

Development Management Report

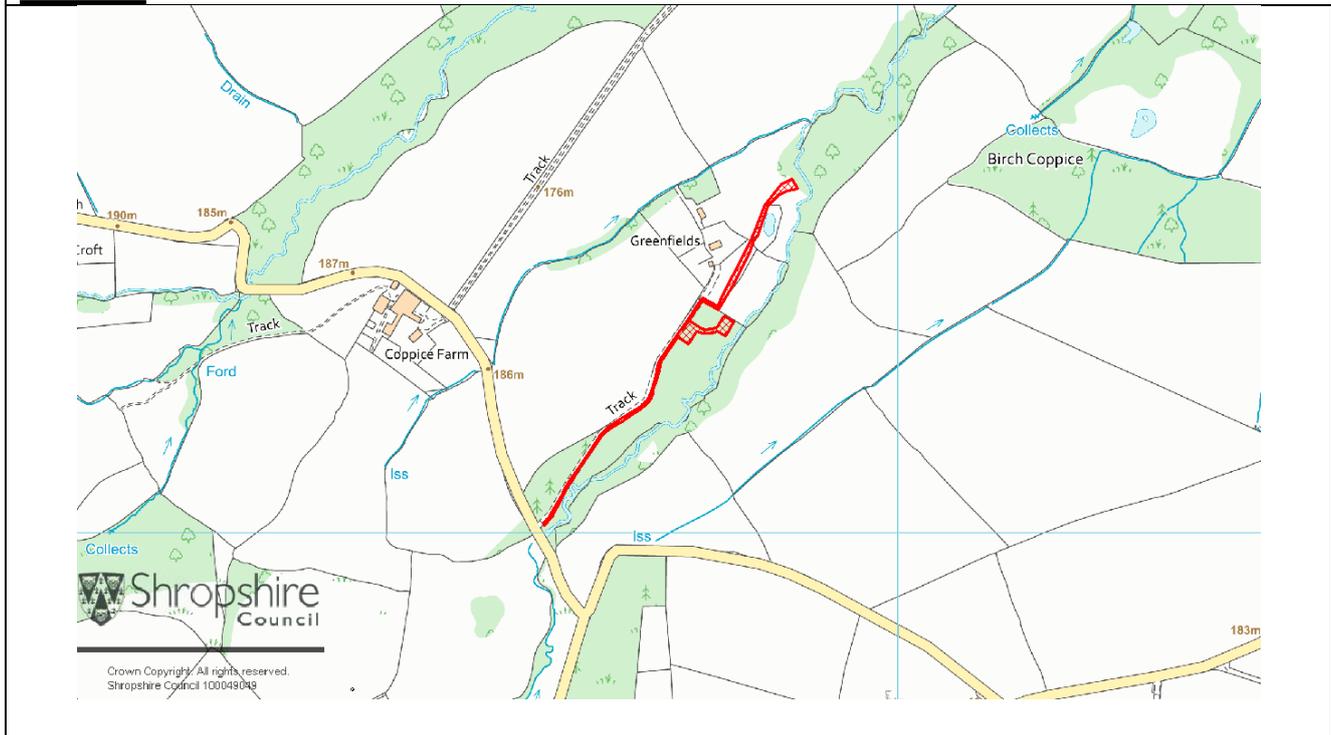
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 19/05158/FUL	Parish:	Smethcott
Proposal: Erection of two bespoke treehouses for use as holiday let accommodation and associated ancillary works		
Site Address: Greenfields Pulverbatch Shrewsbury Shropshire SY5 8DF		
Applicant: Mr And Mrs Bottomley		
Case Officer: Kelvin Hall	email:	planning.northern@shropshire.gov.uk

Grid Ref: 344788 - 301340



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Recommendation:- Refuse:

1. The proposed development would be located within an isolated area which is not readily accessible to local services and facilities without the use of private transport, and in an area where there is a lack of other tourism facilities. In addition it does not form part of an existing tourism enterprise. The proposal lies within an unsustainable location and does not represent a sustainable form of tourism development, and is contrary to Core Strategy policies CS5, CS16, and SAMDev Plan policy MD11.
2. Due to its steep gradient the site entrance is not of an acceptable design for the proposed use as its use by vehicles emerging from the site is likely to result in adverse highway safety conditions. It is therefore contrary to Core Strategy policy CS6 and NPPF paragraph 108.
3. The proposal would provide some benefits to the tourism economy including widening the choice of holiday accommodation, creating a new rural tourism enterprise, and increasing the demand for services and facilities in the wider area. However it is not considered that the benefits of the proposal outweigh the conflict with Development Plan policy and the NPPF.

