

**22/01007/FUL
NON MAJOR**

Mr Stephen Thompson

ENVILLE

**Councillor S Dufty
Councillor P Harrison
Councillor G Spruce**

Crump Hillocks Farm Bradbury Lane Enville Staffordshire DY7 5JG

Proposed are 4no. Glamping pods for guest use, along with parking/turning facilities. Five parking spaces are proposed for the site with one being EV charging and another for site maintenance. Refuse/recycling facilities will be located in the parking area. Associated footpaths and landscaping of the site

Pre-commencement conditions required:	Pre-commencement conditions Agreed	Agreed Extension of Time until
Yes	6 September 2023	20 October 2023

SITE DESCRIPTION AND APPLICATION DETAILS

1.1 Site Description

1.1.1 The application relates to a parcel of land south of Crump Hillocks Farm on Four Ashes Estate, Enville. The site is approximately 0.9ha in area and comprises tussocky modified grassland, two ponds surrounded by a small coppice of broadleaved woodland, occasional scattered trees, a species poor unmanaged hedgerow, two ponds, small patches bramble scrub, two fallen brick buildings that are covered in bramble scrub and an area of game/pheasant cover. An access drive to the site entrance is already present from Bradbury Lane.

1.1.2 Public right of way Enville 18 runs along the access to the site, then north towards the farm buildings. Public footpath Enville 19 is also within close vicinity.

1.2 The Proposal

1.2.1 The application proposes 4no. Glamping pods for guest use, along with parking/turning facilities. Five parking spaces are proposed for the site with one being EV charging and another for site maintenance. Refuse/recycling facilities will be located in the parking area. Associated footpaths and landscaping of the site.

1.2.2 The timber pods will be manufactured off-site and there will be two versions; 8m and 10m in length (3.3m high). They will be delivered to the site partially prefabricated. They will be installed with ground screws and no concrete pads will be required. A small decking area will be provided for each pod.

1.2.3 No changes are required to the access, the existing track of Bradbury Lane will be used. There will be a new permeable parking and turning area at the site entrance and permeable footpath from the parking area to the pods.

1.2.4 A sewage treatment tank will be installed with the treated water discharging via a soakaway, to the south of the site.

1.2.5 During the application amended plans have been received, resulting in more trees being retained, additional planting and the reception hut/honesty shop and gym removed from the scheme.

1.3 Agents Submission

1.3.1 The application is accompanied by:

- Planning Statement
- Design and Access Statement
- Market Research
- Feasibility study
- Preliminary Ecological Appraisal
- Great Crested Newt Report
- Reptile Survey
- Tree Report

Date of site visit - 20 July 2023

SITE HISTORY

No relevant history

POLICY

Constraints

Green Belt

Coal Authority Low Risk Area

Newt - Strategic Opportunity Area Name: South Staffordshire (South):

Newt - Impact Risk Zone Amber Name: AMBER ZONE:

Public Right of Way Name: Enville 18

Policies

National Planning Policy Framework

National Planning Practice Guidance

Core Strategy

Core Policy 1: The Spatial Strategy

Policy GB1: Development in the Green Belt

Core Policy 2: Protecting and Enhancing the Natural and Historic Environment

Policy EQ3: Conservation, Preservation and Protection of Heritage Assets

Core Policy 3: Sustainable Development and Climate Change Policy

EQ9: Protecting Residential Amenity

Core Policy 4: Promoting High Quality Design

Policy EQ11: Wider Design Considerations

Policy EQ12: Landscaping

Core Policy 9: Rural Diversification

EV2: Sustainable tourism

Core Policy 11: Sustainable Transport

Policy EV11: Sustainable Travel

Policy EV12: Parking Provision

Supplementary Planning Documents

Green Belt and Open Countryside SPD

Design Guide

CONSULTATION RESPONSES

All consultation periods have expired unless noted otherwise.

