



Committee and date
Northern Planning
Committee
26th April 2022

Item

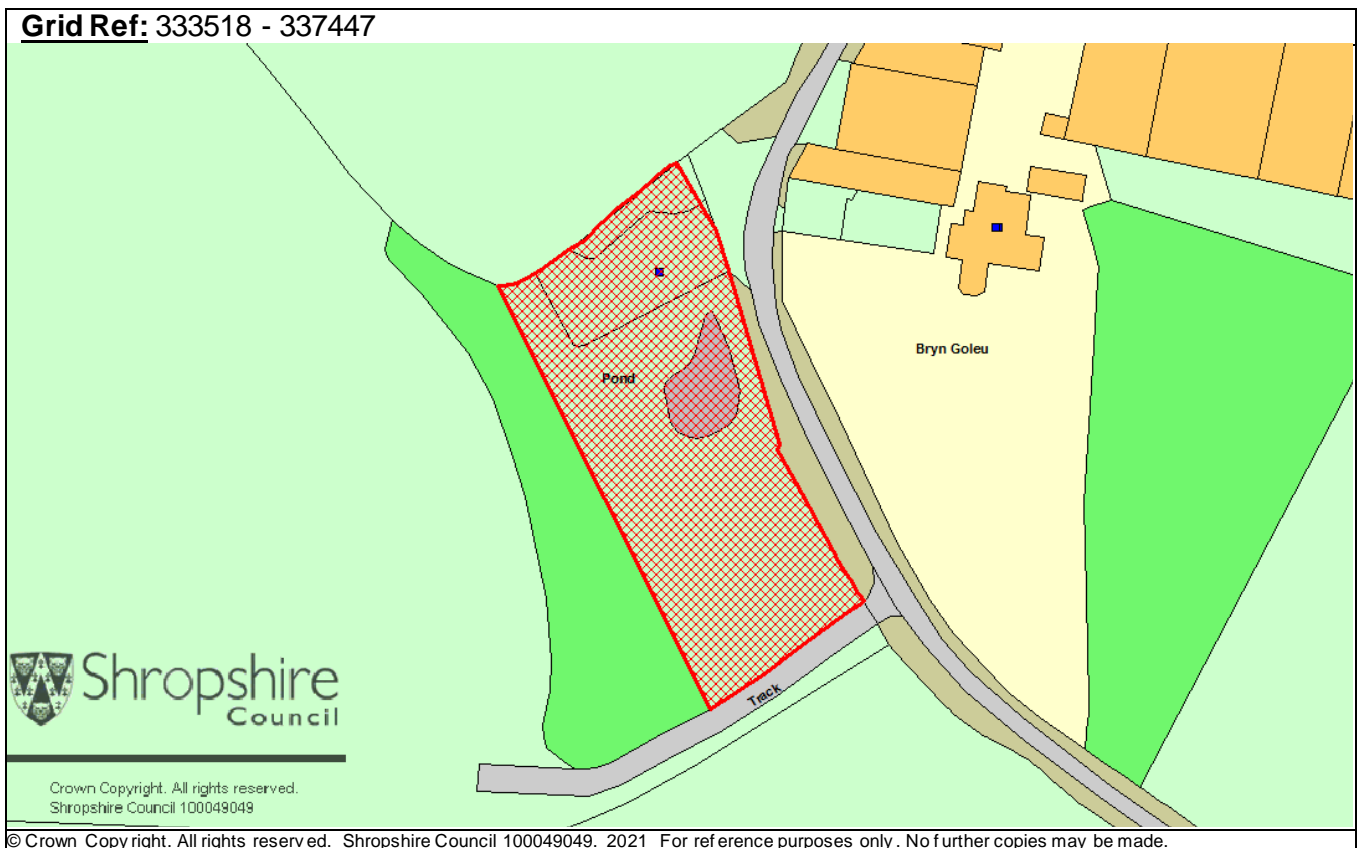
Public

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 22/00193/FUL	Parish:	Ellesmere Rural
Proposal: Proposed holiday park comprising 9no. units and office and storage buildings		
Site Address: Arthans Bryn Goleu St Martins Oswestry Shropshire		
Applicant: Allum Jones		
Case Officer: Melanie Williams	email	: melanie.williams@shropshire.gov.uk



Recommended Reason for Refusal

It is acknowledged that the proposed development would contribute to the rural economy and to the role of Shropshire as a tourist destination in which to stay. However, these potential benefits are considered to be outweighed by the harm of the development on the open, tranquil rural character of the landscape, the potential for disturbance of adjacent land users and that the proposal is not located within a sustainable location, where there are also no nearby services. No evidence of the ongoing viability of the existing site has been provided and nor has it has been shown that there is demand for the holiday use in what is considered an unsustainable location.

