

Development Management Report

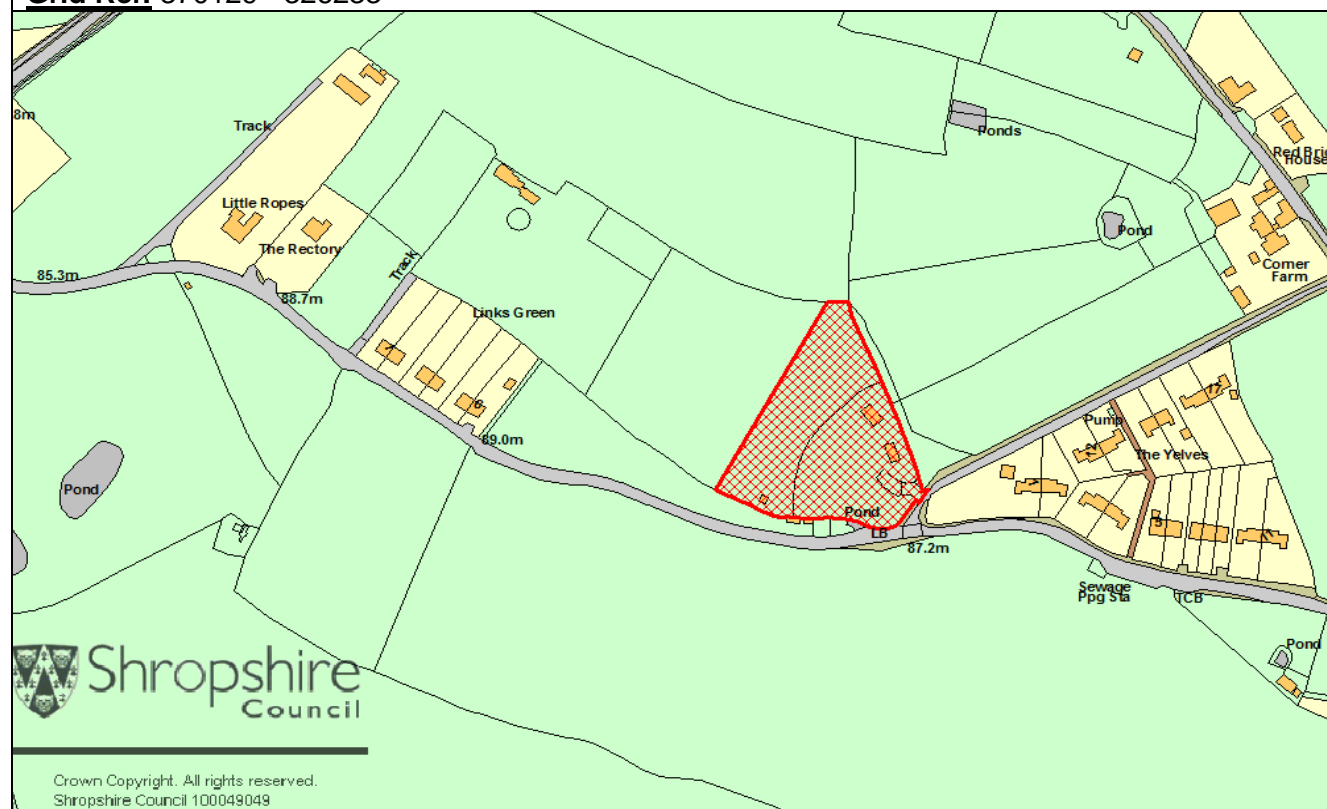
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Summary of Application

<u>Application Number:</u> 20/03330/FUL	<u>Parish:</u>	Hinstock
<u>Proposal:</u> Change of use of land to form holiday caravan park to include the siting of 10 static caravans with layout, modified road access, amenity land, play area and office building		
<u>Site Address:</u> Links Holiday Lodges The Links Hinstock Market Drayton Shropshire		
<u>Applicant:</u> D and D Gulligan		
<u>Case Officer:</u> Richard Denison	<u>email :</u> planning.northern@shropshire.gov.uk	

