

## Development Management Report

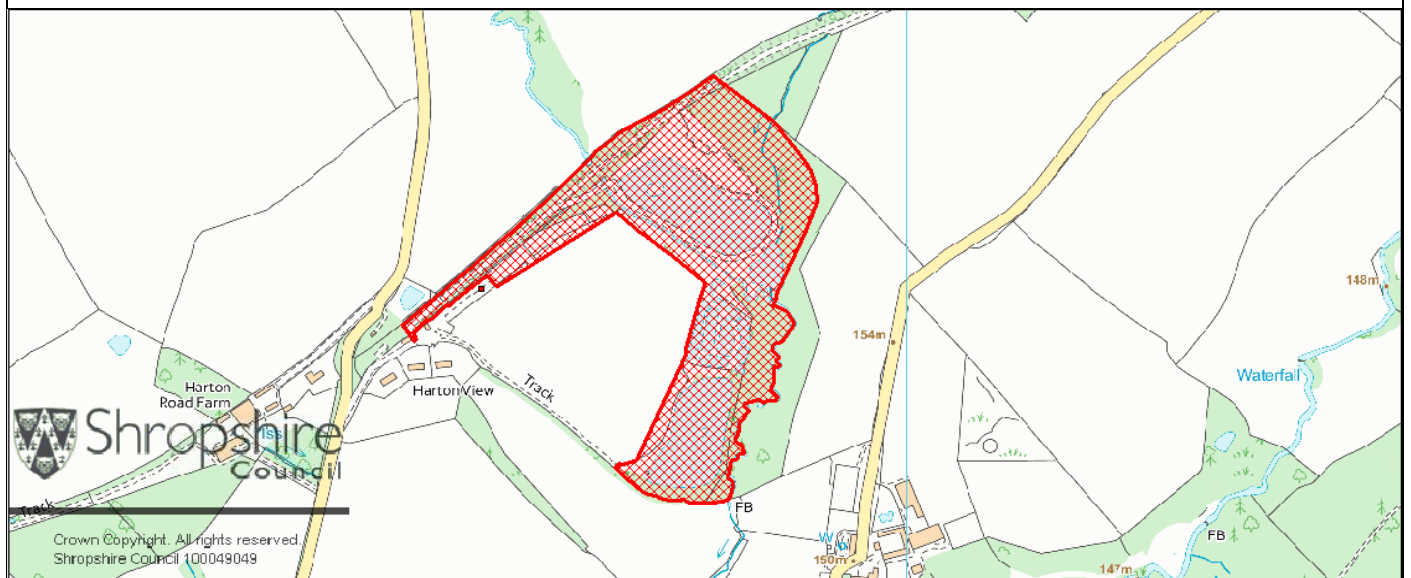
Responsible Officer: Tim Rogers

email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 19/02197/FUL	<b>Parish:</b>	Eaton Under Heywood
<b>Proposal:</b> Application under Section 73A of the Town and Country Planning Act 1990 for the change of use of pastureland/woodland to camping for up to 50 tent pitches 8 glamping units and retrospective permission for shower and toilet block		
<b>Site Address:</b> Oaklands Leisure Campsite and Fishery Harton Shropshire SY6 7DL		
<b>Applicant:</b> Mr Richard Corfield		
<b>Case Officer:</b> Andrew Sierakowski	<b>email</b> : <a href="mailto:planning.southern@shropshire.gov.uk">planning.southern@shropshire.gov.uk</a>	

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**Recommendation:- Permit, subject to the conditions set out in Appendix 1.  
REPORT**