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for two treehouses and ancillary works for tourism use. The treehouses would be sited within wooded areas forming part of the residential property known as Greenfields. Each treehouse would be built from natural materials, comprising larch, cedar, and oak. They would include two areas: one hexagonal and one rectangular. These would be connected by a covered link, with a covered balcony along the front of the link. One area would include a sitting room and small kitchen; the other would have a bedroom and bathroom. The application states that the tree houses would have variable heights off the ground depending on the local ground. The submitted plans indicate that one of the treehouses (Treehouse 1) would be sited on sloping ground and raised off the ground by between approximately 0.75 metres and 3 metres. The other one (Treehouse 2) would be sited on flat ground and raised up by approximately 2.6 metres. They would be supported off the ground by oak legs. Including the balcony the treehouses would measure 10.6 metres x 7.2 metres, with a height from base to ridge of approximately 4 metres.
- 1.2 External walls would be constructed from overlapping larch boards. Windows would be oak casement with double glazing. Doors would be hardwood and incorporate double glazing. There would be 100mm solid insulation in the floor, walls and ceiling. The roof would be covered with cedar shingles. Access from ground level would be via timber steps. The application states that the proposed development would incorporate a rainwater harvest system, sustainable drainage and solar power for lighting, where possible. External lighting would be low level LED.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located at a property known as Greenfields, which includes a dwelling, associated garden space, an outbuilding and woodland extending to approximately 4.5 hectares. The site lies within the countryside, approximately 2.3km to the south-east of Church Pulverbatch and 2.2km to the north-east of Picklescott. The nearest other property to the site is Coppice Farm which is approximately 310 metres to the west. It is considered

that the site lies within a relatively isolated location with respect to other built development. The treehouses would be located approximately 270 metres from the nearest boundary of the Shropshire Hills AONB, which is to the south-west.

2.2 The treehouses would be accessed via the private access track to Greenfields which connects to an unclassified public highway to the south-west. The first part of this track falls away relatively steeply from the highway. One of the treehouses (Treehouse 1) would be located approximately 100 metres to the north-east of the dwelling, at the edge of an alder copse and adjacent to a grassed area. Access to this treehouse would be along the private access track from the public highway for a distance of approximately 340 metres and then across grassland for a distance of approximately 190 metres. The other treehouse (Treehouse 2) would be located within a conifer plantation on land approximately 80 metres to the south of the dwelling. Access to this treehouse would be along a 310 metres long section of the access track, a point at which car parking spaces would be provided, and then by foot through the woodland to a point approximately 30 metres from the track. This treehouse would be within a wooded area and a few metres from a watercourse to the south-east.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The views of the Parish Council are contrary to the Officer recommendation. The Local Member supports that Parish Council's request that the application is considered by Planning Committee if the officer recommendation is for refusal. The Principal Planning Officer in consultation with the Committee Chairman consider that the Parish Council has raised material planning issues and that it is appropriate for the application to be determined by Planning Committee.

4.0 **Community Representations**

4.1 -Consultee Comments

4.1.1 **Smethcott Parish Council** Members of the Parish Council carried out a site visit today. They have no objections to this application.

Additional comments from the Chairman of All Stretton, Smethcote & Woolstaston Parish Council:

Last month I carried out a site visit to Greenfields accompanied by Councillors Phillips, Burton & Dale. We were welcomed by Mrs Bottomley and were shown the site of each of the proposed treehouses and plans. We had no objection whatsoever to the proposed development and were excited by the innovative and unique design of the treehouses. Both will be enclosed by mature trees and will not be visible from the road to Pulverbatch. The nearest neighbours are approximately quarter of a mile away but they cannot see Greenfields from their house as Greenfields is set down in a hollow and is surrounded by trees.