Grid Ref: 370129 - 326233



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

REPORT

1.0 THE PROPOSAL

- 1.1 This is revised application which relates to the siting of 10 static caravans to provide tourist accommodation close to Hinstock village. The static caravans will be approximately 3.6 metres wide by 11.6 metres long and will have a hard surfaced parking area alongside them. The existing vehicular access will be used with the provision of a single private driveway on the site to serve the caravans. A warden's office will be provided measuring 4 metres wide by 6 metres long with a pitched roof to 3 metres high and will provide a reception office and w.c. The building will be constructed from local render with grey concrete tiles. A small play area and communal amenity area are proposed. Tree and shrub planting including a belt of woodland and hedgerow planting along the western boundary will be provided. Foul drainage will be provided by a private package treatment plant. A refuse point will be provided adjoining the office close to the entrance of the site.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposed site is located in open countryside to the east of Hinstock village adjacent to a narrow country lane. The proposed site is enclosed by mature tree lined field boundary to the north east and south, whilst a hedgerow is located along the western boundary. The access is located along the eastern boundary adjacent to a country lane and opposite The Yelves which consist of 16 semi-detached dwellings. Two wooden log cabins approved for holiday accommodation in 2012 are located on site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The local ward member has indicated that this application is very divisive locally and has requested for committee referral within 21 days from validation of the application if officers are mindful to recommend approval. The Parish Council have also submitted a view contrary to officers based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Principal Planning Officer in consultation with the committee chairman and vice chairman agrees that this application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Shropshire Council, Highways Development Control** - The development is for the positioning of 10 static caravans and associated infrastructure and is a resubmission of the earlier refused application under reference 19/03205/FUL on planning policy grounds. Based upon the information and supporting

documentation contained within the submitted details it is considered that, subject to the conditions listed above being included on any approval, there are no sustainable Highway grounds upon which to base an objection.

4.1.2 **Shropshire Council, Planning Ecologist** - No objection subject to safeguarding conditions and informatives.

4.1.3 **Shropshire Council, 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.

4.1.4 **Shropshire Council, Regulatory Services** - A formal consultation was sent although no response has been received.

4.1.5 **Ministry of Defence** - This relates to an application for a change of use of land to form holiday caravan park- Links Holiday Lodges. The application site falls within the Statutory Safeguarding Aerodrome Zones surrounding RAF Shawbury, RAF Ternhill & Chetwynd Airfield and the Birdstrike Zone surrounding RAF Ternhill I can confirm the MOD has no safeguarding objections to this proposal.

4.1.6 **Hinstock Parish Council** - The Parish Council reiterates its strong concerns about the Highways access to the site.

The site currently housing 2 log cabins out of a possible 5 for which permission was granted. The Parish Council believes that 10 static caravans would be over development of the site (contrary to CS4 & CS6) and is inappropriate in scale and density. Whilst the current log cabins comfortably sit in the rural landscape of this area, Councillors are of the opinion that 10 white/grey/cream static caravans will be at odds with the character of the surroundings and be visually intrusive (contrary to CS6) to neighbouring properties. The noise, light pollution and increased traffic on the highway will detrimentally affect the residential amenity of local residents.

The Highways access to the site is very poor. The road is narrow, currently a 60mph, without street lighting or footway. Local residents have long campaigned to have a reduced limit imposed and footway installed on this road due to the dangers posed by fast moving vehicles on this narrow country lane. The proposed access is on a corner with extremely limited visibility which the Council

believes is wholly unsuitable. The road floods all year round. Core Strategy 6 specifies that : 'Requiring proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced'. There is no public transport in Hinstock. The lane is unsuited to recreational activities and the Parish Council queries whether the site can truly considered to be 'accessible' for an increased number of holiday makers. The Parish Council notes that there is

an existing caravan site within 4 miles at Goldstone.