Site Notice Expires	Press Notice Expires
10 August 2023	n/a

Councillor Steph Dufty - Kinver & Enville Ward

No Response Received

Councillor Dr Paul Harrison MBE - Kinver & Enville Ward

No Response Received

Councillor Gregory Spruce - Kinver & Enville Ward

No Response Received

Enville Parish Council

No Response Received

Senior Ecologist - South Staffordshire

4th August 2023

No objection to the proposed development subject to conditions

Introduction

Thank you for consulting me on this application. I have reviewed the following planning application documentation for the above application:

- Preliminary ecological appraisal (Zebra Ecology, December 2022)
- Reptile survey report (Zebra Ecology, May 2023)
- Great crested newt survey report (Zebra Ecology, April 2023)
- Arboricultural impact assessment (Zebra Trees, July 2023)
- Existing block plan
- Proposed site plan
- Design and access statement
- Lighting plan

I have not visited the site but have viewed aerial photographs, biological records from Staffordshire Ecological Record, and information on DEFRA's MAGIC map to inform my response.

Assessment of Submitted Documents and Plans

Designated Wildlife Sites

I do not consider it likely that the proposed development will result in significant effects to designated wildlife sites.

Habitats

The current proposals would result in an increase in developed land and thus a reduction in vegetative habitats. Based on the information provided in the ecological assessments I am satisfied that a net gain for biodiversity could be achieved through habitat management on site to improve the condition of existing ponds, grassland, woodland and scrub habitat. On this basis I have recommended a

condition for a landscape and ecological management plan to secure management and enhancement of habitats at the site in the long-term. Please note that a list of suitable tree species to plant in Staffordshire has been provided at Appendix A for information.

I have also recommended a construction and ecological management plan to ensure impacts to retained habitats such as woodland, trees and ponds by direct impacts (i.e. with machinery) or indirectly (i.e. via polluted runoff) are precluded during construction.

Protected Species

I am satisfied with the survey methods, results and recommendations made by the submitted ecological reports; I also welcome the further clarification provided in relation to tree retention by the amended arboricultural report. I consider that the recommendations made by the ecological reports are proportionate to the risk and scale of the proposed development, and I have recommended a number of conditions to secure necessary details for a number of elements such as lighting, method statements and species enhancement measures.

I am satisfied, subject to conditions, that the proposed development is unlikely to result in significant adverse effects to protected species.

Recommendations

I have no objection to the proposed development subject to conditions as detailed below.

Herpetofauna Method Statement

1. No development shall take place, including demolition, groundworks or any necessary vegetation clearance until a method statement for herpetofauna including grass snake and great crested newt has been submitted to and approved in writing by the Local Planning Authority. The method statement must include (as a minimum):

- o A risk assessment in relation to site activities that may impact grass snake and GCN and the associated legislative breaches that may occur due to works;
- o Details of all reasonable avoidance measures to ensure grass snake and GCN are not adversely affected by works; and
- o Identification sheets for native amphibians and reptiles (to be kept on site).
- o Details of the toolbox talk and signed register for attendees

Reason: To prevent harm to protected species in accordance with Policy EQ1 of the adopted Core Strategy.

Construction and Ecological Management Plan (CEMP)

2. No development shall take place, including demolition, groundworks or any necessary vegetation clearance until a construction and environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- a) A risk assessment of potentially damaging activities and the phases associated with them.
- b) Identification of biodiversity protection zones.
- c) Practical measures (both physical measures and sensitive working practices such as timing) to avoid or reduce impacts during site clearance and construction.
- d) The location and timing of sensitive works to avoid harm to ecological features.

e) The times during construction when an ecological clerk of works (ECoW) needs to be present (if appropriate).

f) Role and responsibilities of the ECoW if appropriate.

g) Responsible persons and lines of communication.

The approved CEMP scheme shall thereafter be fully implemented throughout all construction work and any physical protective measures kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed from the site.