We have been given to understand that the application may be refused which we would find very disappointing. We are keen to encourage as many visitors to the area as possible to enhance the local economy and could see that the treehouses would be very attractive to those seeking a tranquil rural retreat. If, as we are led to believe, the Officer decision is to recommend refusal, the Parish Council request that the application is referred to Committee for a decision. This would allow Mr & Mrs Bottomley the opportunity to inform the

Committee's decision and the Parish Council the opportunity to support their application at Committee.

4.1.2 **SC Highways Development Control** Requests further information.

Following the receipt of further plans and a recent site visit it is considered that further information regarding improvements to the access is required to be submitted, by the applicant:

- The gradient of the access currently makes it difficult for vehicles emerging onto the adjacent public highway. The gradient of the first 6 metres of the access should be levelled out. Details of gradient improvements are required to be submitted by the applicant together with full layout and construction details.

Visibility splays indicated on drawing 0972-002A which require the removal of existing hedges and vegetation are considered acceptable given the nature of the surrounding highways.

4.1.3 **SC Drainage** Recommends the imposition of a pre-commencement condition to require the submission of a scheme of surface and foul water drainage for approval, in order to ensure satisfactory drainage of the site and to avoid flooding.

4.1.4 **SC Ecology** Recommends conditions and informatives.

The majority of the application site is characterised by woodland and semi improved grassland. The northern woodland area comprises predominantly semi-mature alder with a sparse ground flora. The southern woodland area comprises a mix of native species with a large number of planted conifers. The semi-improved grassland is subject to intensive grazing.

The trees are generally thought to not be of a suitable size to have features that could be used by roosting bats, though no specific assessment of their features has been carried out. The site provides excellent foraging habitat for bats.

The presence of dormice on the site is thought to be unlikely as the woodland lacks the species composition and structure preferred by this species, though care should be taken during works as their presence cannot be ruled out.

The woodland offers excellent foraging and nesting habitat for birds. Vegetation should not be cleared during the bird breeding season to avoid harming nesting birds. The trees to be planted will enhance the site for birds in the long term, but to compensate for the loss of nesting habitat in the short term, bird boxes should be installed on the site. Works to cut back hedgerows and vegetation to improve visibility should also be carried out outside of the bird breeding season.

A pond within the ownership of the applicants was found to have great crested newts present, though it is thought that the potential for their presence on the site low. However, their presence cannot be ruled out and care should be taken during clearance of the site.

‘The proposed locations of the two treehouse structures and associated parking areas have been chosen on the basis of resulting in the least amount of vegetation clearance. In relation

to the northern treehouse this would utilise an existing clearing with all trees retained. A number of the non-native conifer trees (Norway Spruce) are scheduled for removal to site the southern treehouse.'

The proposed development site is located within a corridor of the Environmental Network. It will seek to enhance the network by planting additional native species of trees such as alder, oak, and hazel.

Any impacts to the woodland are thought to be small-scale and not significant in ecological terms. However, as there is the potential to encounter protected species such as dormouse and great crested newts, an ECoW should be appointed to supervise any ground clearance and vegetation removal works.

Trees to be removed should be assessed for the presence of bat roost features, rather than judging their potential by size as bats have been found to roost in trees with a small diameter.

The site should be checked for the presence of GCN, dormice, active bird's nests, badgers (if the development does not commence within 90 days of issuing of permission) and any other ecological receptors that may be present. Vegetation to be cut back to improve visibility should be checked for the presence of dormice, nesting birds etc. prior to any works being carried out.

Any external lighting to be installed on the site must be kept to a low level to ensure bats and other nocturnal species are able to continue to use the site undisturbed. A lighting plan should be submitted, detailing lighting to be used to ensure trees are not excessively illuminated.