## 1.0 THE PROPOSAL

- 1.1 This is a retrospective application under s.73A of the Town and Country Planning Act 1990 for the change of use of pastureland/woodland to camping for up to 50 tent pitches, 8 glamping units and retrospective permission for a shower and toilet block, at Oaklands Leisure Campsite and Fishery, Harton.
- 1.2 The application states that it is for a change of use of an area of land which is currently used under Freedom Camping rules as a camp site for up to 30 tents. The application states that the use has been on-going since March 2018. It further states that the site has become extremely popular with the result that the Applicant has provided facilities including an additional shower and toilet block and sited six of a proposed eight glamping huts around the existing fishing ponds on the site. The application also seeks to increase the number of tent pitches to 50.
- 1.3 It states that Oaklands is already a well-established and popular location for camping and fishing for people wishing to stay in the Shropshire Hills and utilise the tourist attractions of the hills and the surrounding area.
- 1.4 The application further states that a caravan site has operated from Oaklands for more than ten years, and that the area used includes part of the current application site. This was formalised in 2015-2016 with the grant of planning permission for the erection of 5 glamping pods and a timber toilet and shower block with a new pedestrian access, vehicle access and car park under Planning Permission Ref. 15/04136/FUL, for the area situated on the north west side of the current application site.
- 1.5 The application states that the applicant has had the site certified by the Freedom Camping Club (for 30 tents) and obtained a grant in order to restore what are described as a number of fishing ponds on the south east side site. It states that the ponds having been used on a small scale for a number of years for coarse fishing, with one pond previously having been used for short periods, for fly fishing. These it states provide an additional attraction for visitors, through the provision day tickets for fishing and the campsite.
- 1.6 The application describes the camping element as comprising tents scattered within the non-native conifer woodland adjacent to the north east and eastern boundary of the site. There will also be tents pitched on grassland in a separate area from the caravans and overlooking the fishing lake. It is anticipated that the majority of camping will take place over the holiday periods from April to September, but it is expected that there will be a few peak days throughout the year when the camping could reach maximum capacity. Each tent pitch is to be serviced with a fire pit and has additional space for privacy.
- 1.7 The application further states that the site has been carefully chosen to utilise the natural screening that is provided by the boundary woodland, and that the layout has been designed to be of an appropriate scale and to not create any adverse impact on the local landscape and character.

- 1.8 Access to the site will be via the existing access along the line of the former railway, to the main pool/camping/woodland areas. The proposed layout will provide adequate parking space for 2 vehicles per pitch, together with amenity space.
- 1.9 The tent pitches and glamping units will have use of the existing shower block on site which was consented as part of the 2016 planning permission, whilst the current application seeks retrospective consent for an additional shower and toilet block situated adjacent to the woodland.
- 1.10 The existing toilet block drains to a septic tank and drainage system approved as part of the 2016 planning permission. The additional shower and toilet block are connected to a septic tank and soakaway which drains into the woodland area to the east north, away from the pools.
- 1.11 The application is accompanied by a Preliminary Ecological Appraisal and a Flood Risk Assessment, and a Biodiversity Management Plan has been submitted in the course of the determination period, following consultation with the Shropshire Wildlife Trust, further details of which are provided below.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 Oaklands Leisure Campsite and Fishery is located approximately 800m north east of Harton, to the south of the line of the former Craven Arms to Much Wenlock railway line, approximately 8.5km (5.2 miles) north east of Craven Arms and 4.1km (or 2.6 miles, south west of Wall under Heywood. There is a small isolated group of three residential properties, of which the most easterly is Oaklands. There is an access track off the Harton to Tickleton road, which serves the three dwellings and the Oaklands Leisure Campsite and Fishery.
- 2.2 The application states that Oaklands Leisure Campsite and Fishery became a Freedom Camping Club certified site in 2017, with certification for up to 30 tents. It is understood that prior to this the site was certified by the Camping and Caravanning Club. Under the Town and Country Planning (General Permitted Development) (England) Order 2015, Part 5, Caravan Sites and Recreational Campsites, Class A – Use of Land as Caravan Site and, the Caravan Sites and Control of Development Act 1960, First Schedule, the stationing of up to five caravans is permitted development where a certificate has been issued by an Exempted Organisation, in this case the Freedom Camping Club. The erection or placing of tents is similarly permitted development Under Class C – Use of Land by Members of Certain Recreational Organisations and the Public Health Act 1936, Section 269, again in this case the Freedom Camping Club. It is not clear from the application what the area of land is that is covered by the Freedom Camping Club Certificate.
- 2.3 The site is located in the Shropshire Hills Area of Outstanding Natural Beauty (AONB) approximately 500m north west of Wenlock Edge.
- 2.4 The north eastern part of the site including the main pond and the area along the eastern boundary of the site lie are shown as being located with Flood Zones 2 and

3 and on the Environment Agency's Flood Map for Planning.(i.e. within the defined areas of medium and high probability of flooding/function flood plan).

