy of the glamping tents. These conditions are necessary in order to ensure that the car park is available for future use, that any entrance gates do not prejudice highway safety, and to prevent the permanent residential occupation of the tents.
17. As the development is partly retrospective, it is unnecessary to include a condition that requires the development to commence within 3 years. A condition that would have prevented the erection of new structures or the

¹ Salopian Consultancy Ltd (September 2018)

raising of ground within the flood plain is also unnecessary as, aside from the replacement amenity block, no such works are proposed. A further condition that would have sought to prevent the severing of the existing dwelling from the proposed holiday accommodation is unnecessary, as it is unclear that on-site supervision is required. A condition that would have required a Habitat Management Plan to have been submitted and approved is disproportionate in this case, given the scale of the proposal and the site's ecological contribution. This condition also implies that a planning obligation be entered into. However, Planning Practice Guidance is clear that a condition which limits the development that can take place until a planning obligation has been entered into is unlikely to be appropriate in the majority of cases and would require "exceptional circumstances"². No such exceptional circumstances have been put forward in this case.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR

² Paragraph: 010 Reference ID: 21a-010-20190723

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: SA26993/01 Rev E; SA26993/02 Rev E; SA26993/03 Rev B.
- 2) Prior to the commencement of the use, details and locations of at least 2 bat boxes and 2 bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved boxes shall be erected prior to the site being brought into use and shall thereafter be retained.
- 3) Prior to the commencement of the use, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate how the external lighting will avoid significant impacts on existing ecological networks and proposed bat and bird boxes. The development shall be carried out in accordance with the approved details, which shall thereafter be retained.
- 4) Prior to the commencement of the use, a landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include planting plans, schedules of plants and species, ecological enhancements, and an implementation timetable. The approved landscaping plan shall be carried out in accordance with the approved implementation timetable. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) Prior to the commencement of the use, an appropriately qualified Ecological Clerk of Works shall provide a report to the Local Planning Authority demonstrating implementation of the 'reasonable avoidance measures', as set out in section 3.5 of the Ecological Appraisal (Salopian Consultancy, September 2018).
- 6) Prior to the commencement of the use, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include the procedure for evacuation of persons and property (including vehicles), details of staff training, and the method and procedures for timed evacuation.
- 7) The proposed holiday accommodation units (glamping tents) shall be set above 33.16m AOD.
- 8) The car parking area shall be laid out and surfaced prior to the commencement of the use and shall thereafter be retained for that purpose.
- 9) Any entrance gates erected in the private driveway shall be set back by a minimum distance of 5m from the road as measured from the nearside edge of the carriageway and shall be made to open inwards only.
- 10) The holiday accommodation units (glamping tents) stationed on the site shall not be used as permanent residential accommodation.