



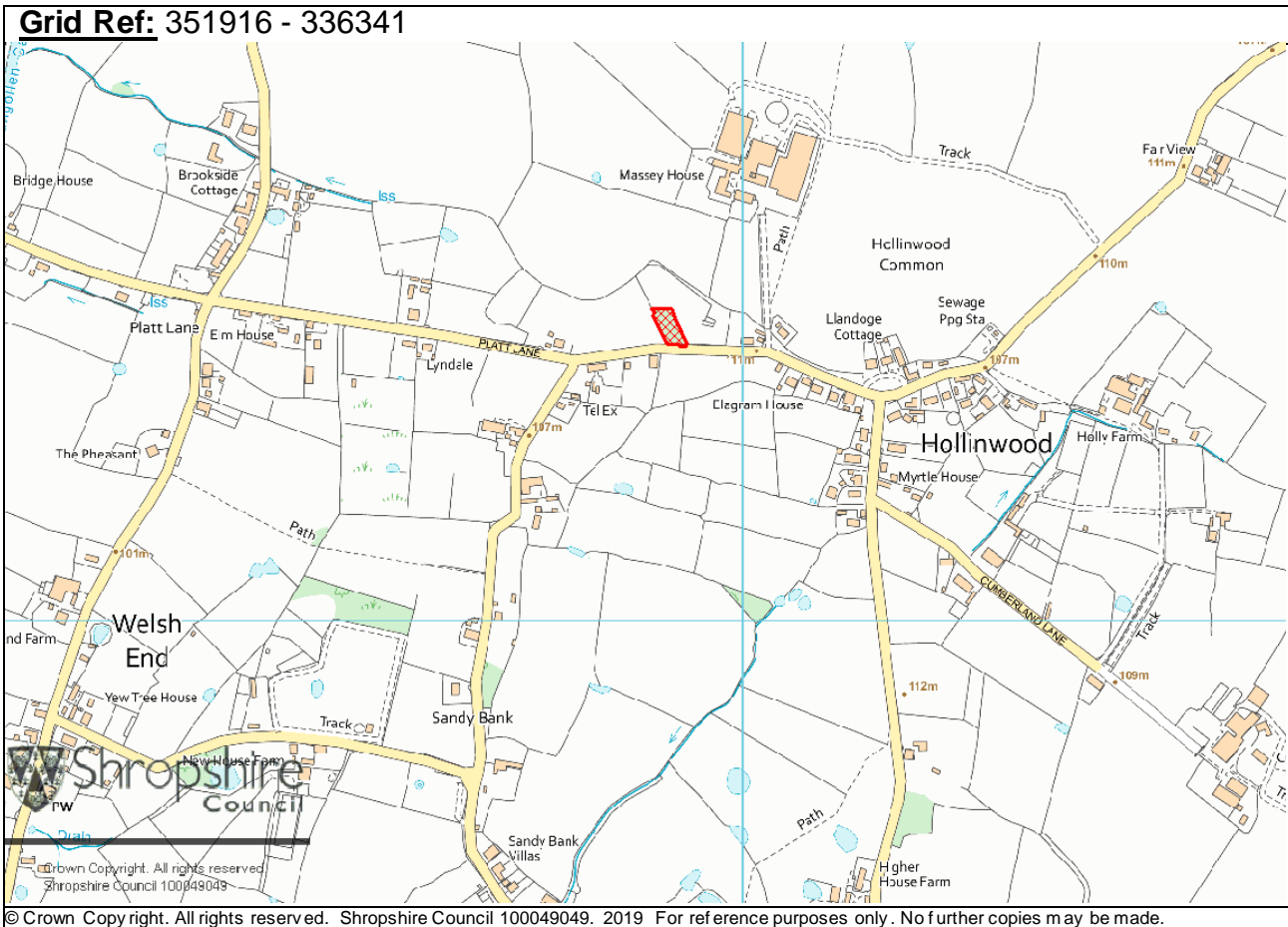
Committee and date  
 Northern Planning Committee  
 15<sup>th</sup> August 2023

## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 23/00632/FUL	<b>Parish:</b>	Whixall
<b>Proposal:</b> Change of use of land to use as residential caravan site for one gypsy family with two caravans, including no more than one static caravan, together with laying a hardstanding, erection of dayroom building and installation of package treatment plant		
<b>Site Address:</b> Land North Platt Lane, Hollinwood, Whixall, Shropshire, SY13 2NW		
<b>Applicant:</b> Mr & Mrs G. Watton		
<b>Case Officer:</b> Richard Denison	<b>Email:</b> richard.denison@shropshire.gov.uk	



**Recommendation:** Granted Permission subject to the conditions as set out in Appendix 1.

# REPORT

## 1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of land to use as a residential caravan site for one gypsy family with up to two caravans, one static caravan, together with the laying of hardstanding and the erection of a dayroom building. The proposed day room will provide an open plan kitchen, sitting and dining room, with a utility and bathroom. The building will measure 9.2 metres wide by 6.4 metres deep with an eaves height of 2.2 metres and ridge height of 4.4 metres. The building will be constructed from red brick with a dark grey roof tile. The existing access will be used whilst the site will be made secure with post and rail fencing with wire mesh covering and additional hedgerow planting. The existing boundary trees and hedgerow will remain

### Amendments

- 1.2 An amended site layout plan has been submitted indicating the existing boundary trees and hedgerows, together with the position of an underground pressurised foul sewer. The proposed location of the dayroom building, mobile home and touring caravan have been repositioned so they do not encroach onto the root protection area of the trees and that an adequate easement is provided from the foul sewer.

