

Development Management Report

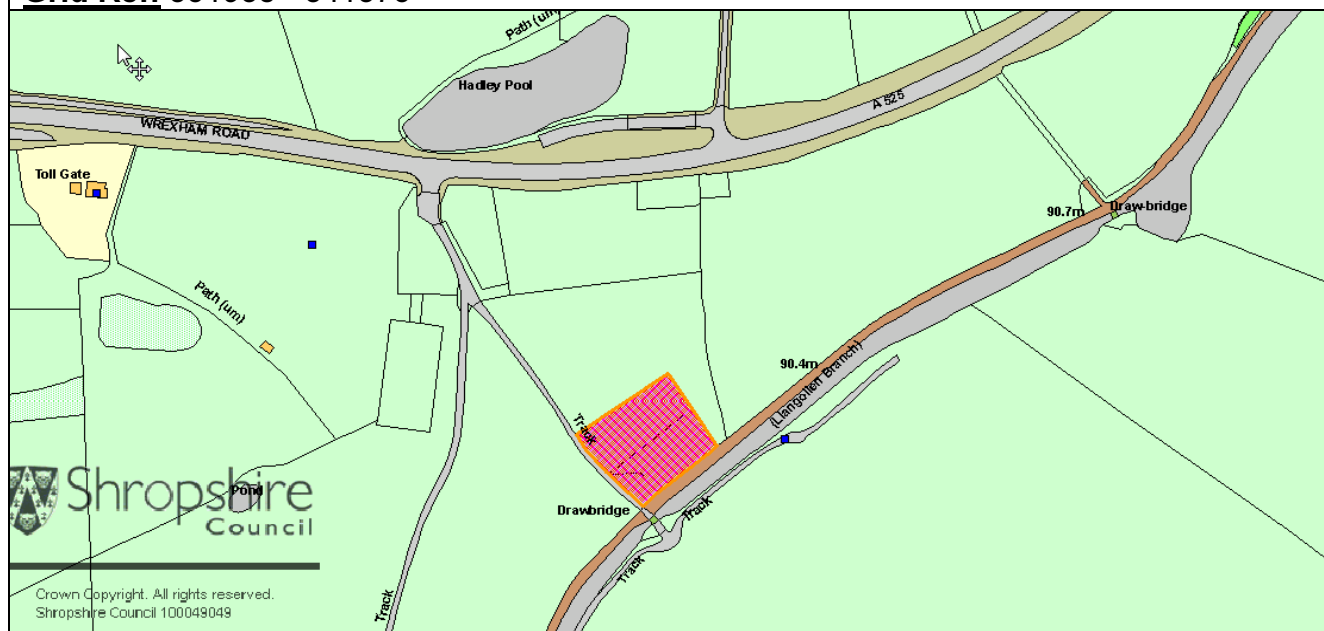
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Summary of Application

Application Number: 14/00344/COU	Parish: Whitchurch Urban
Proposal: Change of use of agricultural land to tourist caravan site for 10 no. touring caravans and 8 no. seasonal caravans	
Site Address: Hadley Farm Wrexham Road Whitchurch Shropshire SY13 3AB	
Applicant: Mr & Mrs P Wynn	
Case Officer: Sue Collins	email: planningdmne@shropshire.gov.uk

Grid Ref: 351938 - 341376



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

REPORT

1.0 THE PROPOSAL

1.1 The application seeks planning permission for the change of use of agricultural land to a caravan site for 10 touring caravans and 8 seasonal caravans. The proposal also includes the siting of a toilet/shower block, provision of access drives and parking areas. Additional landscaping will also be undertaken to enhance the existing and to help screen the development.

2.0 SITE LOCATION/DESCRIPTION

2.1 The land is located adjacent to the canal and comprises open grazing land. There are small sections of hedgerows along the field boundaries, with fencing completing them. Most of the land is fairly level, however the levels rise up to the canal. Access to the site is off the A525 Wrexham Road using an access that serves other existing dwellings, the equestrian and catering facilities as well as the agricultural land. Once past the main entrance the access track forks with the spur leading to the site and the main section leading on to the houses and other land that is in the control of the applicant.. The track is unsurfaced and leads to the bridge over the canal and peters out in the field beyond.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Applications made, by or on behalf of, or relating to the property of Members or officers of the Council who hold politically restricted posts or who either directly or indirectly report to the Group Manager Environment.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Highways:** No objection

4.1.2 **Ecology:** No objection subject to the inclusion of the recommended informative regarding Great Crested Newts

4.1.3 **Public Protection:** No objection. The applicant should give thought to the capacity of the existing café system and the potential volume that could be added.

4.1.4 **Canal and River Trust:** No objection subject to the recommended conditions regarding foul and surface water drainage.

4.1.5 **Ramblers:** Concerned that increased traffic levels may cause safety issues for users of a footpath 0234/99 which crosses the access track.