The application further contravenes CS6:

"CS6: Protects, restores, conserves and enhances the natural, built and historic 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, having regard to national and local design guidance, landscape character assessments and ecological strategies where appropriate; - Contributes to the health and wellbeing of communities, including safeguarding residential and local amenity and the achievement of local standards for the provision and quality of open space, sport and recreational facilities. - Is designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision and taking account of site characteristics such as land stability and ground contamination;"

The surrounding area is comprised of agricultural land and residential dwellings. The ground at the site is comprised of clay based soil. As such, Councillors have concerns about drainage provision. Local wildlife i.e. bats, newts etc will need to be assessed and provision made for.

The Parish Council seeks confirmation that, should permission be granted to increase the number accommodation opportunities on site, stringent restrictions will be imposed as to occupancy i.e. that it will be conditioned strictly for short term holiday occupancy only. Measures must be imposed to restrict noise and light pollution from the site. Good landscaping measures should be implemented to lessen any detrimental visual impact.

To conclude, the Parish Council objects to this proposal on the grounds of detrimental impact on residential amenity for neighbouring properties, inadequate/unsuitable highways access, detrimental environmental impact and inappropriate over development of the site which will have an adverse impact on the local context and character. Furthermore, taking into account the objections of our residents to the proposals, the Parish Council is of the opinion that to permit further development of this is goes against the principles of:

Human Rights

Article 8 give the right to respect for private and family life.

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.

The Parish Council objects to this proposal.

4.2 Public Comments

4.2.1 24 letters of objection have been received raising the following concerns:

- The site does not have Caravan Club status and no caravans have been on the site for the past 6 years, whilst the wooden lodges are not rented. One of the lodges has been lived in by the owner as a permanent dwelling and not as holiday accommodation.
- Proposed caravans will be more visually prominent than existing wooden lodges.
- The previous application approved 5 log cabins on 6.5 acre site. Although since this permission the site has been sold leaving only 2 acres.
- Cramped and overdevelopment.
- Land unsuitable for soakaway drainage due to clay ground.
- Existing flooding problem within road from storm drains.
- Impact on horses in adjoining field.
- Light pollution.
- No provision of waste storage.
- Increase in noise and disturbance.
- Road is unsuitable for additional traffic and access is dangerous being on a sharp bend.
- Highway safety issues regarding access which is along a narrow single carriageway road which has speeding traffic, is in poor condition and has limited passing places.
- Access road not wide enough.
- Concerns proposed site will be used by travelling community.

4.2.2 A petition has been signed by 45 households objecting to the expansion of the site to 11 holiday caravans.

5.0 THE MAIN ISSUES

- Background
- Policy & Principle of Development
- Layout, Design & Scale and Impact on Landscape Character
- Impact on Residential Amenity
- Highways
- Impact on Trees
- Ecology
- Drainage
- Other Matters