## 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposed site is located to the west of Hollinwood settlement along a country lane which links Whixall with Tilstock on the B5476. The site covers an area of 0.1 hectares and has been cleared of undergrowth with a number of boundary trees and has a thick mature hedgerow along the roadside. No.4 Hollinwood is just 25 metres away to the south west on the opposite side of the road, whilst No.5 Hollinwood is 70 metres away to the east and separated by a small paddock.
- 2.2 Hollinwood is a rural close knit settlement and forms part of the wider settlements of Whixall which also include Stanley Green, Coton, Dobsons Bridge and Welsh End. All of these settlements are interlinked with residential developments along country lanes and share some basic rural services. Hollinwood is only 2.8 km away from Tilstock which is a Community Cluster and 5.6 km from the edge of Whitchurch which is a market town.

## 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have 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 Service Manager in consultation with the Committee Chairman agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

## 4.0 COMMUNITY REPRESENTATIONS

- 4.1 **Consultee Comments**

- 4.1.1 **Shropshire Council, Highways** - No objection is raised subject to the development being constructed in accordance with the approved details and conditions regarding visibility splays; access, parking, turning; access apron; and gates. It is considered that, subject to the conditions being included on any approval, there are no substantive highway conditions upon which to base an objection on highway safety grounds.
- 4.1.2 **Shropshire Council, Trees** - This proposal does not appear to affect any significant or protected trees. New hedges are proposed to be planted on the curtilages. A tree protection plan has been submitted and is acceptable. No objection on arboreal grounds.
- 4.1.3 **Shropshire Council, Ecology** - An Assessment of Ponds report has been carried out by Susan Worsfold (June 2023) who surveyed nearby ponds for their suitability to support Great Crested Newts. The ponds were concluded to be of poor or average suitability and no further survey work was recommended. No objection is raised subject to conditions and informatives to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.
- 4.1.4 **Shropshire Council, Drainage** - This is a minor development and the site is not located within the SuDS Consultation Area. A sustainable scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's SuDS Handbook. Any proposed drainage system should follow the drainage hierarchy, with preference given to the use of soakaways. 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. Where a positive drainage connection is proposed, the rate of discharge from the site should be restricted to an appropriate rate as set out in the SuDS Handbook. Shropshire Council will not permit new connections to the Highway Drainage network. Where a proposed surface water attenuation feature serves multiple properties, this feature should not be constructed within a private property boundary and be located in areas of public open space or shared access to allow future maintenance.
- 4.1.5 **Shropshire Council, Gypsy Liaison Officer** - I can confirm that I have known the family for many years in my role as Gypsy & Traveller Families Officer for Shropshire Council. The family are model tenants and hardworking, they are always friendly and polite and keep their pitch clean and tidy. As per their design and access statement they are out growing the pitch and Shropshire Council do not have a larger pitch to offer and have no current plans to develop or extend its current pitch stock. Mrs Watton also suffers with severe arthritis and the submitted plans for the amenity would provide a more suited and tailored use long term.
- 4.1.6 **Severn Trent Water** - It appears that the proposed dayroom building will be built over (or at very least too close to) a 50mm diameter foul water pumping main. It is important to note that STW will not permit the pumping main to be built over and the dayroom building is required to be a minimum of 4 metres away from the centre line of the pipe. No objection is raised regarding the provision of stone chippings being laid over the pumping main.

4.1.7 **Whixall Parish Council** object to the planning application as Whixall Parish has open countryside designation and because this application is for the construction of a permanent structure with associated services, the Parish Council views this application as being no different to an application to build a house in this location.

## 4.2 **Public Comments**

4.2.1 28 letters of objection have been received raising the following concerns:

- Proposed site is classified as countryside and will result in the loss of agricultural land.
- Hollinwood is a small hamlet and a residential caravan would be out of keeping
- Alternative gypsy sites available and brownfield sites.
- Concern dayroom will be used as separate dwelling.
- Limited local services and facilities.
- Great Crested Newts are present locally and no wildlife or ecology surveys have been undertaken.
- The applicants current site is closer to Whitchurch for schools, doctors, and local shops.
- Concerns over the suitability of land for foul and surface water drainage and foul drainage treatment plant is close to neighbouring land.

