



North Planning Committee
16th July 2024

Development Management Report

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

Summary of Application

Application Number: 24/01290/FUL	Parish:	Sutton Upon Tern
Proposal: Change of use of existing steel frame barn and extension to provide disabled access holiday accommodation on ground floor and tea room at first floor, together with provision of four glamping pitches and a compost amenity building.		
Site Address: Colehurst Lake, Gorsty Lane, Colehurst, Market Drayton, Shropshire, TF9 2JD.		
Applicant: Ms Holly Mayer & Mr Nick Cooper		
Case Officer: Richard Denison	Email: richard.denison@shropshire.gov.uk	

Grid Ref: 366306 - 330473

The map shows a site plan for the development. A red hatched area indicates the proposed development boundary, which includes a building footprint (FB) and several glamping pitches. The site is situated between Fishing Lake to the west and Colehurst Lake to the east. A track runs along the southern boundary of the development. Other features include a pond to the east of Colehurst Lake and a road to the south. The map is overlaid with a grid. The Shropshire Council logo is visible in the bottom left corner of the map area.

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Recommendation: Refusal

1. The proposed disabled holiday accommodation and tearoom building is tantamount to a new building construction and will be located in open countryside and does not fall within or adjacent to any recognised settlement providing services or an established and viable tourism enterprise where accommodation or food and drink provision are required. As such the development would represent unsustainable development within the open countryside, conflicting with the Shropshire Core Strategy Policies CS5, CS6, CS8 and CS16 and SAMDev Plan policy MD11 as well as the overall aims and objectives of sustainable development as set out in the National Planning Policy Framework. There are no other material considerations which outweigh this conclusion in the overall planning balance.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to the conversion and extension of an existing open sided portal frame barn to provide disabled holiday accommodation on ground floor and a tea room at first floor at Colehurst Lake.

1.2 The disabled holiday accommodation will provide a central hallway, kitchen, living/dining room, two bedrooms and a bathroom. The ground floor will also provide a disabled toilet, a shower and store room accessed externally. The tea room at first floor will be accessed via an external staircase and lift and will provide an open plan seating area with serving counter, a kitchen, a small office, a disabled accessible toilet, and an external balcony seating area.

1.3 The application also includes the regularisation of four glamping pitches and a compost amenity building.

1.4 The application has been accompanied by a Design & Access Statement and Planning Report; Preliminary Ecological Assessment; and a Highway & Transport Report including Access Arrangement Plan.

1.5 The application was not subject to any pre-application enquiry.

2.0 SITE LOCATION/DESCRIPTION

2.1 Colehurst Lake lies to the north of the A41 at Rosehill within 3.5 miles of Market Drayton and 4 miles from Hinstock. The entire site occupies 3.25 ha of which 0.26 ha is occupied by the pools. The grassland adjacent to the pool is generally well maintained with trees and dense woodland surrounding the site which on the northern side slopes gently uphill. The site is constrained by public highways on the eastern and the western boundaries with the pool being located on the southern boundary. There are residential properties in the vicinity but these are well dispersed and not directly adjacent to the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The local ward member Cllr Gittins has requested within 21 days that the application is considered at committee if a recommendation for refusal is made. This is based on the material planning reason that the proposed development meets policy objectives of Local Policies CS16 (Core Strategy) and MD11 (SAMDev Plan) as the development clearly supports a unique and successful tourism business as well as the fishery at the site. The development of the accessible holiday let and tea room would utilise an existing building and thus meet the objectives of CS16 and CS5. It is not considered that the development would adversely impact the character of the area.
- 3.2 The Parish Council also supports the application indicating that it will support the visitor economy within the parish and have provided a view contrary to the officers recommendation based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Planning Manager in consultation with the Committee Chairman agrees that material planning issues have been raised and that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Shropshire Council, Highways** - Revised details and a Highways and Transport Report has been submitted which has clarified the scale of the proposal and further assessed the approach route, access arrangement to the site. Whilst the development if permitted is likely to result in an increase in car borne traffic to the site visiting the café in particular, the number of covers to be catered for is stated as 15 with the opening of the café during certain periods during the week. On balance therefore it is considered that the change in traffic movements is unlikely to create 'severe harm' on the local highway to sustain an objection on highway safety grounds. If in the future the development is amended with an increased commercial use, then it would be necessary to reassess any potential implications this may have from the highway perspective and if necessary revise the highway advice on the principle of that development at that time. No objection is raised subject to safeguarding conditions regarding the provision of visibility splays; proposed access; parking and turning; and construction of access apron.
- 4.1.2 **Shropshire Council, Ecology** - Adequate survey work has been carried out and no objection is raised to the application subject to safeguarding conditions and informatives to ensure the protection of wildlife and to provide ecological enhancements under policies CS17 and MD12 of the local plan and the NPPF. Any external lighting to be installed on the site should be kept to a low level to allow wildlife to continue to forage and commute around the surrounding area. Biodiversity net gains at the site are required in accordance with the NPPF and CS17. Therefore, the installation of a bat box/integrated bat tube will enhance the site for wildlife by providing additional roosting habitat.
- 4.1.3 **Shropshire Council, Drainage** - No objection is raised subject to safeguarding condition regarding a scheme of foul and surface water drainage being approved.