6.0 OFFICER APPRAISAL

6.1 Background

- 6.1.1 Historically the site was used in part as a Caravan Club certified site for 5 caravans, together with a grazing paddock for horses. Planning permission was granted for the siting of five log cabins to provide holiday accommodation in January 2012 (application reference 11/03893/FUL). The site comprised of a grassed field approximately 0.5km to the east of Hinstock village accessed along a country lane. The log cabins were to be single storey and measured 5 metres wide by 10 metres long and would provide a lounge, kitchen/dining area, two bedrooms and a shower room. The existing access was to be used and would provide a private driveway with a single car parking space being provided for each cabin. Additional landscaping was proposed adjacent to the entrance and a native hedge was to be planted along the north western boundary with the open field. A variation application was subsequently granted in May 2012 to vary condition 2 (approved plans) to provide an enlarged design of cabin for unit 2 (application reference 12/01454/VAR). This log cabin measured 6 metres wide by 11.6 metre long. The application also sought to phase the development with the siting of units 1 and 2 being 'Phase 1' and units 3, 4 and 5 being 'Phase 2'. However, only phase 1 has been completed with the siting of two lodges, although the permission is still extant for the remaining three lodges.
- 6.1.2 A previous application was refused in November 2019 for a similar development of 10 static caravans on a smaller site area (ref. 19/03205/FUL). The Council considered that the proposed number of static caravans on this small plot of land would result in a cramped and overdeveloped appearance having regard to the rural character and open nature of the surrounding countryside. The application was dismissed at appeal in May 2020. The inspector considered that the main issue was the effect of the development on the character and appearance of the area. It was indicated that the site was located in open countryside and away from Hinstock nearby village. The site was bound on two sides by trees and hedging with some gaps and affords some views through the site from adjacent highway and does not offer a continuous dense screen. The post and rail fence and small hedge along the west boundary was adjacent to countryside and relatively open to views from the public realm. It was indicated that the site makes a positive contribution to the character and appearance of the surrounding open countryside. Caravans arranged in fan configuration with some caravans adjacent to southern boundary and were close to the highway. Due to the number and spacing of proposed caravans the visual effect would create a substantial combined mass. Significant impact on the open character of the site and erode its rural character. Site is close to small cluster of built form, although separate and distinct plot away from other development. Layout plan indicates plant cover on the perimeter of the site, although not supported by a landscape assessment to consider visual impact on the wider area. The proposal would result in a relatively intense cluster of static caravans that would result in visual harm to the local character.
- 6.1.3 This current application still proposes 10 static caravans, although the site area now includes part of the paddock to the west which will allow improved separation between the caravans and provision of increased natural woodland landscaping. A detailed Landscape and Visual Appraisal has been undertaken and considered in Section 6.3 of this report.

- 6.1.4 Concerns have been raised by local residents that one of the existing log cabins has been used as a permanent dwelling and not as holiday accommodation. It appears that the previous owner lived in No.2 Links Green and sold their property in February 2017 and moved into one of the log cabins which was occupied as their permanent residence. Although it appears that the site has now been subsequently sold to the current applicant. Officers have investigated an enforcement complaint regarding the occupation of this unit and there was no evidence of unrestricted residential use.

6.2 **Policy & Principle of Development**

- 6.2.1 Policy 6 'Building a Strong, Competitive Economy' of the National Planning Policy Framework indicates that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy policy should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
- 6.2.2 Policy CS5 'Countryside and Green Belt' of the Shropshire Core Strategy seeks to strictly control development in rural areas requiring economic development to maintain and enhance the countryside's character and vitality and improve the sustainability of rural areas. This policy allows for sustainable tourism, leisure and recreation proposals, which require a countryside location. This policy indicates that new development will be strictly controlled, and new dwellings will only be permitted for agricultural, forestry or other essential countryside workers and other affordable housing / accommodation to meet a local need.
- 6.2.3 However, Policy CS16 'Tourism, Culture and Leisure' indicates that development would be supported for high quality visitor accommodation in accessible locations served by a range of services and facilities, which enhances the role of Shropshire as a tourist destination to stay. 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.
- 6.2.4 Policy MD11 'Tourism Facilities and Visitor Accommodation' of the Site allocations and Management Development Plan indicates that holiday let development which does not conform to the legal definition of a caravan will be resisted in the countryside following the approach to open market residential development in the countryside as indicated in policy CS5 of the Shropshire Core Strategy and policy MD7a of the SAMDev Plan. The provision of static caravans for tourist accommodation in principle is acceptable, although it is recognised that they have a greater impact on the countryside and should be landscaped and designed to a high quality. The proposed visual impact, scale and character will be considered under the following section.