- 2.5 The site does not fall within or within 1km of any statutory ecological designations although part of it falls within two Local Wildlife Sites (LWS), the Disused Railway Line, Acton Scot and the Pool North West of New Hall. The north west and north east sides of the site therefore also fall within the Core Area of the Shropshire Environmental Network, whilst the south eastern part of the site including the ponds fall within an Environmental Network Corridor.
- 2.6 New Hall, which is Grade II\* Listed Building is located approximately 170 south east of the site.
- 2.7 The previous history at Oaklands Leisure Campsite and Fishery comprises the following applications:
- 15/04136/FUL - Erection of 5 No camping/glamping pods and timber constructed toilet/shower block, car park, formation of vehicular and pedestrian access and installation of sewage treatment plant. Approved 15<sup>th</sup> February 2016;
  - 16/01562/DIS - Discharge of Conditions 4 (Pod Details) and 5 (Landscaping) attached to Planning Permission 15/04136/FUL. Conditions Part Discharged 13<sup>th</sup> September 2016; and
  - 18/01316/COU - Change of use of land to form camp site (up to 50 tents) and siting of five seasonal touring caravans. Refused 29<sup>th</sup> August 2018.
- 2.8 The key relevant points arising from the planning history are that planning permission was first granted in February 2016 (Permission Ref.15/04136/FUL) for five glamping pods and a timber constructed toilet/shower block, car park, the formation of vehicular and pedestrian access and the installation of a sewage treatment plant, in a relatively narrow field of just over 0.5ha adjacent to and extending along the north western boundary of the current application site. This application was approved, and the area of that consent has been included in the current application.
- 2.9 There was then a second substantive application submitted (Application Ref. 18/01316/COU) for the change of use of land to form camp site, for up to 50 tents and the siting of five seasonal touring caravans. This included a much larger area, extending to 2.30ha and included the area of the original 2016 planning permission together with an additional narrow strip of land along the north-west side of the area covered by that permission and a larger open area and area of largely coniferous woodland to the north east, but did not include any of the adjacent ponds or lakes. The refusal of that application related solely to impact on an ecology asset and reads as follows:

*"It is acknowledged that the proposal would help diversify the rural economy of Shropshire, however the majority of the proposed development site lies within a Local Wildlife Site (Pool NNW of New Hall) and therefore within a core area of the*

*county's Environmental Network. The remainder of the site not within the core area lies within an Environmental Network corridor. The proposal would therefore be likely to cause significant harm to this ecological asset contrary to Shropshire Local Development Framework Adopted Core Strategy Policies CS6 and CS17 and Shropshire Site Allocations and Management of Development (SAMDev) Plan Policy MD12 as well as the advice in the 2018 National Planning Policy Framework (in particular advice at paragraph 174). Thus the proposal cannot be assessed to be sustainable development."*

- 2.10 Almost all of the area included in the 2018 application forms part of the current application. There is a very small area at the south western end of the site, adjacent to the property known as Oaklands which is excluded.
- 2.11 The current application now, in addition, also includes a substantial area of land to south of the previous application site including the adjacent ponds and an additional area of woodland along the south eastern boundary which follows the meandering line of a tributary of the Eaton Brook.
- 2.12 The Shropshire Council Ecologist did not object to the 2015 application and advised that although part of the site lay within the Disused Railway Line, Acton Scot LWS and adjacent to the Pool NNW of New Hall LWS, that they did not consider that it would have a significant impact on either and they advised that no Core Areas as identified on the Shropshire Environmental Network (SEN) map, notably the deciduous woodland area associated with the dismantled railway track, would be affected by development. The Shropshire Wildlife Trust advised that they had concerns about any widening of the vehicular access, that there should be compensation for the loss of existing trees and scrub, by native species planting so as to maintains a corridor along the route of the old railway, and that there should be no vegetation clearance until a planting specification and locations had been agreed. They offered to provide management suggestions for the area of land along the line of the old railway, but also did not object to the application.
- 2.13 The Shropshire Council Ecologist did object to the subsequent 2018 planning application, because the majority of the application lay within the Pool NNW of New Hall LWS, and within the Core area of the Environmental Network and because the remainder of the site lay within an Environmental Network Corridor. The Shropshire Wildlife Trust objected for the same reason. The application was refused (see 2.9 above) because it was considered that the development of the site would be likely to cause significant harm to the ecological asset and would therefore be contrary to Core Strategy Policies CS6 and CS17, SAMDev Policy MD12 and the paragraph 174 of the National Planning Policy Framework (2018).
- 2.14 It is therefore clear from the planning history that whilst the smaller area initially consented in 2016, which did not include the pond and pools and the area of largely coniferous woodland, was not unacceptable, extension to include the area to the north east and south east of the original application site, was not considered to be acceptable because of its impact on the LWS and the Shropshire Environmental Network.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF THE APPLICATION**