4.2 Public Comments

4.2.1 Six letters of representation have been received. The areas of concern relate to:

- Little planning input in changing this area from agricultural to leisure use.
- Caravan park will be a visual blight
- Activities impinge on several public rights of way
- Increased urbanisation of a rural setting.
- The access is unsuitable for the type and amount of traffic that will be generated.

- The residents who live off the private road would be inconvenienced by the increased traffic through the damage to property and inability to turn vehicles if they miss the turning to the caravan park.
- The development will not relate to its surroundings nor will it enhance the quality of the environment.
- The diversity from agricultural use to tourism is contrary to the requirements for the agricultural workers dwelling that is proposed nearby.
- The lack of a footpath along the highway makes it unsafe for pedestrians to use to access Whitchurch.
- The use of the canal towpath at night would be dangerous to pedestrians.
- The canal, road and increased traffic would be a safety issue for visitors.
- An ecology survey should be provided prior to the application being determined.

One letter in support of the application has been received

- This provides an ideal opportunity to support the growing tourist industry for Whitchurch.

5.0 THE MAIN ISSUES

- Policy & Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Ecology and Landscaping
- Drainage

6.0 OFFICER APPRAISAL

6.1 Policy & Principle of Development

6.1.1 Section 3 of the National Planning Policy Framework (NPPF) deals with the issues of supporting a prosperous rural economy. This encourages the promotion and diversification of agricultural and land-based rural businesses and also supports sustainable rural tourism and leisure facilities that benefit businesses in rural areas, communities and visitors. These should respect the character of the countryside and be in appropriate locations.

6.1.2 Policy CS16 of the Shropshire Core Strategy further deals with the issue of Tourism and reflects the requirements of the NPPF. The policy also identifies the Llangollen Branch of the Shropshire Union Canal as an area where tourism schemes seek to enhance the economic, social and cultural values of canals.

6.1.3 Concerns have been raised that the proposal contradicts the requirements for an agricultural workers dwelling on the site. Whilst this view is understood, there would still be justification for the dwelling on the basis of meeting an agricultural worker requirement for the holding. The principle of diversification is supported by both national and local policies.

6.1.4 The site is located to the west of Whitchurch within easy walking or cycling distance of the Town Centre and its associated facilities and services. There is a network of public rights of way as well as the canal towpath which provides good

connections not only to the town but other areas such as Grindley Brook and the Mosses at Whixall and surrounding area. Furthermore other towns and visitor attractions are also nearby.

- 6.1.4 The proposals will help to improve the offer of tourism facilities within the Whitchurch area as well as providing diversity within the agricultural holding. By increasing tourism in the area, it will also have a realistic potential to support the commercial vitality of the town and surrounding areas.
- 6.2 **Design, Scale and Character**
- 6.2.1 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. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.
- 6.2.2 The proposed layout plans demonstrate that each of the pitches will provide a reasonable amount of space per unit including parking. Central access drives will provide access to each unit off the track.
- 6.2.3 A new toilet/shower block will also be constructed within the site for the use of visitors. This is to be a single storey building providing toilet and washing facilities for men and women with special facilities for disabled persons and single shower cubicle. The size of the building will be approximately 8.3 metres by 4.9 metres with a maximum height to ridge of 4.4 metres. No details of the proposed external materials have been provided however, this can be resolved through the inclusion of a condition requiring these to be submitted for approval prior to their use on site. The size of the building and its overall design would be appropriate for its intended use and takes into account the local context and character.
- 6.2.4 As part of the proposal a significant level of landscaping is to be carried out. This will be along the northern and eastern boundaries of the whole site, with the existing hedgerow through the centre being enhanced. Additional planting will be carried out around the proposed shower/toilet block and as such will help soften the visual impact of the proposal within this part of the open countryside. The landscaping plan specifies the types of plants that will be used and their percentages. As most of them are relatively quick growing they will add to the character of the area within a short period of time.
- 6.3 **Impact on Residential Amenity**
- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.3.2 There are no residential properties immediately adjacent to the application site. However the access track off the A525 does serve some dwellings and they have raised concerns that the level and nature of the traffic will cause damage to their

properties and cause an inconvenience.

6.3.3 Whilst it is appreciated that traffic levels would increase as a result of the development the worst of the traffic would be when the vehicles initially arrive or leave towing the caravans. However the layout is such that there are clear views across from the access track to the site to the track that serves the dwellings and any vehicle would be readily visible. Whilst there may be some delays as a result of the vehicles, much of the impact this would have on residents is considered to be low.

6.3.4 The distance from the caravan site to the nearest dwellings would be sufficiently far enough to not cause any loss of light or privacy to the residents of Blackoe Cottages.

6.4 **Highways**

6.4.1 Concerns have been raised by the residents of Blackoe Cottages that the proposed use would have a detrimental impact on the highway safety of the area. Particularly with the access onto the A525.