Accordingly, the proposed is contrary to policies CS5, CS6, CS13, CS16 and CS17 of the Core Strategy and policies MD2, MD7b, MD11, MD12 and MD13 of the SAMDev.

REPORT

1.0 THE PROPOSAL

1.1 Proposed holiday park comprising 9no. units and office and storage buildings

2.0 SITE LOCATION/DESCRIPTION

2.3 The site is located adjacent to Bryn Goleu near Street Dinas, St Martins. Currently part of the site is hardstanding previously parking for the gymnasium facilities that used to exist on the neighbouring property; the rest of the site is grassland with a pond in the centre. The nearest neighbour is to the east is the headquarters of Vanguard Cleaning Company formally Bryn Golau Farm.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The office recommendation is contrary to the Parish Councils comments. Therefore in line with the scheme of delegation the application falls to be decided by Planning Committee rather than under officers delegated powers.

4.0 Community Representations

4.1 - Consultee Comments
Shropshire Council Drainage:
No objection subject to a condition and informatives

Shropshire Council Highways:

No objection – subject to the development being constructed in accordance with the approved details and the following conditions and informative notes

- Public Comments
Ellesmere Rural Parish Council

Support

The Parish Council is content to support this application if the flooding issues on site can be resolved satisfactorily and a sewage treatment plant is made a condition of any planning permission.

5.0 THE MAIN ISSUES

- Principle of development
- Details of proposal
- Impact on Residential Amenity

- Flooding

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The NPPF specifies 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. Development for sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside is promoted.
- 6.1.2 Core Strategy Policy CS1 deals with strategic approach, noting that outside community hubs and clusters, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing. Whilst this policy provides recognition that countryside is a 'living-working' environment which requires support to maintain or enhance sustainability, it also recognises the need to consider the scale and design of proposals, where development is most appropriately sited, environment and other impacts.
- 6.1.3 Policy CS5 outlines strategies to protect the countryside and ensure proposed development maintains and enhances the vitality and character of it and where they improve the sustainability of rural communities by bringing local economic and community benefits. It outlines support for a number of development types including Sustainable rural tourism and leisure and recreation proposals which require a countryside location, provided they are in accordance with Policies CS16 and CS17.
- 6.1.4 Policies CS13 and CS16 indicate support for high quality sustainable tourism development that is appropriate to its location and enhances and protects the existing offer within Shropshire. 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. Additionally it should promote and preserve the distinctive historic, heritage brand and values of its environment
- 6.1.5 MD11 states that tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings, and meets the requirements in Policies CS5, CS16, MD7b, MD12 and MD13. All proposals should to be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate.
- 6.1.6 On review of this policy, it is concluded that there is no outlined principle against new camping/caravan site development within suitable locations within the open countryside. There is however extensive policy that the proposed development must accord with to be acceptable. The first of these requirements is the location of the development being within a sustainable accessible location served by a range of facilities. The second is the consideration of the cumulative impact of visitor accommodation on the natural assets of the area which in this case is open countryside. On review of the location it is not concluded the proposal is either sustainable or served by a range of facilities. Whilst the village of St Martins is a

relatively short distance away part of the route is along the rural lane which does not benefit from any lighting or pavements which is to some extent likely to discourage some holiday makers from walking and be reliant on the use of private vehicle. Given there is only a very limited range of services available St Martins, holiday makers would inevitably use their car to travel further afield.

- 6.1.7 Sustainability relates to the impact of the proposal on the environment, to the economy and its social impact. In terms of impact on the environment, this covers the natural, historic and built environments. While no objections have been raised by the Council's Ecologist there are still concerns regarding the impact of the development on the ecology of the area through any necessary works required.
- 6.1.8 As a result, it is concluded that the proposal is not within a sustainable or easily accessible location and therefore contrary to CS16 and CS5.