4.2.2 19 letters of support have been received raising the following comments:

- The applicant Mr Watton is from Whixall having previously lived with his parents many years and works locally.
- Alternative sites have been suggested, although the applicants do not own these.
- The applicants are hardworking and respectful member of the community.
- Mr Watton is self-employed tree surgeon providing a service within the community.
- The site is close to other built development.
- The applicants have outgrown their existing site.

## 5.0 **THE MAIN ISSUES**

- Policy & Principle of Development
- Layout, Scale and Impact on Landscape
- Impact on Residential Amenity
- Highways
- Impact on Trees

- Ecology
- Drainage
- Impact on Sewer Pipe

## **6.0 OFFICER APPRAISAL**

### **6.1 Policy & Principle of Development**

6.1.1 The site is located within Whixall Parish and is on the edge of Hollinwood settlement. It is approximately 5.6km from Whitchurch; 7km from Wem, 2.8km from Tilstock and 4.5km from Prees and Prees Higher Heath. The A41/A49 route to the east is an established main travelling route for the Gypsy and Traveller community and there are a number of established sites in the north east of the County including a private and Shropshire Council site on Manor House Lane to the south of Prees Higher Heath. The proposed site has not been identified in the adopted Local Plan as a location for gypsy and traveller pitches or other development and as such, it is classified as 'countryside' for planning policy purposes.

#### Policy Background

6.1.2 Whitchurch is identified within Policy CS3 'The Market Towns and Other Key Centres' of the Core Strategy as a Market Town, whilst Wem is identified as a Key Centre. There are a range of services and facilities in these settlements, including primary and secondary schools and railway stations, with Whitchurch also having a community hospital. Tilstock, Prees, Prees Heath and Prees Higher Heath are all identified as Community Cluster settlements within Policy MD1 'Scale and Distribution of Development' of the SAMDev Plan. The adopted Local Plan identifies housing guidelines and where appropriate site allocations within Market Towns, Key Centres and Community Clusters, but did not include any allocations for gypsy and traveller sites within these settlements - due to the conclusions of the evidence base that supported the preparation of these documents.

6.1.3 The adopted Local Plan represents the starting point for any decision on planning applications. The adopted Local Plan for Shropshire consists of the Core Strategy; Site Allocations and Management of Development (SAMDev) Plan; and where relevant adopted Neighbourhood Plans. Shropshire Council considers that the adopted Local Plan is up-to date and generally consistent with both the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS).

6.1.4 For this proposal Core Strategy policies CS5 'Countryside and Green Belt' and CS12 'Gypsies and Traveller Provision', together with other Core Strategy and SAMDev Plan policies (those relating to the natural and historic environment including CS17 Environmental Networks; MD12 Natural Environment; MD13 Historic Environment) and general development management matters (including CS6 'Sustainable Design and Development Principles') provide the local policy context. The adopted Local Plan is supplemented by the Type and Affordability of Housing Supplementary Planning Document (SPD) adopted in September 2012. This SPD reflects the Gypsy and Traveller Accommodation Assessment (GTAA) evidence and national policy in place at the time of preparation. It provides useful guidance on the interpretation of the criteria in Policy CS12. The NPPF and PPTS together provide the national policy basis for addressing the accommodation needs

of the travelling community and should be taken into account when determining planning applications.

- 6.1.5 The PPTS requires that sites are sustainable, providing the requirements for local policy preparation and highlights a range of relevant matters, in addition to general development management considerations, that should be taken into account in considering applications for traveller sites. In particular, Policy H sets out specific matters that are relevant and must be taken into account when considering any such planning application, including need, local provision and availability of alternative sites, together with the personal circumstances of applicants.
- 6.1.6 The applicants agent references the provisions of national guidance in the PPTS. Where applicants meet the Annex 1 definition in PPTS this sets out the relevant national planning policy relating to Gypsy and Traveller sites. PPTS in any case needs to be read together with the NPPF. The relevant elements of Core Strategy Policies CS5 and CS12 provide the local context together, with other relevant Core Strategy and SAMDev Plan policies.

#### Adopted Local Plan

- 6.1.7 It was anticipated when the Core Strategy was adopted that there would be provision of new gypsy and traveller sites through allocations in the SAMDev Plan. However, in light of subsequent need evidence considered as part of the examination of the SAMDev Plan, the SAMDev Plan adopted in December 2015 does not include site allocations for this purpose. The SAMDev Plan Inspector considered that the Council would be able to demonstrate a five-year supply of pitches and sufficient supply for the remainder of the plan period (to 2026), having regard to the expected turnover of pitches on Council owned sites. As such, it was not necessary for the SAMDev Plan to make further provision.
- 6.1.8 Core Strategy Policies CS5 and CS12 (together with NPPF and PPTS which provides the most recent national policy) currently provide the main criteria against which proposals for Gypsy and Traveller sites (including those in countryside) will be considered, having regard to sustainable development and other material considerations. Policy CS6 incorporates broad ranging sustainability and other principles for development across the built and natural environment. Core Strategy Policy CS5 controls development in the countryside and in line with national policy in NPPF lists residential exceptions that may be permitted on appropriate sites in the countryside, referencing accommodation to meet a local need and Policy CS12.
- 6.1.9 Whilst Core Strategy Policy CS12 pre-dates both the NPPF and PPTS, it is in general conformity with both these national policy documents and remains, until the draft Shropshire Local Plan is adopted, the main relevant local policy for meeting the identified accommodation needs of Gypsy and Travellers. As also required by PPTS, Policy CS12 provides appropriate criteria for the consideration of situations where there may be no identified need requiring site allocation but where planning applications result. PPTS para 24 (e) requires that Local Planning Authorities should determine applications from any travellers not just those with local connections with Policy CS12 making provision for this. Policy CS12 includes detailed criteria applying to general proposals for sites, as in this case (bullet point 2) and for the consideration of rural exception sites (bullet point 3).