6.4.2 The application site is served by an existing access junction on to the A525 Wrexham Road to the north. The access already serves the farm, equestrian facilities and a café. The Highway Authority is of the view that the layout of the existing access together with the available measure of visibility along the principal road is satisfactory to also accommodate the vehicular movements likely to be generated by the proposal and raises no objection to the development.

6.5 **Landscape and Ecology**

6.5.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. Therefore the application has been considered by the Council's Ecologist.

6.5.2 Concern has been raised that the proposal will have an impact on Ecology of the area and it has been requested that no decision is made until an Ecology survey is submitted as part of the application.

6.5.3 Great crested newts

No Ecological Assessment has been submitted with this application. There are historical records of low numbers of great crested newts present in a pond approximately 20m from the site. From aerial photographs there also appears to be a temporary water body around 30m north east of the site.

In view of the use of the land for caravans and the low quality of the habitats on site as terrestrial great crested newt habitat, it is the view of the Council Ecologist that an offence under the Habitats Regulations would be unlikely.

6.5.4 Whilst the request for an Ecology Survey is appreciated, the Council's Ecologist has not commented that the proposal meets the trigger for a survey to be carried out. As they have also commented that the area is of low quality for Great

Crested Newt Habitat further information is not required.

6.5.5 The planting of the proposed additional landscaping as identified on the plan with the application will also improve the biodiversity of the area providing possible foraging areas for bats and other wildlife.

6.6 **Drainage**

6.6.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development.

6.6.2 Limited drainage information has been provided with the application regarding the proposed drainage systems to be installed as part of the development. The Canal and River Trust have raised concerns as they wish to prevent any pollution of the Canal and they wish to protect the capacity of the culvert. They have therefore recommended that conditions be included should planning permission be granted to ensure that these issues are assessed fully prior to works commencing on site.

6.6.3 The Public Protection Officer has also requested that consideration be given to the proposed method of foul drainage to ensure that the capacity of the existing system can accommodate the additional flow.

6.6.4 Whilst this information is required in order to demonstrate that the site can be appropriately drained, there is sufficient land available to the application to ensure that this can be carried out. Therefore it is recommended that appropriate conditions be included on any planning permission granted requiring full details to be submitted for approval prior to works commencing on site.

7.0 **CONCLUSION**

7.1 The proposed development is appropriate in its scale and layout to ensure that any visual impact on the rural landscape will be minimal whilst providing tourist accommodation to the benefit of Whitchurch and the surrounding area. The proposed landscaping would also provide enhancements to the biodiversity of the area. As such the proposal would be in accordance with the NPPF and policies CS5, CS6, CS16, CS17 and CS18 of the Shropshire Core Strategy.

In arriving at this decision the 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 187.

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 three months 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. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS16 - Tourism, Culture and Leisure
CS17 - Environmental Networks

CS18 - Sustainable Water Management

Relevant Planning History:

NS/07/01195/FUL Proposed erection of a reception cabin in association with equestrian cross country course CONAPP 1st August 2007

11/02093/FUL Provision of catering unit and toilet block GRANT 21st July 2011

12/03675/AGR Erection of an agricultural building for the storage of agricultural equipment and machinery PNR 13th September 2012

13/00656/FUL Erection of an agricultural workers dwelling and double garage PDE

14/01807/SCR Proposed solar farm PCO

11. Additional Information

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) Cllr M. Price
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Local Member Cllr Thomas Biggins Cllr Peggy Mullock

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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No built development shall commence until details of all external materials, including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

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

4. Prior to the commencement of development details of the measures to be put in place to prevent pollution of the canal from the foul drainage provision shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details.

Reason: To ensure that foul sewage from the site is disposed of in a safe and appropriate manner in order to safeguard the canal environment and water quality in accordance with policies CS6: Sustainable design and development principles, CS16: Tourism and culture and CS17: Environmental Networks of the Adopted Shropshire Core Strategy.

5. No development shall take place until full details of the intended surface water drainage arrangements have first been submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details.

Reason: To ensure that surface water from the site is disposed of in a safe and appropriate manner in order to protect the integrity of the waterway structure and water quality in accordance with policies CS6: Sustainable design and development principles, CS16: Tourism and culture and CS17: Environmental Networks of the Adopted Shropshire Core Strategy.

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

6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out within the first planting season of works

commencing on site associated with the proposed development. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

7. The whole site shown within the red edging on the approved plan, shall be used for no more than a maximum of 10 touring and 8 seasonal caravans at any one time. The site shall be used for touring and seasonal caravans only and shall not be used as the sole, primary or permanent residence of any occupier. For one whole month between November and February each pitch shall be completely cleared of caravans.

Reason: To safeguard the visual amenities of the area and to prevent the establishment of a permanent residential planning unit in an area where new dwellings would not normally be permitted.

8. The owners/operators of the site shall maintain an up-to-date register of the names and main home addresses of all occupiers of individual caravans and shall make this information available on request at all reasonable times to the Local Planning Authority.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised residential occupation.