4.1.4 **Sutton Upon Tern Parish Council** has no objections and positively encourage the development of this style of activity as part of the visitor economy within the parish. Shropshire Councils Highways however will be aware of ongoing discussions with the local member Councillor Rob Gittins around the improvement of the road past the property and into Colehurst and the Parish Council would wish to see these plans prioritised to further enhance the accessibility to this site and into Colehurst.

4.2 Public Comments

4.2.1 One letter of support has been received indicating that the development would benefit the local community and provide access for visitors to enjoy the natural surroundings on site and support the growth of a local business in the area.

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Background

6.1.1 Colehurst Lake was originally granted planning permission in 1990 for the construction of a fishing pool (ref. NS/90/00344/FUL). Vehicular access improvements including the installation of access gates to a parking area were approved in 2008 (ref. NS/07/01986/FUL). A small timber clad building for agricultural use for the storage of equipment feed and on occasion animals was approved in 2013 (ref. 13/03288/FUL). Whilst outline planning permission was granted in 2015 and reserved matters in 2016 for the erection of a managers dwelling in connection with Colehurst Fishery (ref. 14/04148/OUT).

6.1.2 More recently planning permission was granted in 2018 for the change of use of land to the north of the lake to provide a small campsite including the change of use of the existing steel frame agricultural building to provide a toilet/shower amenity block, equipment store and recreation room in association with the Colehurst Fishery (ref. 17/05618/FUL). Condition 6 of the planning permission indicates that no more than eight camping pitches shall be provided in the interest of highway safety. The campsite has been established, although no works to the steel frame barn have been undertaken, although the planning permission remains extant. Colehurst Lake no longer provides day tickets for fishing and this is now only available to glamping guests.

6.1.3 The agent has indicated that the tourist accommodation at Colehurst Lake is proving popular, welcoming visitors from not just the local area, but from all over the UK. Since the campsite opened for business, there have been various challenges and other factors affecting growth of the business such as the

Covid-19 outbreak, resulting in closures and restrictions (during which time the owners received no financial support). There was further disruption while the owners focussed on building their own dwelling on the site.