6.3 **Layout, Design & Scale and Impact on Landscape Character**

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. This is reiterated in the Site Allocations and Management of Development (SAMDev) Plan in policy MD2 in which development should reflect local architectural characteristics including building heights, scale and plot sizes.
- 6.3.2 The proposed site covers an area of 0.71ha (1.75 acres) and is located in open countryside to the east of Hinstock village adjacent to a narrow country lane. Open fields are located to the north, north east, south (on the opposite side of the road) and to the west. A small group of 16 semi-detached properties are located between two country lanes to the east of the site and are all sited within spacious plots.
- 6.3.3 The original approved scheme provided 5 log cabins on a site area of 0.33ha (total floor area of 289.2sqm) which equated to a density level of 6 units per acre and provided adequate open space between the units to result in a development which did not appear cramped. The recently refused scheme was reduced from 11 static caravans down to 10 static caravans (total floor area of 417.6sqm) equated to a density level of 12 units per acre with the static caravans being located only a minimum of 7 metres from one another. Having regard to the open nature of the site and rural character officers considered that the provision of 10 units would appear cramped and overdeveloped and would detract from the appearance of the local area.
- 6.3.4 However, this revised application now proposes to utilise an area of the paddock which was previously indicated to be a dog walking area located to the west of the static caravans. The use of this additional land will result in a density level of approximately 6 units per acre identical to the previously approved log cabins. This has resulted in significant gaps between the static caravans ranging from 8 to nearly 17 metres. The car parking and level of hard standing adjoining the static caravans has been reduced and improved natural woodland landscaping in between the units and along the boundaries of the site.
- 6.3.5 This application has now been submitted with a detailed Landscape and Visual Appraisal Report by ReLandscape which concludes that the extensive semi natural woodland planting and new hedgerow on the west boundary would be a positive addition to the local landscape and character. The level of effect on landscape character at completion arising from the loss of two relatively small lengths of hedgerow (to improve the access visibility and create the new internal access road) and the change to the character of the site from grazing land to a static caravan park is judged to be slight and negative. After 15 years, the level of effect would reduce to imperceptible-slight and positive as new semi natural woodland planting matures as a characteristic feature of the surrounding landscape.
- 6.3.6 Hinstock is the closest settlement but, due to intervening vegetation, there are

no opportunities for residents to view the application site. Clusters of residential properties closer to the site on Ellerton Road and The Yelves would have glimpse, oblique views of the application site from second floor windows through mature hedgerows on the site boundaries. Detached properties Ashfields and Corner Farm to the north of the site would potentially have a filtered view of the proposed development although the proposed location of the communal amenity area and areas of semi natural woodland planting adjacent to the north east boundary would reduce the visual effects of the proposed static caravans. The effect of the proposed development on residents at home in these properties would be slight and neutral at completion reducing to negligible after 15 years as semi natural woodland matures.

- 6.3.7 The Council have employed ESP Ltd to review the landscape appraisal submitted by the applicant and concluded that the report had been prepared in a proportionate, clear and evidence-based manner in compliance with the guidance set out in Guidelines for Landscape and Visual Impact Assessment (The Landscape Institute and The Institute for Environmental Management and Assessment; 3rd Edition, 2013). The site has been assessed from a number of vantage points from the public highway and public rights of way. It has indicated that the view north west towards the site from Ellerton Road would be 'slight negative' on completion of the development as this would involve part removal of the hedgerow to provide the improved visibility. However, with the new hedgerow and woodland planting this would be negligible once this is established. The development would also initially have a 'slight negative' impact on the landscape character and its surroundings mainly in a western direction, although the new field hedgerow and the thick native woodland planting would result in a long term 'positive' effect on the landscape character. It was agreed that the initial predicted negative effects would be reduced over 15 years after completion to leave a positive contribution to the landscape character, by virtue of the mitigation planting. Comments were raised regarding the cumulative landscape and visual effects of this development, although there are no other static caravan sites within several miles of this site and therefore it was not necessary for this to be considered in this circumstance. It is recommended that the finished colour of the static caravans and details of the proposed landscape mitigation and maintenance should be conditioned.

6.4 Impact on Residential Amenity

- 6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. The proposed static caravans will be located along the eastern and southern boundaries of the field with the nearest static caravan being located 8 metres from the edge of the highway and 60 metres from the nearest residential property (No.1 The Yelves). A number of semi-detached properties are located on the opposite side of the field to the west, although the nearest dwelling (No.6 Links Green) is located approximately 120 metres away. The development includes the provision of a landscaped entrance and landscaping along the field boundary to the west. Having regard to the distance and orientation the proposed units will not result in any detrimental impact.