3.1 The Parish Council have objected the application contrary to the officer recommendation, and these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions and the Planning Services Manager in consultation with the Committee Chairman or Vice Chairman and Local Member agrees that the Parish/Town Council has raised material planning issues and that the application should be determined by committee.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **Parish Council**

4.1 Eaton-Under-Haywood and Hope Bowdler Parish Council, comment that a similar application, Ref. 18/01316/COU was refused by Shropshire Council in August 2018, because the site lies within a Local Wildlife Site (Pool NNW of New Hall) and therefore within a Core Area of the Shropshire Environmental Network or within an Environmental Network Corridor, and would therefore be likely to cause significant harm to this ecological asset contrary to Shropshire Local Development Framework Adopted Core Strategy Policies CS6 and CS17 and Shropshire Site Allocations and Management Development (SAMDev) Plan Policy MD12 as well as the advice in the 2018 National Planning Policy Framework (in particular advice at paragraph 174).

4.2 The Parish Council further comment that they had assumed that the applicant would abide by the Council's decision and that it would only continue to operate as the small scale low impact site for which it had previously been consented.

4.3 They consider that this has not been the case and that the site has continued to be developed and that the current application is a retrospective application for the development that has taken place.

4.4 They comment that on-line listing for the site indicates that there has in fact been extensive commercial use of this site since even before the 2018 planning application, and this indicates that Oaklands Leisure Campsite & Fishery offers:

- An air rifle range
- Fishing pools
- 10 speciality lodgings: Including two shepherd's huts (one of which has a WC and bathroom), camping pods, lodges and a cabin.
- Camping pitches; and
- Facilities for touring caravans, motor homes and camper vans.

4.5 They comment that on-line listings also indicate that that a number of tent pitches have been in use since at least early 2018 and that the Planning Statement submitted with the application states "the site is certified under Freedom Camping for up to 30 tents", but that they have been unable to find any evidence of a Freedom Camping certificate.

- 4.6 The Parish Council therefore strongly objects to all aspects of the current application and that it re-iterates its objections, that were submitted in response to Planning Application Ref. 18/03116/COU.

### **Public Comments**

- 4.7 In addition to the comments from the Parish Council there have been two third party representations, of one of which offers objection and one expresses support.
- 4.8 The representation objecting to the application states that it does so on the basis that the access to camp site would not be down former railway line as stated in the application, and that additional buildings have been erected that are not included in the application.
- 4.9 The representation supporting the application is from the Freedom Camping Club. This states that the site is unique in bringing recreational and educational benefits to many, allowing visitors to connect with nature and develop an understanding and appreciation of nature and the countryside whilst bringing employment opportunities, economic benefits to local businesses and raising the profile of recreational camping and caravanning.

### **Technical Consultees**

- 4.10 Shropshire Council - Rights of Way: State that they have no comments to make on the application.
- 4.11 Shropshire Council - SUDS: Advise that the vulnerable area of the development does not lie within Flood Zones 2 or 3 and will not present an increase to flood risk.
- 4.12 They state that the main concern with the development is with the foul drainage. They advise that full details, including details of the location and sizing of the existing septic tank and the drainage fields should be provided including previously carried out percolation tests, to ensure that it can cater for the additional usage. They further advise that a separate treatment system should be installed for any chemical toilet disposal points on site, because septic tanks and package treatment plants will not be able to treat chemical toilet effluent prior to discharge as they rely on bacterial action for correct treatment whereas the chemicals used in chemical toilet fluid kill friendly bacteria and must not be allowed to contaminate the ground. They advise that chemical toilet waste should be either retained in a suitable receptacle, i.e. a cesspool, or, if available via mains drainage.
- 4.13 They accordingly advise the inclusion of condition reserving the details of the surface and foul drainage.
- 4.14 Shropshire Council – Ecology: Advise that much of the site lies within a Local Wildlife Site (Pool NNW of New Hall) and therefore within a Core Area of the Shropshire's Environmental Network and that the remainder of the site, whilst, not located within the Core Area lies within an Environmental Network Corridor. Whilst they initially