- 6.1.4 Though camping was popular, the unpredictable British weather meant that a consistent offering to guests was not possible, effecting the viability of the business. The applicants have advised that the market is changing and that guests are seeking unique glamping style accommodation. Therefore, the applicant has decided to gradually change the offering and have slowly been amending the existing camping pitches with demountable unique glamping pods, affording a more consistent experience to the guest, regardless of the weather.
- 6.1.5 The temporary demountable pods are considered to meet the objectives of being 'mobile' and are in line with the definition of a caravan and the applicants wish to regularise the provision of the glamping units.
- 6.1.6 Colehurst Lake provides a quiet and secluded stay, it is very important to the applicant that the glamping pods and camping pitches are well spaced and that each group of guests have their own private area. The site is marketed with an emphasis on taking some quiet time out from guests' busy lives, enjoying the beautiful outside nature watching or with a campfire under the stars. The applicants take the responsibility of looking after the site and its natural inhabitants seriously and there is an abundance of wildlife which the owners wish to protect. They are currently in the process of adding in some new reedbeds to encourage more species of birds and leave areas of the site wild / untouched for natural habitats and also leave large areas of grass uncut to promote diverse plant and insect life.
- 6.1.7 The provision of a bespoke holiday unit for disabled anglers and holiday makers will allow the site to be more inclusive and would complement the existing accommodation and business. Whilst the first floor tea room would serve refreshments for guests and visitors and would be wheelchair accessible. The raised balcony and configuration of the seating would allow views overlooking the lake and surrounding landscape.
- 6.2 Policy & Principle of Development
 - 6.2.1 Policy 6 'Building a Strong, Competitive Economy' of the National Planning Policy Framework indicates that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy policy should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
 - 6.2.2 Policy CS5 'Countryside and Green Belt' seeks to strictly control development in rural areas requiring economic development to maintain and enhance the countryside's character and vitality, and improve the sustainability of rural

areas. This policy allows for sustainable tourism, leisure and recreation proposals, which require a countryside location.

- 6.2.3 Policy CS8 'Facilities, Services and Infrastructure Provision' indicates that additional facilities, services and infrastructure will be facilitated in locations that are accessible, appropriate, and that meets identified needs.
- 6.2.4 Policy CS13 'Economic Development, Enterprise and Employment' plans positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities. In rural areas it recognises the importance of supporting rural enterprise and diversification of the economy. Promoting a sustainable pattern of development in line with the spatial strategy will inevitably mean that most of the economic development that takes place in Shropshire will be concentrated in Shrewsbury, the Market Towns and Key Centres. However, in rural areas, in countryside away from settlements, it is important to recognise that small-scale economic development, agricultural and non-agricultural farm diversification schemes, green tourism and leisure are areas of economic activity for which policy provision needs to be made. In accordance with Policy CS5, any development proposals in the countryside should be consistent in their scale and impact with the character and quality of their location.
- 6.2.5 Policy CS16 'Tourism, Culture and Leisure' indicates that development would be supported for high quality visitor accommodation in accessible locations served by a range of services and facilities, which enhances the role of Shropshire as a tourist destination to stay. In rural areas, proposals must be of an appropriate scale and character for their surroundings, be close to or within settlements, or an established and viable tourism enterprise where accommodation is required.
- 6.2.6 Policy MD11 'Tourism Facilities and Visitor Accommodation' indicates that holiday let development which does not conform to the legal definition of a caravan will be resisted in the countryside following the approach to open market residential development in the countryside as indicated in policy CS5 of the Shropshire Core Strategy and policy MD7a of the SAMDev Plan.

Disabled Holiday Accommodation

- 6.2.6 Shropshire Council supports in principle the provision of disabled holiday accommodation which would meet the different needs of disabled peoples disabilities to prevent discrimination under the Equality Act 2010. However, this has to be balanced against local and national planning policy with regards to new dwellings in the countryside.
- 6.2.7 The proposed building to provide the disabled holiday accommodation and tea room would utilise and extend the existing portal frame building. Significant works will be required which will include altering the existing concrete base to provide foundations for the side walls and the installation of a damp proof membrane. The building will require side walls, a structural first floor, replacement insulated roof, and internal walls. The application has not been accompanied by a structural report to indicate whether the existing building

frame can support the additional loads. The existing building will also result in a large side extension which will increase the overall footprint and scale of the building by 50%. Whilst an external staircase and lift, together with a balcony will further increase the scale of the building. Officers consider that the building would in planning terms constitute a new build rather than conversion.

- 6.2.9 The site is not an established tourism attraction. It is acknowledged that the proposed development may 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 use of the site to provide a new permanent dwelling, albeit restricted, in the open countryside. This accommodation would be contrary to both local and national policy which aims to locate this type of development adjacent to existing settlements and/or close to existing tourism facilities.