Reason: To prevent harm to habitats of conservation value in accordance with Policy EQ1 of the adopted Core Strategy.

Species Enhancement Scheme

3. Prior to the commencement of development, excluding demolition or groundworks, full details, shall be submitted to and approved in writing by the Local Planning authority of a species enhancement scheme including the details of integrated bat and bird boxes, as well as other species-specific enhancements such as hedgehog highways, hedgehog shelters, butterfly banks etc. The scheme must include detail of locations, models, number and aspect of species-specific measures including any ongoing maintenance requirements.

The agreed species enhancement scheme will be installed in full prior to the first occupation of the dwelling(s) and shall thereafter be retained for the life of the development.

Reason: To deliver biodiversity enhancements as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

Sensitive lighting design

4. Prior to occupation, a "lighting design strategy for biodiversity" for all external lighting shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for instance for foraging; and

b) show how and where external lighting will be installed (through the provision of horizontal and vertical lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

c) No lighting will exceed 2700 Kelvin in colour.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority

Reason: To prevent harm to protected species in accordance with Policy EQ1 of the adopted Core Strategy.

Landscape and Ecological Management Plan

5. Prior to commencement of development, a combined Landscape and Ecological Management Plan (LEMP) must be submitted to and approved in writing by the local

planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on the site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options to achieve aims and objectives.
- e) Detailed management prescriptions and a work schedule with annual plan
- f) Responsibilities of bodies/organisations for implementation against actions
- g) Monitoring and remedial measures

The LEMP shall also include details of the management body/bodies responsible for delivery and future maintenance.

The plan shall also set out (where monitoring shows that aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan shall be implemented in accordance with the approved details.

Reason: To deliver biodiversity enhancements and achieve a net gain for biodiversity as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

Informative Notes:

The applicant is reminded that under the Wildlife and Countryside Act 1981, as amended (1)(Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built.

Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown that nesting birds are not present.

Please note that planning permission does not override or preclude the requirement to comply with protected species legislation. Should protected species be found (or be suspected to be present) at any time during site clearance or construction, works must cease immediately and Natural England and/or a suitably qualified professional ecologist must be contacted for advice.

Policy and Legislative context in relation to this application

The National Planning Policy Framework (2021) s.174 states: "Planning policies and decisions should contribute to and enhance the natural and local environment by: ... d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"

NPPF s.180 states that "When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused..."

South Staffordshire Council adopted Local Plan Core Strategy policy EQ1: Protecting, Enhancing and Expanding Natural Assets states that permission will be granted for development that would not cause significant harm to species that are protected or under

threat and that wherever possible, development proposals should build in biodiversity by incorporating ecologically sensitive design and features for biodiversity within the development scheme. The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended); along with the Protection of Badgers Act 1992, provide the main legislative framework for protection of species. In addition to planning policy requirements, the LPA needs to be assured that this legislation will not be contravened due to planning consent. In addition to these provisions, section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Section 41 refers to a list of habitats and species of principal importance to which this duty applies.

Natural England Standing Advice which has the same status as a statutory planning response states that survey reports and mitigation plans are required for development projects that could affect protected species, as part of obtaining planning permission.

European Protected Species (to include in Committee/Delegated reports as an Annex, not on Decision Notices)

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017 which identifies 4 main offences for development affecting European Protected Species (EPS).

- o Deliberate capture or killing or injuring of an EPS
- o Deliberate taking or destroying of EPS eggs
- o Deliberate disturbance of a EPS including in particular any disturbance which is likely to:
 - I. impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or
 - II. in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - III. to affect significantly the local distribution or abundance of the species to which they belong.
- o Actions resulting in damage to, destruction of, or obstruction of an EPS breeding site or resting place.

Ecological survey results indicate that European Protected Species, specifically great crested newt are present within the local area, but that reasonable avoidance measures to be detailed in a method statement can be implemented to avoid the requirement for a mitigation licence. Therefore, no further consideration of the Conservation of Species & Habitats Regulations is necessary.