objected to the application, they have following submission of the Biodiversity Management Plan, advised that they consider the proposal to be acceptable, subject to conditions requiring the submission of Habitat Management Plan to supplement the details set out in the submitted Biodiversity Management Plan, the submission for approval of bat and bird box details and their implementation and the submission of lighting details and their implementation.

- 4.15 Shropshire Wildlife Trust: Advise that they visited the site late in 2018 to assess the current ecological value of the Local Wildlife Site and state that they were dismayed by the cabins and toilet facilities that had been installed. They advise that their visit found that the long-term decline of the site had continued to the point where they considered that there was a question as to whether sufficient ecological interest remained to continue the Local Wildlife Site designation.
- 4.16 As a result of the visit they provided recommendations to the applicant on how the remaining ecological interest could be retained and the site improved. They initially advised that these were not included within the current application documents. They advised the following:
- That the grassland between the coniferous woodland and pond was no longer likely to qualify as a Local Wildlife Site but that it could be improved for wildlife by leaving some areas of grass long and cutting these once or twice a year to avoid weed increase and that some native shrub planting could be undertaken to improve diversity and make the site of more interest to campers;
  - That along the disused railway track, vegetation clearance should be kept to a minimum, but that cotoneaster and other non-native planting should be removed from the bank, to leave it to develop naturally; and
  - That the main pond could be planted with native marginal species like Gypsywort and Flag Iris. Docks, thistles Hogweed and nettles should be removed. Native floating species should also be introduced like White Water Lily and Broad-leaved Pondweed. Management of the pool margins should be by cutting in sections and on rotation so that only a portion is cleared at any one time.
- 4.17 They further advised that they did not consider that the prevailing management of site by leaving log piles and scrub or the incorporation of bird and bat boxes would be sufficient to halt the decline of the Local Wildlife Site.
- 4.18 They therefore in response to the current application requested that a Biodiversity Management Plan be agreed that at least includes the all above listed recommendations and that monitoring of their implementation to ensure delivery. This they consider would be in line with NPPF requirements for biodiversity gain to be delivered by the planning system.
- 4.19 They also expressed concerns relating to the drainage of the site. At the time of their visit they advised that it appeared that a construction of an access route below the



disused railway track had resulted in the collapse of a culvert which resulted in a heavy load of sediment in the watercourse and poor water quality. They were also concerned about impact of the foul drainage from the toilet block and any cabins containing toilet facilities.

- 4.20 Notwithstanding the above comments they advised that they consider that the development could be considered to be acceptable and could be supported through the submission, approval and implementation of the Biodiversity Management Plan.
- 4.21 The Applicant has now submitted the requested Biodiversity Management Plan and as a result the Shropshire Wildlife Trust has now advised that it considers the proposal to be acceptable.
- 4.22 Shropshire Hills AONB Partnership: Have returned their standing advice stating that they neither object nor offer 'no objection'. They advise that the Council as the Local 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.
- 4.23 Natural England: States that it has no objection to the application, as the development will not have significant adverse impacts on designated sites. It otherwise refers to its standing advice in relation to landscape, Best and Most Versatile Agricultural Land and soils, protected species, local sites and priority habitats and species, ancient woodland, ancient and veteran trees, environmental enhancement, access and recreation, rights of way, access land, coastal access and national trails and the Biodiversity Duty.
- 4.24 Environment Agency: Advise that they have no comments to offer on the application.
- 4.25 Ramblers Association: Comment that the site, contrary to what is stated in the application, the site is visible from the Eaton-under-Heywood Bridleway 0527/34 which passes down the outside of the site on the western edge and footpath 0527/36 passes through the woodland on the eastern edge and it is concerned that the line of both of these Public Rights-of-Way should not be obstructed at any time and that any materials should not be placed on them.