- 6.1.10 The supporting text to Policy CS12 identifies that whilst provision of new sites to meet the need identified at that time was largely expected to be made through allocations, that Policy CS12 also sets out a positive approach to meeting the accommodation needs of individuals and families through the encouragement and consideration of development proposals as they arise, with the policy facilitating provision of private sites. On this basis, CS12 is supportive of suitable development proposals close to Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters and makes provision for small exception sites (under 5 pitches) in other locations. This approach to development is in line with the requirement in Paragraph 25 of the PPTS, that Local Planning Authorities should very strictly limit new sites in open countryside away from settlements.
- 6.1.11 However, it was accepted as part of the December 2022 appeal decision at Coton, near Whitchurch (which is discussed in more detail below) that it is appropriate to consider a Gypsy and Traveller site with reasonable accessibility to services as being close to a settlement. The application site under current consideration is located fairly close to the appeal site (around 2.5 km away) and therefore it is appropriate to apply the Coton appeal Inspector's locational conclusions.

#### Need for Gypsy and Traveller Sites

- 6.1.12 National Policy requires that need for Gypsy and Traveller sites is assessed by the Local Planning Authority and expects a 5-year supply of sites against locally set targets to be identified along with supply over at least a 10-year period. There is no set methodology for the assessment. Shropshire Council has most recently considered need in its Gypsy and Traveller Accommodation Assessment (GTAA) 2019 update which was prepared to support the ongoing Local Plan Review and the content of the draft Shropshire Local Plan.
- 6.1.13 The GTAA 2019 update considers the accommodation needs of all Gypsies and Travellers, not just those who would meet the definition set out in Annexe 1 of Planning Policy for Traveller Sites (PPTS) 2015. That all cultural need has been assessed is important in demonstrating that need has been properly and comprehensively considered following the recent Court of Appeal decision in *Lisa Smith v SSLUHC* [2022] EWCA.
- 6.1.14 The up to date need assessment in the GTAA 2019 update evidence that, taking into account expected turnover of Council pitches, there is no strategic requirement for additional pitch provision and as such there are no proposed gypsy and traveller site allocations in the Draft Shropshire Local Plan. Although disputed by the applicants' agent, Shropshire Council remain of the opinion that the GTAA represents robust evidence. This has been set out in submissions to the Planning Inspectors undertaking the examination of the draft Local Plan.
- 6.1.15 In summary, the GTAA 2019 update identifies a potential cultural need for 113 pitches (of which 43 pitches were identified as PPTS need). With evidenced turnover (i.e. existing pitches which become available over the period to 2038) which is expected by evidence within the GTAA 2019 update to continue at an average of 9.3 pitches p.a. the GTAA 2019 update considered that there is no residual shortfall in pitches (for cultural or PPTS need) either over the initial 5 year or whole plan period. Therefore, it is not considered that there is a considerable level of unmet need as suggested in the application. It should also be noted that the applicants are

currently living on a site in Shropshire (on one of the sites managed by Shropshire Council). As with more general housing need, the GTAA 2019 update considers provision and need across Shropshire and not that specific to the application area.