Arboricultural Officer Consultation

13th September 2023

Having reviewed the application and supporting information I can confirm that I have no objection to the proposed development.

The trees specified for removal are low quality specimens that do not warrant being a constraint to development.

The single category 'A' tree on site is located at some distance from any proposed construction works that are likely to cause harm, with a significant body of water between it and the nearest pod.

Incursions into the RPAs of retained trees are minimal and the proposed construction methods specified as being low impact.

I would recommend the inclusion of the following condition with any consent granted:

Tree Protection

All tree protection measures within the approved Arboricultural Impact Assessment (ref. ZTL_292) and associated Tree Protection Plan, shall be duly considered and implemented before any construction related activity commences on site. Once implemented all such measures shall be maintained throughout development unless agreed in writing with the Local Planning Authority.

Any trees that are damaged or lost during a two year period, starting from the date of commencement, due to a failure of required tree protection measures shall be replaced. The species, size, nursery stock type and location of such replacements to be specified by the local planning authority.

Local Plans

26th July 2023

Policy background

Policy GB1 of the 2012 Core Strategy allows for a closed list of built development types within the Green Belt. This does not include tourist accommodation. Policy GB1 and paragraph 150 of the NPPF also allow for the material change of use of land, provided that development preserves the Green Belt's openness and does not conflict with the purposes of including land within the Green Belt. If the scheme does not fall within these categories then the NPPF requires consideration of whether very special circumstances exist to permit the development. These can only arise if the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Core Policy 1 of the 2012 Core Strategy indicates that outside the service villages, new development is restricted to particular types of development, including development which supports tourism. Policy EV2 clarifies further how sustainable tourism will be delivered in the District. It requires tourism growth to be consistent with the heritage and cultural associations of the District, including attractive villages and hamlets, historic houses, parklands and gardens with particular focus being given to sustainable tourism. Outside development boundaries it will be necessary for a business case to be made showing how development will make a sustainable contribution to the local economy. Tourist accommodation will only be permitted where it does not adversely affect the character and appearance of the area, taking account of the capacity of the local area and the highway network to absorb the development.

In addition to the above, the NPPF 2021 indicates that plans and decisions should enable "sustainable rural tourism and leisure developments which respect the character of the countryside". However, there is an acknowledgement that sites to meet local business needs may have to be found adjacent or beyond existing settlements, and in locations that are not well served by public transport. In such circumstances the NPPF requires that development exploits any opportunities to make a location more sustainable (e.g. by active travel or public transport). It also encourages the use of previously developed land, and sites that are physically well-related to existing settlements, where suitable opportunities exist.

Local plan comments

The site sits within the West Midlands Green Belt in an isolated rural location over 2.5km west of Enville. The location appears to be accessed via an unlit A road with no footway. Given the site's location, the principle of the development being acceptable will rest primarily on two key factors. The first is whether the scheme is consistent with local and national Green Belt policy, including consideration of whether very special circumstances exist. This is to be judged by the case officer.

The second key factor is whether the site can be considered sustainable rural tourism under the terms of Core Policy 1 and Policy EV2 and whether it is consistent with NPPF policies on sustainable rural tourism. This can involve consideration of a number of factors. It is notable that the applicant has not provided any meaningful business case to show how the site would sustainably contribute to the local economy, despite this being a clear requirement of Policy EV2 for schemes outside of development boundaries. They have also not provided any explanation of how the scheme exploits active travel opportunities, or how sites physically well-related to

existing settlements have been considered before arriving at the decision to locate a new tourist accommodation scheme on such an isolated site, despite the clear requirements of the NPPF in this regard. The site's lack of conformity with these requirements in local and national policy therefore means it is unlikely to constitute sustainable rural tourism. The weight attributed to this policy conflict is to be judged by the case officer alongside other material considerations.