Tea Room

- 6.2.10 The proposed tea room will not be located within or adjacent to any settlement and will be located in open countryside. The site is not accessible by foot or public transport, although officers appreciate that visitors staying on the camping and proposed glamping pitches may visit the tea room whilst staying. By reason of the sites distance away from existing settlements and the accessibility of the site by public transport, the location of the site would be heavily reliant on the car. The application has not been accompanied by a Business Plan or any justification provided for an identified need. As a result, as well as conflicting with Core Strategy Policies CS5 and CS8, the proposal also conflicts with Core Strategy Policy CS6 which seeks to ensure that proposals likely to generate traffic movements are located in accessible locations, where opportunities for walking, cycling and the use of public transport can be maximised and the need for car based travel reduced.

Glamping Pitches

- 6.2.11 The existing camp site currently provides five camping pitches with four proposed retrospective glamping pitches and is located 2.5km (as the crow flies) to the south of Market Drayton where there are a number of local facilities which visitors would utilise.
- 6.2.12 The site is just over 440 metres from the A41 which provides good access direct to Whitchurch to the north and Newport to the south, whilst the A53 provides direct access to Shrewsbury from the Tern Hill roundabout a short distance away. The siting of tourist accommodation will help towards the economic viability of the local economy, whilst a number of attractions are provided locally including Hawkstone Historic Park & Follies, Hawkstone Golf Club, Hodnet Hall Gardens, Wollerton Old Hall Garden, Market Drayton, Shropshire Union Canal, historic market town of Shrewsbury with a wide range of further attractions within 30 to 45 minutes journey.
- 6.2.13 The proposed four glamping pitches and compost amenity building will provide an increasing popular type of holiday accommodation on a relatively small scale which will help contribute to the applicants business. The proposed

glamping pods would fall within the size, mobility, and construction tests for a caravan and the principle is considered acceptable.

6.3 Design, Scale and Character

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. 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.

Disabled Holiday Accommodation and Tea Room

- 6.3.2 The existing portal framed building is located directly opposite the existing hardstanding park area and measures approximately 10 metres wide by 6.5 metres deep. The proposed side extension on the southern elevation will increase the width of the building by a further 5 metres, whilst the external raised seating area will increase the width on the northern elevation by 2.5 metres.
- 6.3.3 The elevation plans have been annotated to indicate that the walls will be provided with brick work on ground floor and vertical cladding at first floor. The building has an existing fibre-cement corrugated roof and due to the low profile it is assumed some form of insulated metal cladding roof will be provided. An external stair case on the southern elevation will wrap around the rear corner of the proposed extension to provide pedestrian access to the first floor tea room, whilst an external lift will provide access for disabled customers. Access to the holiday let will be directly from the car park into a central hallway, whilst double doors into the lounge/dining room provides further access.
- 6.3.4 The proposed building will have an internal gross floor area of 170 sqm, with an eaves height of 5.6 metres and ridge height of 6.6 metres. The scale of the building will be similar to a large family detached dwelling. The building will be well screened from the country lane to the east and there are no public views of the site other than a glimpse from the site entrance. This view is of the side elevation and will include one ground floor door and two first floor windows, together with the external stair case. The scale of this view will be similar to the previously approved conversion application for the amenity block, equipment store and recreation room which remains extant (ref. 17/05618/FUL).
- 6.3.5 Officers consider that the proposed layout, scale, and appearance of the disabled holiday accommodation and tea room building will respect this rural landscape and will not be visually detrimental to the character of the local area. This would be subject to a condition regarding external materials being approved.

Glamping Pitches

- 6.3.6 Three of the proposed glamping pitches are located on the southern side of the existing lake, whilst one glamping pitch is located to the north east of the lake. Each of the glamping pitches are designed to be unique and offering

comfortable accommodation incorporating outside living space, decking areas, hot tubs, and BBQ/cooking facilities. The four glamping pitches provide the following accommodation:

Coots Cabin

Is a family fishing pod which is suitable for a family of four. The 'Tuff Pod' is an arched wood clad structure located adjacent to the Maylea Pool and has been open since October 2022.