- 6.1.16 Whilst the GTAA 2019 update concludes that there is no current requirement for site allocations or evidence of the need for the identification of sites for longer term provision, it does also recommend that the Council should continue to consider planning applications for appropriate small sites to address any arising needs of Gypsy and Traveller families, where they cannot be accommodated within the existing supply, should they be forthcoming over the Plan period. This is in line with the Government aspiration to promote more private traveller site provision, as set out in PPTS. It also recognises that needs can arise for a number of reasons, including accessibility to school and health facilities; pitch vacancies at the particular time; issues of ethnic mix and compatibility; ability of available sites to accommodate large family groups etc.
- 6.1.17 In this respect it is pertinent that the applicants are currently accommodated on a permanent pitch in Shropshire. The information submitted to support the application identifies that whilst the applicants currently live on a pitch at the Shropshire Council site at Manor House Lane, Higher Heath that this does not meet their needs, and that there are personal circumstances to be taken into consideration, including cultural and health related requirements and children who attend schools in Prees and Whitchurch. Whether their existing pitch meets their needs or can be amended to meet their needs requires careful consideration.
- 6.1.18 In assessing the location of the application site, the recent appeal decision at Five Oak Stables, Coton, Whitchurch (which allowed a material change of use from equestrian to a mixed use of equestrian and the stationing of caravans for residential purposes including the erection of two dayrooms ancillary to that use) should be considered (application ref. 21/04560/FUL).
- 6.1.19 The Inspector in the Coton appeal decision highlighted that the Core Strategy policy CS12 supports the development of Gypsy and Traveller sites close to specified categories of settlements (including Community Hubs and Clusters as well as key and Principal centres) and that it is appropriate to consider a site with reasonable accessibility to services as being close to a settlement. The Inspector commented that as Policy CS12 allows new sites outside of settlements, it would be expected that accessibility by non-car modes of transport would be less when compared to developments in towns and villages and that the NPPF recognises that the opportunity to use sustainable modes of transport varies between urban and rural areas. The Inspector also highlighted that, the PPTS only looks to strictly limit new Gypsy and Traveller sites in the open countryside, rather than to entirely prohibit such development and noted recognition in the SPD of the extreme difficulties in obtaining sites for Gypsies and that new sites may need to be further outside settlements than would normally be the case for other forms of development.
- 6.1.20 Whilst each case must be considered on the merits of its particular circumstances, it is notable that the Planning Inspector for the Coton appeal concluded that the development provided 'an appropriate level of accessibility by means other than the car' and in the case of a rural site reasonable accessibility could include the ability to access day to day services and facilities and bus and railway links to towns further afield within a short drive time (up to 20 minutes).



- 6.1.21 In summary the Inspector concluded “...*Bearing in mind the rural location and the difficulty in finding Gypsy and Traveller sites in villages and towns, the site provides reasonable access to services and facilities. For these reasons, I conclude the development is in a suitable location having regard to CS policies CS5 and CS12, the PPTS, the Framework and accessibility.*”
- 6.1.22 The Inspector also concluded that the lack of alternative accommodation weighed in favour of the development and highlighted the Government aim (set out in the PPTS) to provide more private Gypsy and Traveller sites and the benefits of the family supporting the sustainability of rural communities and services, with local school attendance being a key factor. It also highlighted the role of the site in providing a settled base where residents can reach local health services. It considered that the Coton appeal decision is a material consideration and although it does not necessarily set a precedent for other applications which should be considered on their own merits there is the principle of consistency. Officers consider that the inspector's consideration of the locational requirement and need for a gypsy site is important and relevant to this current application.
- 6.1.23 Whilst in similar locations, there is a significant difference between the current application and the Coton appeal in that the appellants were living on an unauthorised site for which they were seeking consent, whereas the applicants are currently living on an authorised pitch in Shropshire.

#### Proximity to Local Facilities

- 6.1.24 Comments have been received from local residents that there are limited local services and facilities to serve the occupiers. However, the proposed site is only 2 km away from Whixall primary school, 2.2 km away from Whixall Social Centre and Lawn Bowling Club, 3 km away from Coton Garage and the Bull & Dog public house. Tilstock is only 2.8 km (5 minute drive) away and includes a primary school, village hall, church, public house, Bowling and Tennis Club, children's playground and bus service. The proposed site is also only 5.6 km (7 minute drive) from the edge of Whitchurch Town which supports the rural settlements by providing housing, employments, health facilities, education and shops. Officers consider that there is a wide range of facilities which would provide benefits for the applicants in close proximity and only a short drive from the proposed site.

#### Personal Circumstances

- 6.1.25 Mr Watton is from Whixall having lived with his parents for many years and works locally as a self-employed tree surgeon providing a service within the local community. The applicants and their children currently live on a gypsy caravan site at Manor House Lane, Prees. The eldest child attends school in Whitchurch (6.8 km away) and the younger children attend school in Prees (2 km away). The Watton

family have outgrown their existing pitch. The utility room is too small and only large enough to contain a washing machine and dryer. There is a separate bathroom and toilet building, but no kitchen or family dining area. Mrs Watton suffers from severe arthritis which restricts her mobility and needs a dayroom where all the facilities for day-to-day living are contained within a single building which can be properly insulated and heated.

- 
- 6.1.26 The mobile home only contains minimal kitchen and bathroom facilities and are generally inadequate size to accommodate a freezer and are constructed of materials which do not tolerate vibration from washing machines and dryers. Gypsies generally have a cultural aversion to using toilets located within their caravans. The Government Good Practice Guide on 'Designing Gypsy and Traveller Sites' (May 2008) indicates that the provision of an amenity building is highly recommended which must include as a minimum hot and cold water supply, electricity supply, separate toilet and sink, bath/shower, a kitchen and dining area. There should also be secure storage for medicines, cleaning products and space for cooker, fridge/freezer and washing machine.
- 6.1.27 The proposed site will be 5.6 km from the edge of Whitchurch (closer than their present site) and would meet the applicant's family's personal accommodation need for a site in this locality, in the area where their health and educational needs are already catered for.
- 6.1.28 The Council Gypsy Liaison Officer has known the applicants for many years and has confirmed that they are model tenants and hardworking and maintain their pitch clean and tidy. They are also fully aware of the applicants needs and have confirmed that they do not have larger pitches to offer at Manor House Lane and have no current plans to develop or extend its current pitch stock which could accommodate their personal needs. The existing pitches are small and there is no option for extending the size of the pitch or increasing the onsite accommodation. The pitches range from 230sqm to 360sqm.