Case Officer Note – Additional supporting information was subsequently provided by way of a planning statement and feasibility study. All the matters have been considered as part of the officer's assessment and planning balance exercise.

County Highways

4th August 2023

Recommendation Summary: Conditional

Site Visit Conducted on: 03-Aug-2023

1. The development hereby permitted shall not be brought into use until the access drive, parking, servicing and turning areas have been provided in accordance with the approved plans.

Reasons.

1. In the interest of highway safety.

To comply with the principles set out in the National Planning Policy Framework.

Note to Planning Officer.

The proposed development is located in a semi-rural location and is accessed down a private track off an unclassified road.

County Countryside And Rights Of Way Officer

14th July 2023

The Definitive Map of Public Rights of Way for Staffordshire shows a public right of way along the access route to the application site.

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.

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

Public Footpath No.18 Enville Parish runs along the access track to the application site (occupying the full width of the track between boundaries), and north of the farm.

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).

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.

Any works that affect the surface of the footpath require discussions with the County Council Rights of Way Team.

Where private rights exist that allow the use of vehicles along a footpath, drivers of vehicles must give way to pedestrians. This needs to be reflected in signage on the site.

In the absence of private rights, driving a vehicle on a public right of way is a criminal offence.

It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development.

Environmental Health Protection

No Response Received

Severn Trent Water Ltd

No Response Received

Contributors

No Response Received

APPRAISAL

The application is to be heard at Planning Committee as the proposal is inappropriate development in the Green Belt contrary to policy GB1 of the Core Strategy.

1. Policy & principle of development
2. Layout, design & appearance
3. Access, parking & highway safety
4. Residential Amenity
5. Ecology & biodiversity
6. Arboriculture
7. Human Rights

1. Policy & principle of development

Green Belt

1.1 The site is located within the Green Belt where there is a presumption against inappropriate development unless very special circumstances exist to justify a departure from Green Belt policy. The erection of the four pods and associated development do not fall within the exemptions for development in the Green Belt as defined in Policy GB1 of the adopted Local Plan – tourist accommodation has been considered in this context by various Planning Inspectors at appeal and been found not to be 'outdoor recreation'. Certainly, the site would provide accommodation for tourists/visitors to the area, but these are likely to seek outdoor recreational facilities elsewhere. Even were the use of the site to be regarded as a form of outdoor recreation, the Framework is clear that this exemption to being inappropriate development only applies if the openness of the Green Belt is preserved and the proposal does not conflict with the purposes of including land within it.

Impact on Openness

1.2 Paragraph 137 of the NPPF states that, 'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

1.3 There has been much dispute in recent years in case law in defining openness. A defining case in R (Timmins & Anr.) v Gedling BC & Anr. helps to define whether the visual impact of a development could be taken in account in considering 'openness'. It was held that 'openness' is characterised by the lack of buildings but not by buildings that are un-obtrusive or screened in some way. It was also held that 'openness' and 'visual impact are different concepts', although they could 'relate to each other'.

1.4 The NPPG has been updated (July 2019) with guidance on factors taken into account when considering the

potential impact of development on the openness of the Green Belt. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability - taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

1.5 A good starting point when considering impact on openness is the existing built form on site. The application site is a field with overgrown vegetation and is undeveloped. The proposal would introduce four pods with associated decking which would be in situ all year round. The proposal would also create new pathways and parking area and visitor trips to the site. Therefore, it is not considered that the scheme preserves openness as it introduces development into the site where there were formerly none. Similarly, it conflicts with the purpose of including land within the Green Belt, in terms of it represents encroachment in the countryside.

1.6 On that basis, the proposal is an inappropriate development, with an automatic presumption against the development. Very special circumstances are needed to justify the automatic policy objections.