6.5 Highways

- 6.5.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all. Strong concerns have been raised regarding the suitability of the access road from Hinstock which is narrow and has limited passing points and considered dangerous.
- 6.5.2 The previous application for the 5 log cabins indicated that the most direct approach to the site was along a Class III road serving a rural area with a number of properties and farms between Ellerton to the east and Hinstock to the west. The shortest and most direct route to the site from the main roads would be from the Hinstock direction. The Class III road is typically rural in nature and is of single vehicle width in places and has some tight bends particularly on the eastern outskirts of Hinstock. Having regard to the nature of the development, the likely type of traffic generated would be private cars which can be more suitably accommodated on the adjoining highway network than commercial traffic. As holiday accommodation are unlikely to be fully occupied all year around generating movements every day. It is considered that in general the approach road is not so substandard to cater for the likely traffic from the development and unlikely to materially impact on the prevailing highway situation.
- 6.5.3 The Highways Manager has previously inspected the site and approach roads as indicated are typically narrow with passing places available from the more built up area towards Hinstock. Overall the Highways Authority would not be supportive of any new development that would have a significant material impact on traffic generation on the local highway network. However, having regard to the current application, whilst acknowledging the highway deficiencies of the local highway network, it is considered that it would be difficult to substantiate a highway objection based upon, what is effect, a further 5 static caravans on the site.
- 6.5.4 It is not considered that a highway objection could be sustained on the additional traffic over what is already being accommodated on the adjoining highway network. No objection to the proposal from the highway perspective but it is recommended that the occupancy of the static caravans be restricted to holiday accommodation. In addition, the proposed parking provision and driveway should be satisfactorily completed in accordance with the approved details prior to the static caravans being brought into use.

6.6 **Drainage**

- 6.6.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. Concerns have been raised regarding the land being unsuitable for soakaway drainage due to clay ground. However, there are no known geological ground condition issues which would prevent drainage being provided. The application indicates that foul

drainage will be dealt with via a package treatment plant and no objection has been raised by the Drainage Engineer subject to the design being in accordance with Building Regulations. The application indicates that surface water will be disposed of via a sustainable drainage system including soakaways and the Drainage Engineer has indicated that percolation test and soakaways should be designed in accordance with BRE Digest 365. No concerns have been raised regarding the suitability of the local ground conditions and therefore it is recommended that both the foul and surface water drainage are conditioned accordingly for details to be submitted and approved prior to the commencement of works on site.

- 6.6.2 Concerns have been raised regarding existing flooding problems on the road from storm drains, although this relates to rain fall onto the road and not from the application site. Problems with the surface water drainage from the road is an issue with the highways drainage and is not related to the planning application. Photographs have been submitted by local residents indicating part of the south east corner of the site being flooded and unsuitable for the siting of static caravans. However, the proposed site is not located in a Flood Zone 2 or Flood Zone 3 and is not designated as an area of land subject to surface water flooding. The application has been submitted with a topographical survey which indicated that the area of land which was flooded was only a maximum of 260mm deep. This occurred after a significant storm with exceptionally heavy rainfall followed by snow. No previous evidence has been provided that this land regularly floods, whilst the floor level of the two static caravans in this area would be positioned at least 500mm above the ground level. In the event of an extreme freak event any surface water would flow underneath the static caravan.

6.7 Other Matters

- 6.7.1 Concerns have been raised regarding no provision of waste storage, although the submitted layout plan indicates a refuse point (including recyclable waste) directly adjacent to the access. This will allow a waste vehicle to pull off the road and empty the bins.
- 6.7.2 Concerns have also been raised that the static caravans will be used by the travelling community. However, the application is for holiday accommodation and not permanent residential use.
- 6.7.3 Comments have been received that horses in the adjacent field will be impacted upon. However, the original site was for a Caravan Club certified site which would have allowed 5 caravans and up to 10 tents at any one time, whilst the previous permission approved 5 wooden lodges. Ultimately the site could generate a certain degree of noise and disturbance, although in reality the provision of 10 static caravans will not create significant noise or disturbance over and above the authorised uses.