Moorhens Nest

Is a modified Shepherds Hut suitable for two guests and is located amongst trees with a wooden decking jetty at the lake side. It has been open since March 2023.

Hansel and Gretel's House

This is an original Henry & Julius Ceaser summerhouse which is being carefully restored and converted into a two person cabin. The building arrived on a lorry and was lifted into place.

Kingfisher Watch

This is a tiny house on wheels which was driven to the site as a trailer. It is currently under refurbishment and will provide accommodation for two persons.

- 6.3.7 The proposed glamping pitches are located surrounding the lake side and are enclosed from any public views due to the surrounding woodland and hedgerows. All the structures are single storey with low roofs and constructed from natural materials which respect the rural landscape. The pitches are well spaced from one another to provide a private setting for each pitch.
- 6.3.8 Officers consider that the proposed layout, scale, and appearance of the glamping pitches and composting amenity building will respect this rural landscape and will not be visually detrimental to the character of the local area.
- 6.4 Impact on Residential Amenity
- 6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. There are no immediate neighbouring properties and the site is well screened by existing mature woodland. Having regard to the layout, design, and scale of the disabled holiday accommodation and tea room, together with the location of the glamping pitches the proposed buildings will not result in any impact on residential amenity. The tea room will increase traffic along the country lane from the A41 and directly pass two bungalows, although due to the scale and restricted opening times this will not lead to any significant adverse impact from noise disturbance from vehicles. No objection has been received from local residents regarding impact on residential amenity.
- 6.5 Highways
- 6.5.1

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.

- 6.5.2 The application has been accompanied by a Highway & Transport Report which has indicated that the site is accessed along Gorsty Lane which is an unclassified road from the A41. The lane is relatively straight, predominately single width with three passing places occurring at gateways and driveways. The junction bell mouth of Gorsty Lane with the A41 allows vehicles to enter and leave simultaneously.
- 6.5.3 The development will generate a small increase in traffic movements, but it is considered that these will not be sufficient to be detrimental to highway safety or the free flow of traffic along the unclassified road. Given the nature of the road traffic speeds are likely to be low. The business at Colehurst Lake has changed and day/night fishing tickets are no longer available with the glamping units only utilising the fishing lake.
- 6.5.4 The proposed tea room will be open between 10:00 hrs to 15:30 hrs Tuesday to Sunday with a maximum of 15 covers, but it is highly unlikely that these would be constantly at maximum capacity throughout the opening hours. It is also envisaged that customers will arrive either as a pair or in greater numbers, which would ultimately reduce vehicle numbers to the site to between 5-7 per hour. These movements would also fall outside of peak travelling times.
- 6.5.5 The tea room will employ 1-2 staff and there would be approximately 1-2 deliveries per week in a small lights goods vehicle. The existing access onto Gorsty Lane has adequate width and geometric layout to allow simultaneous entry and exit of all vehicles and has visibility splays of 2.4 metres by 43 metres which are commensurate with the speed of traffic along this stretch of road. The car parking area will provide 19 spaces (including one disabled space) with a large central manoeuvring area. The proposed access is considered to be safe and satisfactory in transportation terms and the development will not have a severe impact upon the local highway.
- 6.5.6 The Council Highways Officer has raised no objection to the application subject to safeguarding conditions regarding the provision of visibility splays; proposed access; parking and turning; and construction of access apron.

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 15 '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 The proposed site has been subject to previous ecology surveys, one in 2014 in relation to the managers dwelling, and one in 2018 in relation to the proposed storage barn. Both these surveys concluded that the proposals would have no impact on habitats of ecological significance or the conservation status of protected species. The existing portal framed barn has no side walls with a corrugated fibre-cement roof with skylights and will be extended onto an area currently surfaced with crushed stone and used for parking. A Preliminary Ecological Assessment has been submitted for this current application and has indicated that the barn is unsuitable habitat for roosting bats and there is no evidence of nesting birds. Three water bodies lie close to the site, but all support populations of fish and therefore have 'poor' suitability for Great Crested Newts. The site has also been assessed for the presence of water voles, but no evidence has been found and there is no evidence of badgers within 50 metres of the site. The proposed glamping pitches have all been sited on grass with no loss of habitat. The Preliminary Ecology Assessment recommends biodiversity enhancements through the installation of wildlife boxes including two general purpose bat boxes and two bird nest boxes.