It is recommended that conditions are imposed to require: submission and approval of details of an Ecological Clerk of Works (ECoW) to oversee development; prior approval of any external lighting; provision of bird boxes; completion of landscaping within 12 months; vegetation clearance to avoid bird breeding season unless a survey has confirmed there would be no disturbance.

4.1.5 **SC Trees** No comments received.

4.1.6 **Shropshire Hills AONB Partnership** The Partnership does not have a role to study the detail of all planning applications affecting the AONB. With or without advice from the AONB Partnership, the planning authority has a legal duty to take into account the purposes of the AONB designation in making this decision, and should take account of planning policies which protect the AONB, and the statutory AONB Management Plan. Our standard response here does not indicate either an objection or 'no objection' to the current application. The AONB Partnership in selected cases may make a further detailed response and take a considered position.

4.1.7 **Shropshire Fire and Rescue Service** Advice provided which can be added to the decision notice as informatives.

4.1.8 **Cllr Dan Morris (Local Member)** I would like to back up the comments of the Chairman of the Parish Council and support his and the PC's request for this to be referred to Committee

if the officer decision is to recommend refusal. It is important we support the countryside visitor economy, and this application provides a unique and interesting tourism offer.

4.2. -Public Comments

4.2.1 The application has been advertised by site notice. No representations have been received in relation to this publicity.

5.0 THE MAIN ISSUES

- 5.1
- ☐ Principle of development
 - ☐ Design, scale and character; impact character and local amenity of the area
 - ☐ Ecological considerations
 - Highway and access considerations
 - Drainage issues

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. Core Strategy policy CS1 sets out the strategic approach to planning and states that development and investment will be located predominantly in community hubs and clusters. It goes on to say that outside these settlements, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing. The site does not lie within a community hub or cluster and is some distance from the nearest settlement.

6.1.2 Core Strategy policy CS5 states that new development in the countryside will be strictly controlled in accordance with national planning policies. The policy states that development on appropriate sites which maintain and enhance the countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. These may include:

- small scale new economic development diversifying the rural economy, or
- sustainable rural tourism and leisure and recreation proposals which require a countryside location, in accordance with policies CS16 and CS17.

For the former type of development, the policy states that they 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.

6.1.3 Core Strategy policy CS13 (Economic Development, Enterprise and Employment) seeks to diversify the Shropshire economy, support enterprise, and the delivery of sustainable economic growth and prosperous communities. It states that emphasis will be placed on areas such as supporting the development and growth of Shropshire's key business sectors, which includes tourism. In rural areas it provides support for rural enterprise and diversification of the economy, including in relation to green tourism.

6.1.4 Core Strategy policy CS16 (Tourism, Culture and Leisure) acknowledges the role tourism plays in the local economy and lists matters which will be relied on in making decisions on planning applications. These include supporting new tourism development which is appropriate to its location, and which enhances and protects the existing tourism offer in Shropshire. Also, it supports development which promotes opportunities for accessing, understanding and engaging with Shropshire's landscape, cultural and historic assets. It states that scheme that are appropriate in terms of their location, scale and nature, which

retain and enhance existing natural features and do not harm Shropshire's tranquil nature will be supported. It adds that emphasis should be on development of high quality visitor accommodation in accessible locations served by a range of services and facilities, and that 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.

