



# South Staffordshire Council

PLANNING COMMITTEE – 25<sup>th</sup> April 2023

## Requests to Speak

App no	Address	Speaking For	Speaking Against	Councillor Request to speak
22/00083/FUL MAJOR (5 Mins)	Patshull Park Hotel Golf And Country Club Patshull Park Burnhill Green WV6 7HR	Robert Mercer	Sally Tildesley & Louise Mcfadzean - joint statement to be read by Council officer.	Cllr T Mason (Ward Member)
22/00084/LBC NON MAJOR (3 Mins)	Patshull Park Hotel Golf And Country Club Patshull Park Burnhill Green WV6 7HR	Robert Mercer	Paula Manning – statement to be read by Council officer.	Cllr T Mason (Ward Member)
23/00024/FUL NON MAJOR (3 Mins)	NON MAJOR (3 Mins) Tree Tops School Lane Coven Staffordshire WV9 5AN	Rowan Chislett (Agent)		

### Additional information

#### Application 22/00083/FUL – Patshull Park, Pattingham

Comments received from the Public rights of Way officer at Staffordshire County Council

#### Rights of Way

*The Definitive Map of Public Rights of Way for Staffordshire shows public rights of way adjacent to the application site. From the information submitted, they would not appear to be directly impacted by the proposals.*

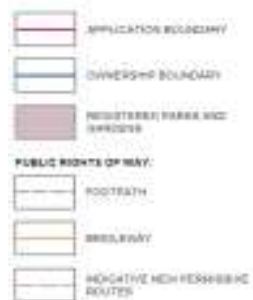
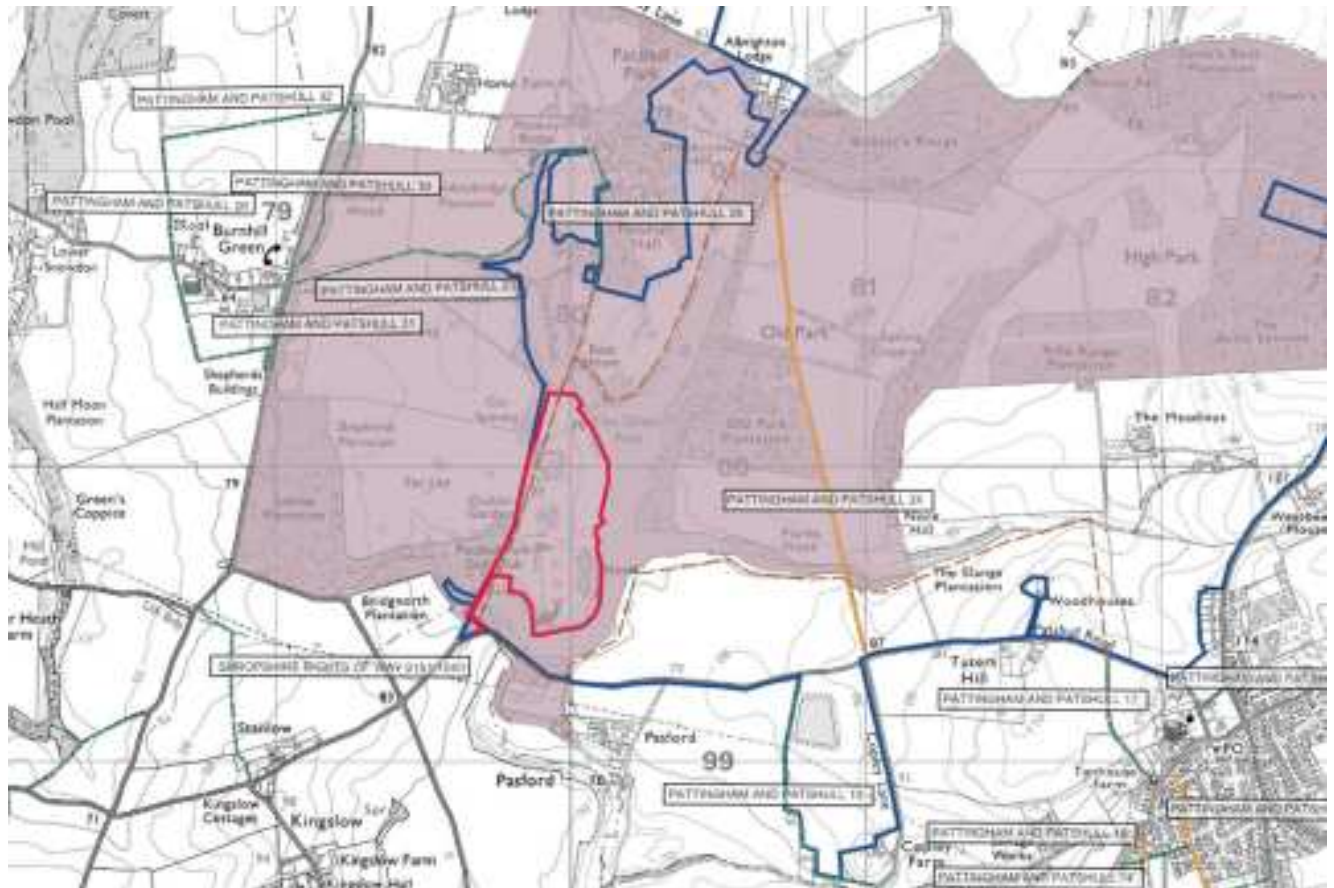
*The following should be brought to the attention of the applicant and noted in the planning consent if granted:*