## 5.0 THE MAIN ISSUES

- 5.1
- **Principle of the Development**
  - **Impact of the Environmental Network**
  - **Other Issues**

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of the Development

- 6.1.1 The application does not raise any significant issues in terms of the principle of the change of use proposed. Under the Council's development strategy set out in the

Core Strategy Policies CS1, CS3, CS4 and CS5 the focus for new development is to be in Shrewsbury and the county's Market Towns and other Key Centres. Policy CS1 makes clear that in the rural areas development and investment will be located predominantly in Community Hubs and Community Clusters but that outside these settlements, development will be permitted to facilitate rural economic diversification.

- 6.1.2 In support of Policy CS1, Policy CS5, which is the main policy applicable in rural areas, states that new development will be strictly controlled in accordance with national planning policies protecting the countryside. 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 and/or involve the retention and appropriate expansion of existing established businesses, unless relocation to a suitable site within a settlement would be more appropriate, and/or relate to sustainable rural tourism and leisure and recreation proposals which require a countryside location, in accordance with Policies CS16 Culture, Tourism and Leisure and CS17 Environmental Networks.
- 6.1.3 Policy CS16 Culture, Tourism and Leisure, supports the development of sustainable tourism, and cultural and leisure development, where this will benefit the local economy, local communities and visitors, and is sensitive to Shropshire's intrinsic natural and built environment qualities. It places particular emphasis on; supporting new and extended tourism development, and cultural and leisure facilities, that are appropriate to their location, and enhance and protect the existing offer within Shropshire; promoting connections between visitors and Shropshire's natural, cultural and historic environment, including through active recreation, access to heritage trails and parkland; and supporting development that promotes opportunities for accessing, understanding and engaging with Shropshire's landscape, cultural and historic assets including the Shropshire Hills AONB and rights-of-way network; supporting schemes aimed at diversifying the rural economy for tourism, cultural and leisure uses that are appropriate in terms of their location, scale and nature, which retain and enhance existing natural features where possible, and do not harm Shropshire's tranquil nature; and, development of visitor accommodation in accessible locations served by a range of services and facilities. It also states 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. It does qualify this by stating that development must also meet the requirements of Policy CS17.
- 6.1.4 In support of Policy CS16 SAMDev Policy MD11 Tourism Facilities and Visitor Accommodation, which reiterates the requirements of Policy CS16, supports development proposals which are aimed at diversifying the rural economy for tourism, cultural and leisure uses, although it also makes clear that proposals for new and extended touring caravan and camping sites, it states should have regard to the cumulative impact of visitor accommodation on the natural and historic assets of the area, road network, or over intensification of the site.
- 6.1.5 In addition, paragraph 83 of the National Planning Policy Framework (NPPF), states that decisions on planning applications should enable the sustainable growth and

expansion of all types of business in rural areas, the development and diversification of agricultural and other land-based rural businesses; and, sustainable rural tourism and leisure developments which respect the character of the countryside.

6.1.6 In this case, as an existing camping and caravan site, and one that is already operating at a level where the applicant is seeking to expand the existing provision, it is essentially compliant in principle of supporting new tourism and visitor accommodation related development set out Policies CS5 and CS16, SAMDev Policy MD11 and the NPPF. This is however subject to the additional test of scale, character and nature, which retain and enhance existing natural features and do not cause harm to Shropshire's tranquil nature; and meet the requirements of Policy CS17. This is considered in more detail below.

## **6.2 Impact on the Environmental Network**

6.2.1 The key issue in the determination of this application, is the impact on the Environmental Network, with the particular concern being that expressed by Eaton-Under-Haywood and Hope Bowdler Parish Council, as set out above.

6.2.2 The application also raises the question of what if anything has changed since the 2018 planning application was refused, that would in relation to the current application justify its approval; the reason for refusal of the 2018 planning application being that it was likely to cause significant harm to the Environmental Network and would therefore be contrary to Core Strategy Policies CS6 and CS17 and SAMDev Policy MD12 and paragraph 174 of the NPPF.