- 6.1.5 SAMDev Plan policy MD11 states that tourism proposals that require a countryside location will be permitted where they complement the character and qualities of the site's immediate surroundings, and also meets the requirements of policies CS5, CS16, MD7b, MD12 and MD13, and relevant local and national guidance. It states that holiday let accommodation that does not conform to the legal definition of a caravan, and is not related to the conversion of existing appropriate rural buildings, will be resisted in the countryside. The SAMDev Plan recognises that that within the countryside there has to be a balance between positive benefits and potential negative impacts of tourism development which can be felt immediately adjoining the site and within the wider area from the use of the site, for example, through increased journeys to the facility (para. 3.100).
- 6.1.6 The National Planning Policy Framework sets out a presumption in favour of sustainable development for decisions on planning applications. It states that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside (para. 83).
- 6.1.7 It is considered that the treehouses would provide a novel and interesting form of holiday accommodation, and that the development would widen and enhance the existing tourism offer for the county. In this respect it is in line with elements of the above policies. The above policies also require that rural tourism development is sustainable. The treehouses would incorporate sustainable design principles, including the use of renewable materials in their construction, solar power for lighting, and the proposed use of a wood burner for heating. These are all beneficial elements of the proposal in terms of reducing improving their environmental credentials.
- 6.1.8 Nevertheless it is considered that the main issue is in respect of the sustainability of location of the treehouses. It is accepted that tourism development of this kind would benefit from a countryside location and that their isolated location may be an attraction to users in terms of the experience to be had. However it is considered that this isolated location is also a negative aspect of the development in terms of sustainability. It is considered that occupants of the treehouses would be likely to want to use facilities in the local area such as shops, public houses, etc. The nearest settlement which has such services is the village of Picklescott which has a public house. This is approximately 2.7km (1.7 miles by road) from the site. The village of Dorrington, which has a greater range of services and facilities including a restaurant, convenience store, public house, and butchers, is approximately 4.7km (2.9 miles) away. The site does not lie near a bus route and the roads between the site and the nearest settlements are narrow, unlit and unlikely to be attractive for pedestrians to use to reach services and facilities. It is therefore reasonable to conclude that occupiers would be highly reliant on private transport to access services and facilities.
- 6.1.9 In terms of the type of holiday accommodation it is considered that the treehouses would enhance the role of Shropshire as a destination. In addition there would be economic benefits in terms of the creation of a new rural tourism enterprise and additional demand for

services offered in the wider area. However the above policies require that such development is close to or within settlements, and the proposal is in conflict with this. It is Officers acknowledge that the site lies within a peaceful and attractive area, and that there are a number of public rights of way nearby which could be used by the occupants to further appreciate the area. However it is not considered that the site is well located in terms of existing facilities, either for tourist interest or for day to day needs. Car journeys would be required to access these, and it is not considered that a similar treehouse experience could not be provided in a more sustainable location closer to settlements. In addition the proposal does not link to an existing tourism enterprise.

6.1.10 For the above reasons it is considered that, overall, the proposal is not an appropriate location for tourist accommodation and therefore conflicts with policies CS5, CS16 and MD11.

6.2 **Design, scale and character, impact on character and local amenity of the area**

6.2.1 Core Strategy policies CS6 and CS17 requires development to protect and conserve the natural, built and historic environment and be appropriate in scale, density, pattern and design taking into account the local context and character. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value. Core Strategy policy CS6 states that development should safeguard residential and local amenity.

6.2.2 The treehouses would be constructed of materials sympathetic to their woodland location, and would be of an appropriate design and scale for their purpose. The structures would be well screened from surrounding areas. The construction of Treehouse 1 would not require any tree removal, and the submitted Tree Report states that this siting would cause minimal disruption to existing trees. Additional native tree planting is proposed adjacent to one of the treehouses to reduce its visibility from the applicant's house. The construction of Treehouse 2 would require the removal of a number of conifers to provide space for the structure. The tree report confirms that no 'high retention value' trees would be impacted, and that additional native deciduous species can be planted adjacent to this treehouse. Due to their appearance and siting it is considered that the treehouses would have limited adverse impact on the visual character or amenity of the area. It is considered that the treehouses would not be in conflict with policies CS6, CS7 or MD2.

6.3 **Ecological considerations**

6.3.1 Core Strategy policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets.

6.3.2 The treehouses would be sited within an area with ecological interest, which includes woodland with foraging and nesting habitat for birds and bats and areas which could be used by dormice and great crested newts. The application includes an ecological impact assessment and this concludes that there would be no overriding ecological constraints that would result in any significant adverse effects. The Council's ecologist has advised that impacts on the environmental corridor are likely to be small and not significant in ecological terms. However in order to minimise the potential for harm to protected species the ecologist has recommended that a number of conditions are imposed should planning permission be granted. The planting of additional deciduous trees would provide some

ecological enhancement. It is therefore considered that the proposal would accord with the above policies.