7.0 CONCLUSION

- 7.1 The proposed site has an established use for tourist accommodation and the principle for providing static caravans for holiday accommodation is acceptable.

It is considered that this revised application which provides increased separation between the static caravans and new native hedgerow and woodland planting around the site will minimise any visual impact on the rural character and surrounding countryside. The proposed improvements to the access will improve visibility for emerging vehicles and there is no significant highway impact on highway safety. The static caravans will not result in any detrimental impact on neighbouring properties and visitors will provide some economic benefit to the local area.

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

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 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 6 weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 FINANCIAL IMPLICATIONS

- 9.1 There are likely financial implications of the decision and/or imposition of conditions if 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 planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10.0 BACKGROUND

10.1 Relevant Planning Policies

Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies:-

National Planning Policy Framework:

Shropshire Council Core Strategy (February 2011):

CS5 : Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

CS16 : Tourism, Culture and Leisure

CS17 : Environmental Networks

CS18 : Sustainable Water Management

Supplementary Planning Document - Type and Affordability of Housing

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

MD7b : General Management of Development in the Countryside

MD11 : Tourism Facilities and Visitor Accommodation

MD12 : Natural Environment

10.2 Relevant Planning History

19/03205/FUL - Siting of 10 static caravans with hardstanding; an office building; internal road layout; play area; amenity area and modified access (Amended Description). Refused 8th November 2019. Dismissed at Appeal 1st May 2020.

12/01454/VAR - Variation of Conditions 2 and 4 attached to planning permission

11/03893/FUL. Granted 24th May 2012.

11/03893/FUL - Siting of 5 log cabins to provide holiday accommodation.
Granted 19th January 2012.

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application reference 20/03330/FUL

Cabinet Member (Portfolio Holder) - Cllr Gwilym Butler

Local Member - Cllr Rob Gittins

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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.
3. The visibility splays shown on Visibility Plan Drawing No. 2019/1919/001 in Appendix 4 of the Transport Statement Report, also transposed onto the Illustrative Site Layout Drawing No. 214.3.01 shall be set out in accordance with the splay lines shown. All growths and structures in front of these lines shall be lowered to and thereafter maintained at carriageway level prior to the caravans being occupied and thereafter be maintained at all times free from any obstruction.
Reason: To provide a measure of visibility from the new access in both directions along the highway in the interests of highway safety.
4. The access, internal driveway, parking and turning areas shall be satisfactorily completed and laid out in accordance with the Illustrative Site Layout Plan Drawing No. 214.3.01 prior to the caravans being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.
Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety
5. The access apron shall be constructed in accordance with Shropshire Council's specification currently in force for an access and shall be fully implemented prior to the caravans being occupied.
highway safety.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

6. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - a) Planting plans, creation of wildlife habitats and features and ecological enhancements;

- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Access layout and visibility splay in line with Highways requirements in order to demonstrate their compatibility with the retention of existing trees and hedges, or measures to replant or translocate hedges behind the visibility splay if required;
- d) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- e) Native species used are to be of local provenance (Shropshire or surrounding counties);
- f) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- g) Implementation timetables.

The plan shall be carried out as approved. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

7. Within 90 days prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy for prior approval that sets out appropriate actions to be taken during the works. These measures will be implemented as approved.

Reason: To ensure the protection of badgers under the Protection of Badgers Act 1992.

8. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

9. Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design) and/or small birds (32mm hole, standard design).

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.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

10. Prior to the erection of any external lighting on the site, 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.

11. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected within 12.0 metres of the highway boundary.

Reason: To provide for the standing of parked vehicles clear of the highway carriageway in the interests of highway safety.

12. The static caravans hereby permitted shall only be used to provide holiday accommodation and shall not be occupied as a person's sole, or main place of residence, and the site owner/operator shall maintain an up-to-date register of the names of all owners/occupiers of the holiday lodges on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: To ensure that the approved accommodation is not used for unauthorised permanent residential occupation (C3 use) which would be contrary to National and Local Plan Policy..