### Conclusion

- 6.1.29 Whilst PPTS (paragraph 25) states that new traveller sites in open countryside away from settlements should be very strictly limited, provision is made for appropriate sites in rural areas, and this should include consideration of the locality and the ability of local infrastructure to absorb additional requirements. In this respect it is noted that the development provides a single family pitch and is relatively small scale.
- 6.1.30 It is important that each case is considered on its own merits and considers the local context of a particular site and its surroundings, together with the adopted Local Plan policy approach in pursuing sustainable development. This sets out the role of and approach to the rural area in Shropshire and identifies specific settlements, including Community Hubs and Community Clusters in rural areas, in seeking to direct most development to identified locations. However, there is an acknowledgement (highlighted in the referenced Coton appeal) of the difficulties in acquiring land for sites in settlements often resulting in sites being removed from development boundaries.

- 6.1.31 Policies CS5 and CS12 provide for positive consideration of suitable development proposals for windfall development. Core Strategy Policy CS12 currently provides the relevant local criteria for the consideration of applications. The policy seeks to direct most pitch provision to locations which are in reasonable proximity of sustainable settlements with services and facilities to facilitate access to education, health, welfare, and employment opportunities. Officers acknowledge that the proposed site is closer to health facilities in Whitchurch and that the proposed site would provide improved welfare facilities for the applicant's wife and is central to the applicants employment and education requirements of his children.
- 6.1.32 Local Policy and evidence, including supply of sites, is a significant material consideration. The PPTS requires that Local Planning Authorities should undertake their own assessment of need for the purposes of planning. Shropshire Council has most recently done this in the GTAA 2019 update and determined that there is no identified need for the allocation of additional pitches within the County. It is considered that the evidence is up to date and robust. Specifically, the Council's current position is that it has a sufficient supply of sites for the current and proposed Plan Period to 2038, including a 5-year supply. However, whilst the GTAA 2019 update does not identify any strategic need for Gypsy and Traveller sites it recommends that the Council continues to consider applications for small sites for family use, using its criteria-based policy to address any needs over the plan period.
- 6.1.33 It is understood that the applicants currently live on a pitch at the Shropshire Council site at Manor House Lane, Higher Heath and that planning permission is sought to develop a private pitch which the family consider would better fit their needs. The applicants personal requirements are set out above and there are no pitches present which would provide the necessary accommodation. PPTS advises that irrespective of identified need it is expected that applications which come forward on unallocated sites will be assessed on their merits against local policy criteria (currently in Policy CS12) which facilitate the traditional way of life of travellers whilst respecting the interests of the settled community.
- 6.1.34 If it is established that the existing accommodation is not suitable (and cannot be made so) and there are no other suitable and affordable alternative sites. In conclusion, whilst the Council's most recent evidence (GTAA 2019 update) does not identify a general need for sites, it does recommend that applications for small sites should continue to be considered as a means of addressing specific arising needs. If it is considered that the applicants need are such that they can no longer be met by their existing pitch, including any appropriate adaptations, and there are no alternative accommodation sites for the applicants. On balance it is considered that the scheme is in accordance with the adopted policies in relation to the provision of private gypsy and traveller sites.

## 6.2 **Layout, Scale and Impact on Landscape**

- 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. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value.

- 6.2.2 Comments have been received from local residents that the site is classified as countryside and will result in the loss of agricultural land. However, the proposed site has been overgrown and vacant for many years and is not currently used for any agricultural operation.
- 6.2.3 The proposed site covers 0.1 hectares and will provide a driveway close to the eastern boundary and turning area within the centre of the site. The dayroom building will be located towards the roadside, although set 11 metres from the boundary hedgerow. The mobile home will be located towards the rear of the site with the provision of a space for a touring caravan towards the centre facing the turning area. A grassed area will be provided around the edge of the site close to the boundary hedgerow and trees.
- 6.2.4 The proposed dayroom is relatively modest in size measuring 9.2 metres wide by 6.4 metres deep with a ridge height of 4.4 metres. The building will provide a gross internal floor area of 49 sqm and will incorporate an open plan kitchen/sitting/dining room with a utility and bathroom. The blank rear elevation will face towards the roadside, although this will be screened by the mature native hedgerow. Access into the building will be via a door entrance which faces towards the centre of the site and the mobile home. Windows are proposed on the side gable elevations. The dayroom building will be constructed from red facing bricks with dark grey tiles and white UPVC windows and a white timber boarded door.
- 6.2.5 The proposed site is enclosed on all boundaries and provides good screening from the public road, although views into the site will be visible from the site access. All the structures on site will be low level and there will not be any prominent distant views of the buildings. Platt Lane consists of a number of two storey properties on both sides of the road on plots of a similar size enclosed by hedgerows and planting.
- 6.2.6 Overall, it is considered that this scheme will have little impact on the rural landscape given the scale and design of the proposed development and will reflect similar residential development on the edge of the settlement. As such the development is considered to be in accordance with the NPPF and policies CS5, CS6, and MD2 of the local plan.