*Public Footpath No. 26 Pattingham and Patshull Parish runs adjacent to the application site, running west of Patshull Hall.*

*Public Footpath No. 23 Pattingham and Patshull Parish runs adjacent to the application site, running west of 'The Decoy'/Decoy Wood.*

*Public Bridleway No 24 & 25 Pattingham and Patshull Parish running east of the proposed application site.*





*The granting of planning permission does not constitute authority for any interference with the public right of way and associated items - or its obstruction (temporary or permanent).*

*The term obstruction, in this context, also applies to items such as gates or stiles which are regarded as licenced obstructions which must be sanctioned by the highways authority.*

*NPPF 100. states that: Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails. The 'Proposed Access Opportunities' plan indicates that there will be a number of permissive routes added across the estate. The routes appear to provide effective linkages with the definitive path network but unless there is an intention to consider a formal dedication of these routes via s. 25 of the Highways Act*

*1980 to create the paths formally and add them to the Definitive Map and Statement, then the proposal probably has limited value. The reality is that permissive paths can be added or withdrawn by a landowner at any time. They are not shown on the Definitive Map because they hold no legal status. If the applicant was serious about improving access linkages through this proposal then the County Council would be willing to discuss this further.*

*Users of the path/s must be able to exercise their public rights safely and at all times and the paths be reinstated if any damage to the surface occurs as a result of the proposed development.*

*Any trees and shrubs planted within 3 metres of the public right of way are the responsibility of the Landowner not the Highways Authority (including maintenance and liability).*

*Staffordshire County Council has not received any application to add to or modify the Definitive Map of Public Rights of Way in that vicinity.*

*The possibility of the existence of a currently unrecognised public right of way, makes it advisable that the applicant pursue further enquiries and seek legal advice regarding any visible route affecting the land, or the apparent exercise of a right of way by members of the public.*

#### **Amendments to case officer report:**

The proposal is for 62 lodges.

The proposal is located in the northern half of the application site which is the middle/southern half of the golf course.

The lodges would not be on concrete pads but piled foundations and a steel structure.

The site extends to 83 hectares.

#### **Additional Information received:**

As well as the footpaths, the applicant is now proposing an extension to the existing bridleway (again as with permissive footpaths, this is located outside of the red line application site).

The content of the memo sent to members on the 21<sup>st</sup> April by the planning agent is noted and relevant comments/amendments are noted added above.

#### **Recent Appeal Decision**

Appeal Ref: APP/L3245/W/22/3303850  
Henlle Park Golf Club, Henlle Lane, Gobowen SY11 3LQ

The appeal decision relates to the erection of 90 holiday lodges at Henelle Park Golf Club in Gobowen Shropshire where the golf club had recently closed for 'financial reasons'. The

main issue is the effect to heritage and the landscape. Whilst both the Council and the Inspector found the level of harm to nearby listed buildings was less than substantial, it was not considered that the applicants had been able to justify this harm, nor did the public benefits outweigh the harm. Two relevant paragraphs to note are:

*However the evidence in terms of the operation of the golf club since 2011, and its closure, is extremely limited. There is reference to membership declining, and to members registering elsewhere. The reasons underlying that are unclear. I am told only that the golf club has run at an annual loss since 2011, though I do not know the extent of any loss or the detailed circumstances behind that. There is no robust evidence as to whether those circumstances are representative of broader trends. As an illustrative counterpoint, income-based valuations are typically based on at least three years' worth of accounts (and entail considerations of what is a fair maintainable operating profit amongst other things). In short the evidence before me falls short of demonstrating that the use of the site as a golf club is inherently unviable.*

*I agree with the theoretical position in the SoE,<sup>31</sup> in summary that a finding of heritage harm is not determinative of the outcome of a decision (which involves considering the full gamut of planning considerations). Nevertheless NPPF paragraph 200 sets out how 'any harm to, or loss of, the significance of a designated heritage asset... should require clear and convincing justification'. In that context, despite the qualified nature of the harm that would result, and even were the proposal acceptable in all other respects, that has not been demonstrated here. Inherent in my reasoning above is that the public benefits do not outweigh the harm to designated heritage assets that would result, nor do they, or any other material considerations, justify allowing the appeal in the light of conflict with the development plan considered as a whole. I therefore conclude the appeal should be dismissed.*

#### **Application 23/00024/FUL - Tree Tops School Lane Coven**

A technical note has been provided by the planning agent, copy attached. The contents are noted and have been fully considered. They do not change the view of officers that the applications site lies outside of the village of Coven and is not within a recognised settlement. The location of a single village sign, in this case located off the main arterial route, is not considered to constitute the planning definition of village (or recognised settlement). Neither is it considered to meet the dictionary definition of a "group of houses **and** (officer emphasis) other buildings. This area consists of two dwellings to the south of school lane with services being difficult to access unless by car.