6.6.3 The Council Ecology Officer has raised no objection to the application subject to safeguarding conditions regarding the biodiversity enhancements through the installation of wildlife boxes and control of external flood lighting.

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.

6.7.2 The application does not indicate the method of foul water drainage for the disabled holiday accommodation and tea room. However, the fishery managers dwelling approved in 2016 was provided with a package treatment plan and adequate ground conditions were available for soakaways. It is considered that either a package treatment plant or septic tank would be suitable as there is no available foul mains and could be provided within land to the north of the building.

6.7.3 The application indicates that surface water will be disposed of via soakaways and percolation test and soakaways should be designed in accordance with BRE Digest 365. No concerns have been raised regarding the suitability of the local ground conditions.

6.7.4 The Council Drainage Engineer has raised no objection to the application subject to a safeguarding condition regard foul and surface water drainage.

7.0 CONCLUSION

7.1 The principle for the proposed glamping pitches complies with Shropshire Core Strategy policy CS16 and SAMDev policy MD11, whilst the layout, scale, and

appearance will respect the rural landscape and will not be visually detrimental to the character of the local area.

7.2 The proposed layout, scale, and appearance of the disabled holiday accommodation and tea room building will also respect the rural landscape and will not be visually detrimental to the character of the local area. The use would not impact on residential amenity or any protected species and ecology, whilst adequate access and car parking will be provided. However, the proposed building is tantamount to a new build construction and will be located in open countryside and does not fall within or adjacent to any recognised settlement providing services or an established and viable tourism enterprise where accommodation or food and drink provision are required. As such the development would represent unsustainable development within the open countryside, conflicting with the Shropshire Core Strategy Policies CS5, CS6, CS8 and CS16 and SAMDev Plan policy MD11 as well as the overall aims and objectives of sustainable development as set out in the National Planning Policy Framework. There are no other material considerations which outweigh this conclusion in the overall planning balance.

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.

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

Shropshire Council Core Strategy (February 2011):
CS5 : Countryside and Green Belt
CS6 : Sustainable Design and Development Principles
CS8 : Facilities, Services and Infrastructure Provision
CS13 : Economic Development, Enterprise and Employment
CS16 : Tourism, Culture and Leisure
CS17 : Environmental Networks
CS18 : Sustainable Water Management

Site Allocations and Management Development Plan (December 2016):
MD2 : Sustainable Design
MD7b : General Management of Development in the Countryside
MD11 Tourism Facilities and Visitor Accommodation
MD12 : Natural Environment

10.2 Relevant Planning History

17/05618/FUL - Change of use of land for camping including change of use of existing steel frame barn to accommodate toilet/shower block and recreation room in association with commercial fishery. Granted 9th March 2018.

16/00897/REM - Reserved matters application pursuant to outline application reference 14/04148/OUT for the erection of a managers dwelling and fishery office with detached double garage. Granted 24th June 2016.

14/04148/OUT - Outline application for erection of essential managers dwelling and fishery office on part of existing brownfield car park. Granted 2nd December 2015.

13/03288/FUL - Erection of a building required for agricultural use; storage of equipment feed and on occasion animals. Granted 28th October 2013.

NS/07/01986/FUL - Application Under Section 73a of the Town and Country Planning Act 1990 for the retention of replacement access gates. Granted 11th January 2008.

NS/90/00344/FUL - Construction of fishing pool including drainage, impounding of water and general operations to regrade pool surround (retrospective). Granted 2nd May 1990.

NS/90/00342/FUL - Consolidation and formation of a car parking area for anglers. Granted 2nd May 1990.

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application reference 24/01290/FUL

Cabinet Member (Portfolio Holder) - Cllr Chris Schofield

Local Member - Cllr Rob Gittins

Appendices - None