### 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. There are no immediate adjoining residential properties to the north, east or west. The nearest residential property is No.4 Hollinwood which is located on the opposite side of the road to the south west and screened by the existing roadside boundary trees and thick mature hedgerow. The proposed dayroom would be over 25 metres away from the nearest part of this dwelling. No.7 Hollinwood is located approximately 70 metres away to the east and separated by a grassed paddock. Having regard to the distance away from neighbouring properties and existing boundary treatment the proposed day room, static caravan or touring caravan will not result in any overbearing impact, loss of light or overlooking. Whilst the use of the site by a single family and the movement of vehicles will not have a detrimental noise impact on the residential amenities of existing or future occupiers of the area.

### 6.4 **Highways**

6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should be designed to be safe and accessible to all. Planning permission was granted for the formation of a new vehicular field access in September 2021 (ref. 21/01091/FUL). The application approved the removal of a 6 metre wide section of hedgerow which allowed a 3.6 metre wide entrance gate and 6 metre radii. Visibility splays of 2.4 metres set back from the edge of the road and with a view across the grass verge and down the road of some 90 metres in both directions could be achieved. It was considered that the proposed access would not result in any highway safety issues and the removal of a small section of hedgerow would not cause any detrimental impact on the overall rural character of the area. This current application indicates that the applicant will park one car and one light goods vehicle and there is a large gravel driveway and turning area being proposed. The proposed access has already been formed and the Council Highways Officer has indicated that the use of the site as proposed would not result in any substantive highway safety objection subject to safeguarding conditions regarding the access, parking and turning; construction of the access apron; and no access gates to be installed within 5 metres of the highway.

## 6.5 Impact on Trees

6.5.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development should protect and enhance the local natural environment. Local residents have raised concerns that the original site plan did not indicate any trees and it was unclear whether these would be removed. Concerns were raised as these provide good screening and valuable wildlife habitat. The proposed site has six notable trees along the eastern boundary which includes one oak tree, one sycamore tree and four ash trees, whilst the western boundary has one large oak tree and a multi stem sycamore tree. The applicant has confirmed that all the existing hedgerow and boundary trees will be retained and maintained with the provision of additional hedgerow planting along the eastern boundary. An amended site plan has been received indicating the position of the existing trees, with reposition of the dayroom, mobile home and touring caravan so that they do not impact on the route protection area. The Council Tree Officer has confirmed the revised layout does not affect any significant or protected trees and that no objection is raised on arboreal grounds.

## 6.6 Ecology

6.6.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and

enhances the diversity, high quality and local character of the natural environment and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in national planning guidance in policy 11 'Conserving and Enhancing the Natural Environment' of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.

- 6.6.2 Objection has been received from local residents confirming that Great Crested Newts presence is local and that no wildlife or ecology surveys have been undertaken. However, during the consideration of this application a Great Crested Newt Assessment report has been undertaken to assess the Habitat Suitability of ponds within 250 metres of the application site. The assessment of ponds carried out by Susan Worsfold (June 2023) surveyed six nearby ponds for their suitability to support Great Crested Newts. The ponds were concluded to be of poor or average suitability and no further survey work was recommended. In the event a Great Crested Newt is found during works, then Natural England or a licensed ecologist must be contacted for advice on how to proceed. No objection has been received from the Council Ecologist subject to the installation of bat boxes and bird boxes which will enhance the site for wildlife by providing additional roosting and nesting habitat. This is in accordance with the requirement for biodiversity net gains in accordance with policy CS17 and the NPPF. Any external lighting to be installed on the building should be kept to a low level to allow wildlife to continue to forage and commute around the surrounding area and therefore a safeguarding condition for external lighting is proposed.

## 6.7 **Drainage**

- 6.7.1 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 from an adjoining land owner regarding the suitability of land for foul and surface water drainage and that the foul drainage treatment plant is positioned close to neighbouring land.
- 6.7.2 The application indicates that foul drainage will be dealt with via a package treatment plant which is a sustainable method to process foul water in the rural countryside away from any foul mains. No objection has been raised from the Council Drainage Engineer. The proposed site is large covering 0.1 hectares and the site layout plan has indicatively proposed a location for the treatment plant. However, this will need to comply with Building Regulations regarding the layout, scale and outfall design. There is no reason why the clean water outfall could not be located under the access driveway and turning area in the centre of the site away from neighbouring land.
- 6.7.3 The application indicates that surface water will be disposed of via a sustainable drainage system and the Council Drainage Engineer has indicated that surface water from the development should be designed and constructed in accordance with

the Council's Sustainable Drainage Handbook. A pre-commencement drainage condition is proposed regarding the foul and surface water drainage for the site.