6.4 **Highways and access considerations**

6.4.1 Core Strategy policy CS6 states that development should be designed to be safe and accessible to all. The NPPF requires that in assessing planning application it should be ensured that safe and suitable access to the site can be achieved for all users (para. 108).

6.4.2 In response to a request from the Council's highways consultant for further information regarding site access issues, the applicant has submitted details of proposals to improve access visibility for vehicles emerging from the track onto the public highway. This proposes the removal of hedgerow and other vegetation from either side of the site entrance to improve the visibility splay, and the planting of a new hedgerow behind the splay. It is considered that this would result in an acceptable level of visibility for emerging vehicles, and if permission were to be granted a condition could be added to require that this splay is kept clear at all times. It is considered that given the scale of the development the likelihood of vehicles meeting at the entrance point is low and in recognition of this its single vehicle width would be acceptable. The parking spaces provided adjacent to the track for Treehouse 2 and adjacent to the house for Treehouse 1 are considered sufficient.

6.4.3 Notwithstanding the above, based upon the comments of the Council's highways consultant it is considered that the existing access is not of an acceptable standard for the use in connection with the tourism development due to its relatively steep gradient. This raises highway safety issues, particularly for vehicles emerging onto the highway, and would be contrary to policy CS6 and para. 108 of the NPPF. It may be possible to provide improvements to the access by reducing its gradient, however as submitted it is considered that the proposed access is inadequate.

6.5 **Drainage issues**

6.5.1 Core Strategy policy CS18 (Sustainable Water Management) advises that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity. It is proposed that foul water would be directed to a septic tank, and that surface water would drain to an existing watercourse. It is considered that drainage matters, including the use of sustainable drainage means, could be agreed by planning condition if permission were to be granted.

7.0 **CONCLUSION**

7.1 The proposal for two treehouses for holiday accommodation at Greenfields would widen and enhance the existing tourism offer for the county. In addition it would provide some economic benefits in terms of the creation of a new rural tourism enterprise and from additional demand for services in the wider area. The proposal would utilise renewable materials in its construction, would incorporate other sustainable design features to reduce its environmental impact, and would not have a significant adverse impact on the visual character or ecological value of the area. However Development Plan policy emphasises the need for tourism development to be sustainable. The proposal would be located within an isolated area which is not readily accessible to local services and facilities without the use of private transport, and in an area where there is a lack of other tourism facilities. As such it is not considered that the proposal represents a sustainable form of tourism development as required by the Development Plan. Further it would not form part of an existing tourism enterprise. In addition it is considered that due to its steep gradient the site

entrance is not of an acceptable standard for the proposed use. It is considered that the proposal is contrary to Core Strategy policies CS5, CS6, CS16, SAMDev Plan policy MD11, and NPPF paragraph 108. It is not considered that the benefits of the proposal outweigh this conflict with planning policy and therefore it is recommended that planning permission is refused for the reasons set out above.

8. Risk Assessment and Opportunities Appraisal

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 - written representations, a hearing or inquiry. The decision is 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 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.

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.

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. Financial Implications

There are likely financial implications of 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 dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this application – in so far as they are material to the application. The weight to be given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

CS16 - Tourism, Culture and Leisure

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD11 - Tourism Facilities and Visitor Accommodation

MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

09/00339/FUL Construction of a surface water pond GRANT 8th June 2009

SA/09/0330 Change of use of agricultural land to residential curtilage and erection of a detached double garage with store above accessed by external staircase GRANT 20th May 2009

SA/08/0337/F Erection of a two storey extension incorporating balcony's together with two storey side extension with new dormer window following demolition of existing single storey side extension, and erection of new entrance porch PERCON 7th May 2008

SA/06/1064/F Erection of a two storey rear extension following change of use of agricultural land to domestic PERCON 15th September 2006

SA/79/0612 Alterations and additions to existing dwelling. PERCON 31st July 1979

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=Q1FRGZTDJE500>

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 Dan Morris

Appendices

None.