6.2 Details of proposal

- 6.2.1 Policy CS6 states that development should conserve and enhance the built, natural and historic environment and be appropriate in its scale and design taking account of local character and context. It also indicates support for small scaled new economic development diversifying the rural economy referring to farm diversification schemes. The scheme does not represent farm diversification as this has been previously broken up, nor does it represent the expansion or diversification of an existing rural business. The site is a standalone field surrounded by land under separate ownerships; the landowner for this site currently lives in St Martins away from the site itself. In addition the application is not supported by any kind of business plan to demonstrate the viability of the proposed scheme.
- 6.2.2 Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and does not adversely affect the heritage values and function of these assets.
- 6.2.3 The proposal is for the siting of 9 huts for use as holiday accommodation; 8 of the units would be type 1 design which provides a single bedroom, lounge, kitchenette and shower area with a WC. The remaining unit would be type 2 design, this is effectively the same as 1 with the same room no. and facilities provided but with the glazed entrance on the side elevation as opposed to either end. The huts are to be faced with horizontal boarding for the walls with a flat roof with a sedum finish.
- 6.2.4 Also proposed are 9 car parking spaces and 2 buildings for office use and storage area. These buildings will be agricultural in appearance constructed using box profile sheeting and facing brickwork.
- 6.2.5 The site is considered to be an unsuitable location as any development of the site would be an extension into the countryside and as such would be harmful to the character and appearance of the rural landscape and the locality. While it may not be visible from all aspects and views, this does not mean that a development may not have an unacceptable impact on the rural landscape.

6.2.6 It is also likely that the proposal will require maintenance of the land to a more domestic appearance to please future visitors to the site, particularly immediately surrounding the huts. This may involve various alterations such as mown grass, together with the provision of waste bins, washing lines, outdoor seating and tables and other forms of domestic paraphernalia. As such this would have a significant impact on the character of the site.

6.2.7 While the units would appear to be potentially moveable and meet with the definition of a caravan it is noted they will be connected to electricity, water and drainage systems which together with patio and the fixed footpath provision to each unit implies that the huts cannot be removed from site. There is also no indication in the application that the huts would be removed from site during periods of the year when not required, such as winter. As such they would appear as a more permanent feature of the landscape and as a result have more of a visual impact.

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 The nearest neighbouring dwelling is approx. 35m away from the proposed site to the east. The buildings immediately adjacent to the property are owned by Vanguard Cleaning Company (a medical cleaning company); however the site is very peaceful and quiet even within the average working day, with traffic movements to a minimum.

6.3.3 The proposed use would increase the amount of traffic using the lane, especially within the summer months. The use would also mean that the site would generate increased noise and disturbance from future occupiers. A site visit has revealed that part of the existing hedgerow has been removed from the front of the site with some non-native species re-planting carried out. However it is felt that this would provide inadequate screen from both potential noise and any adverse visual impact caused by the development on a field which currently provides a backdrop of uninterrupted landscape.

6.3.4 It is therefore felt that the impact of the proposed development on the residential amenity of neighbouring property in terms of visual and noise generated would be unacceptable.

6.4 Flooding

6.4.1 The site is not located within a Flood Zone nor have Shropshire Council Drainage objection to the scheme (recommending conditions should approval be granted). However, photographs have been supplied to the LPA showing this area including the adjacent lane covered in flood water. Upon investigation the Planning Authority have been informed that this is an unusual occurrence and resulted from the drainage ditches in the lane not being properly cleared.

7.0 CONCLUSION

7.1 It is acknowledged that the proposed development would contribute to the rural

economy and to the role of Shropshire as a tourist destination in which to stay. However, these potential benefits are considered to be outweighed by the harm of the development on the open, tranquil rural character of the landscape, the potential for disturbance of adjacent land users and that the proposal is not located within a sustainable location, where there are also no nearby services. No evidence of the ongoing viability of the existing site has been provided and nor has it been shown that there is demand for the holiday use in what is an unsustainable location which is assessed along a single track public highway with no pedestrian facilities such as a footpath or pavement.

7.2 Accordingly, the proposed is contrary to policies CS5, CS6, CS13, CS16 and CS17 of the Core Strategy and policies MD2, MD7b, MD11, MD12 and MD13 of SAMDev.

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, i.e. written representations, hearing or inquiry.
- The decision may be 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 made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

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 1990.

9.0 Financial Implications

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

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY: _

21/00814/FUL Proposed holiday park comprising 9no. units and office and storage buildings
WDN 27th April 2021

22/00193/FUL Proposed holiday park comprising 9no. units and office and storage buildings
PCO

11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Councillor Ed Potter

Local Member
Cllr Steven Davenport