## **6.8 Impact on Sewer Pipe**

- 6.8.1 Concerns have been raised from an adjoining land owner that an existing sewer pipe crosses the site which may be impacted upon by the development. Severn Trent Water have provided a Sewer Record map which indicates a 50mm diameter pumping main running across the site close to the south boundary adjacent to the country lane. This would indicate that the sewer pipe is 4.2 metres from the edge of the highway. However, the adjoining landowner has provided evidence that a concrete marker post on the western boundary indicates the sewer pipe entering the site 9 metres away from the highway. A survey has been undertaken and the pressurised foul sewer has now been accurately plotted on a revised site layout plan. The dayroom building has been repositioned and there is now a 4 metre easement as requested by Severn Trent Water. No objection is raised regarding the provision of stone chippings being laid over the pumping main to create the access driveway.

## **7.0 CONCLUSION**

- 7.1 A number of comments and representations have been received in response to the above application. However, the issues have been carefully considered and the adopted National and Local policies taken into consideration. On balance it is considered that the scheme is appropriate in its scale, design and location and relation to the specific requirements and personal circumstances of the applicants need that it complies with the adopted policies. The development of the site will not result in any visual impact on the landscape and will replicate similar development on the edge of Hollinwood and within the Parish of Whixall. The proposed access will not result in any highway safety issues, whilst the use would not result in any impact on residential amenity or impact on any boundary trees or ecology. The development is therefore considered to be in accordance with the NPPF, policies CS5, CS6, CS12, CS17, CS18, MD2, MD12 and the GTAA 2019 and the PPTS of the Shropshire LDF.
- 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 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. Gypsies and Travellers are a racial group as defined in s9 Equality Act 2010 and the are therefore protected, from direct discrimination, indirect discrimination and harassment. It is important that members comply with the Public Sector Equality



Duty when sites are proposed members should represent all of the racial groups in the community they serve, including Gypsies and Travellers.

## **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:-

#### **Central Government Guidance:**

National Planning Policy Framework (NPPF)

Planning Policy for Travellers Sites (PPTS)

#### **Shropshire Council Core Strategy (February 2011):**

CS3 : The Market Towns and Other Key Centres

CS5 : Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

CS12: Gypsies and Traveller Provision

CS17: Environmental Networks

CS18: Sustainable Water Management

Supplementary Planning Document - Type and Affordability of Housing

#### **Site Allocations and Management Development Plan (December 2016):**

MD1 : Scale and Distribution of Development

MD2 : Sustainable Design

MD3 : Delivery of Housing Development

MD12 : Natural Environment

**Gypsy and Traveller Accommodation Assessment (GTAA)**

**10.2 Relevant Planning History**

21/01091/FUL - Formation of new vehicular field access. Granted 15<sup>th</sup> September 2021.

**11.0 ADDITIONAL INFORMATION**

List of Background Papers - Planning Application reference 23/00632/FUL

Cabinet Member (Portfolio Holder) - Cllr Chris Schofield

Local Member - Cllr Peter Broomhall & Cllr Edward Towers

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, drawings and documents as listed in Schedule 1 below.  
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.
3. 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.
4. The access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the Site Layout Plan received on the 2<sup>nd</sup> May 2023 prior to the use commencing. 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 Councils specification currently in force for an access and shall be fully implemented prior to the residential occupation of the site.  
Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.
6. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding Great Crested Newts as provided on Page 3 of the Assessment of Ponds Report (Susan Worsfold, June 2023).  
Reason: To ensure the protection of and enhancements for Great Crested Newts, which are European Protected Species.
7. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Tree Protection Plan and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection". The protective fence shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.  
Reason: To safeguard the amenities of the local area by protecting trees.

## **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

8. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).  
Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

## **CONDITION(S) THAT REQUIRE APPROVAL 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 2 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).
- A minimum of 2 artificial nests, of integrated brick design, suitable for swifts (swift bricks).

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.

For swift bricks: Bricks should be positioned 1) Out of direct sunlight 2) At the highest possible position in the building's wall 3) In clusters of at least three 4) 50 to 100cm apart 5) Not directly above windows 6) With a clear flightpath to the entrance 7) North or east/west aspects preferred. (See <https://www.swift-conservation.org/Leaflet%20-%20Swift%20Nest%20Bricks%20-%20installation%20&%20suppliers-small.pdf> for more details).

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 180 of the NPPF.

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

10. 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 5.0 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.

11. The residential element of the development hereby approved shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.  
Reason: To ensure appropriate accommodation is available.
  
12. Any external lighting shall not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. 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.