6.2.3 Core Strategy Policy CS6: Sustainable Design and Development Principles seeks to ensure that new development protects, restores, conserves and enhances the natural, environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character.

6.2.4 Core Strategy Policy CS17: Environmental Networks requires that new development identifies, protects, enhances, expands and connects Shropshire's environmental assets, creating a multifunctional network of natural and historic resources. This will be achieved by ensuring that all development by protecting and enhancing the diversity, high quality and local character of Shropshire's natural, built and historic environment, and by ensuring that it does not inter alia adversely affect its ecological value its immediate surroundings or any connecting corridors. The policy requires that it should contribute to local distinctiveness, having regard to the quality of Shropshire's environment, including its biodiversity; should not have a significant adverse impact on Shropshire's environmental assets, and does not create barriers or sever links between dependant sites;

6.2.5 In support of Policy CS17, SAMDev Policy MD12: The Natural Environment seeks to ensure the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration, ensuring that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on inter alia locally designated biodiversity and geological sites; priority species; priority habitats,

important woodlands, trees and hedges; and ecological networks, will only be permitted if it can be clearly demonstrated that: there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and; the social or economic benefits of the proposal outweigh the harm to the asset.

- 6.2.6 Paragraph 174 of the NPPF, which is retained in the 2019 edition, states that to protect and enhance biodiversity and geodiversity, plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks and the wildlife corridors and stepping stones that connect them and promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 175 makes clear, when determining planning applications, that local planning authorities should if significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, or, as a last resort, compensated for, refuse planning permission.
- 6.2.7 As set above the Shropshire Wildlife Trust initially expressed considerable concern about the development and that there had been long-term decline in the condition of the Local Wildlife Site as result of the activities and management of the site and that the on-going management of the site would be insufficient to halt its continuing decline.
- 6.2.8 However, as also detailed above, following the submission of the Biodiversity Management Plan by the applicant, the Shropshire Wildlife Trust has now advised that it considers the proposal to be acceptable, and the Ecology Officer is in agreement with this conclusion. In that respect the application can now be considered to have been sufficiently amended compared with the 2018 planning application which was refused, to justify its approval. In consequence the proposal cannot any longer be considered to be unacceptable and can be considered to be in compliance with the requirements of Core Strategy Policies CS6, CS17, SAMDev Policy MD12 and the NPPF.

### 6.3 Other Issues

- 6.3.1 Foul Drainage: Although Shropshire Wildlife Trust and the Council's SUDs Officer both initially expressed concern about the potential impact of foul drainage and the need to ensure that adequate foul drainage is provided, neither has actually objected and the SUDS officer has advised that the drainage details can be reserved by condition.
- 6.3.2 Impact on the AONB: There have been no objections to the development on the basis of there being any adverse impact on the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The AONB partnership have not objected the application. The Council must in determining the application comply with the statutory duty under s.85 of the Countryside and Rights of Way Act 2000 and have regard to the purpose of conserving and enhancing the natural beauty of the AONB. In the absence of any objection, there is no basis for considering that the statutory purpose of conserving

and enhancing the natural beauty of the AONB, has not been complied with.

6.3.3 Highways: There has been no consultation with the Highway Authority on this application, but there was no objection to the 2018 planning application.

## **7.0 CONCLUSION**

7.1 That the change of use of pastureland/woodland to camping for up to 50 tent pitches, 8 glamping units and retrospective permission for shower and toilet block, at Oaklands Leisure Campsite and Fishery, Harton, does not give rise to any significant issues in terms of; the principle of the development, impact of the Environmental Network; and other issues and can therefore be considered to be acceptable in relation to relevant development plan policy including; Core Strategy Policies, CS1, CS5, CS6, CS16 and CS17 and SAMDev Policies MD11, MD12 and the NPPF (2019). It can therefore also be considered to be in accordance with the Presumption in Favour of Sustainable Development set out in Paragraph 11 of the NPPF.

7.2 It is therefore recommended that the application be approved, subject to the conditions set out in Appendix 1 below. These conditions, with some amendment and subject to the conditions recommended by the consultees on the current application, are consistent with the conditions previously included in Planning Permission Ref. 15/04136/FUL.

## **8.0 Risk Assessment and Opportunities Appraisal**

### **8.1 Risk Management**

8.1.1 There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party.

8.1.2 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.

8.1.3 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

- 8.2.1 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.
- 8.2.2 First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.
- 8.2.3 This legislation has been taken into account in arriving at the above recommendation.

## 8.3 Equalities

- 8.3.1 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

- 9.1 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

- Shropshire Local Development Framework: Adopted Core Strategy (March 2011)
- Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan (December 2015)
- National Planning Policy Framework (NPPF) (February 2019)

### RELEVANT PLANNING HISTORY:

- 15/04136/FUL - Erection of 5 No camping/glamping pods and timber constructed toilet/shower block, car park, formation of vehicular and pedestrian access and installation of sewage treatment plant. Approved 15<sup>th</sup> February 2016;
- 16/01562/DIS - Discharge of Conditions 4 (Pod Details) and 5 (Landscaping) attached to Planning Permission 15/04136/FUL. Conditions Part Discharged 13<sup>th</sup> September 2016; and

- 18/01316/COU - Change of use of land to form camp site (up to 50 tents) and siting of five seasonal touring caravans. Refused 29<sup>th</sup> August 2018.

## 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)
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr Cecilia Motley
Appendices APPENDIX 1 Conditions – See below.

## APPENDIX 1

### Conditions

#### STANDARD CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (as amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

#### CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place until separate schemes for chemical toilet disposal and non-chemical toilet disposal have been submitted to and approved in writing by the Local Planning Authority. The approved schemes shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: To ensure satisfactory disposal of foul effluent and ensure the long-term sustainability and operational function.

4. No development shall commence until precise details (dimensions, materials and external finishes) of the glamping units and shower and toilet block have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in

accordance with the approved details and thereafter maintained.

Reason: To define the consent and safeguard the character and appearance of the Shropshire Hills Area of Outstanding Natural Beauty, in accordance with Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

6. No development shall take place until a habitat management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- a) Description and evaluation of the features to be managed;
  - b) Ecological trends and constraints on site that may influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives;
  - e) Prescriptions for management actions;
  - f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
  - g) Personnel responsible for implementation of the plan;
  - h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
  - i) Possible remedial/contingency measures triggered by monitoring;
  - j) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

#### **CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION /PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

7. Prior to first occupation/use of the development hereby approved, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority, and installed in accordance with the approved details. The following boxes shall be erected on the site:
- A minimum of 5 external woodcrete bat boxes, suitable for nursery or summer roosting for small crevice dwelling bat species;
  - A minimum of 10 artificial nests, suitable for a range of bird species.

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

#### **CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**



8. Prior to the erection of any external lighting on the site associated with the development hereby approved, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

9. No more than 8 glamping units and 50 tent pitches shall be stationed/provided on the site in addition to the 5 glamping pods approved under Planning Permission 15/04136/FUL.

Reason: To enable the Local Planning Authority to retain planning control over the development in accordance with the Shropshire Local Development Framework: Adopted Core Strategy Policy CS16.

10. The glamping units shall be used for holiday let purposes only. A register shall be maintained of the names of occupiers of the holiday units hereby approved, the period of their occupation together with their main home addresses. This information shall be made available at all reasonable time to the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development in accordance with the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan Policy MD11.

11. The existing dwelling on the site (known as 'Oaklands') shall provide the required supervision and management of the holiday let enterprise hereby approved and shall not at any time be disposed of separately without the prior written consent of the Local Planning Authority.

Reason: To ensure the provision of adequate on-site supervision of the enterprise in the interests of sustainable tourism development and the protection of residential amenity.

12. The hereby permitted vehicular access shall not be wider than the original railway track bed.

Reason: To safeguard biodiversity.

## **INFORMATIVES**

### **General**

In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

## **Drainage**

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at:

<https://www.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

Full details, location and sizing of the existing septic tank and the drainage fields should be provided including previously carried out percolation tests to ensure that it can cater for the new development. Information should be submitted.

British Water 'Flows and Loads: 4' should be used to determine the number of persons for the proposed development and the sizing of the septic tank and drainage fields should be designed to cater for the correct number of persons and in accordance with the Building Regulations H2. These documents should also be used if other form of treatment on site is proposed.