Case for very special circumstances

1.7 Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In considering the case submitted by the applicants for overcoming the automatic policy presumption, it must be noted that the development is small scale, and the position of the pods and footpaths will be discreet given its surroundings (existing trees and site topography). A new native hedgerow is proposed to the southern boundary to help shield the southern two pods. Whilst the Pods and decking will be in situ 12 months of the year, no permanent foundations are required (fixed by screws) and the field can be returned to its natural state when the venture ceases, therefore in terms of harm to the openness it would be limited, a matter to which I apply moderate weight in the balance.

1.8 The following Very Special Circumstances have been put forward in support of the proposal by the planning agent:

- The Council's Tourism Strategy has been supplemented by a further initiative endorsed by all local authorities in Staffordshire entitled Staffordshire's VISITOR ECONOMY ACTION PLAN 2022–2025. It deals with the importance of tourism in the County. This identifies creating the conditions for more people to be able to stay overnight in Staffordshire as one of the key challenges. The provision of more high-quality accommodation is seen to bring benefits for all and allow more visitors to enjoy the multitude of attractions, countryside, and hospitality sectors.
- The Market research highlights that local options tend towards holiday cottages, B&Bs, or country inns; and therefore, there is a demand for glamping pods. The site could expect to command upwards of £130 per night per unit, injecting £84,780 into the local economy annually.
- The greenbelt environment and wildlife can be enjoyed by visitors without negative impact, especially with non-invasive methods and the links to the Staffordshire Way.
- The applicant plans for guests to have some access to historic features on the estate including the Bath Walk (bath house was restored with grant aid from Natural England); the Grade II* Stables and Georgian model farm buildings (Historic England funded), the main house, gardens and walled kitchen garden (currently undergoing restoration) and walks on the wider estate.
- Visitors to an area support the local economy by purchasing goods and services in the locality. Moreover,

as advised, local labour will be employed in the site's development and the applicant will promote his connections with local business and outlets to again benefit the local economy.

- The site's isolation is exactly its attraction. However, it is served by a public footpath; bike racks are to be provided and an EV charger is to be offered.

- New job opportunities will be created through this development in different forms such as housekeeping, general maintenance, site management and potentially landscaping/gardening.

1.9 Considering the very special circumstances that have been put forward by the Agent in addition to the limited harm that would be caused on the openness of the Green Belt, it is finely balanced, however it is considered that the scale is tipped in favour and a case to outweigh the harm to the Green Belt has been demonstrated.

Sustainability/tourism

1.10 Core Policy 1 indicates that outside the service villages, new development is restricted to particular types of development, including development which supports tourism. Policy EV2 clarifies further how sustainable tourism will be delivered in the District. It requires tourism growth to be consistent with the heritage and cultural associations of the District, including attractive villages and hamlets, historic houses, parklands and gardens with particular focus being given to sustainable tourism. Outside development boundaries it will be necessary for a business case to be made showing how development will make a sustainable contribution to the local economy. Tourist accommodation will only be permitted where it does not adversely affect the character and appearance of the area, taking account of the capacity of the local area and the highway network to absorb the development.

1.11 In addition to the above, the NPPF 2021 indicates that plans and decisions should enable "sustainable rural tourism and leisure developments which respect the character of the countryside". However, there is an acknowledgement that sites to meet local business needs may have to be found adjacent or beyond existing settlements, and in locations that are not well served by public transport. In such circumstances the NPPF requires that development exploits any opportunities to make a location more sustainable (e.g. by active travel or public transport). It also encourages the use of previously developed land, and sites that are physically well-related to existing settlements, where suitable opportunities exist.

1.12 The application site is in an isolated location. The nearest settlements are Enville which is around 2 miles, and the main service village of Kinver is 5 miles away. Having said this there is multiple public right of ways within close vicinity of the site to enable visitors to enjoy the immediate countryside and the nature of the pods. The size of the pods would be more suited to couples who are less likely to be reliant on car use during their stay. The agent has commented that site's isolation is exactly its attraction; and bike racks are to be provided and an EV charger is to be offered to encourage sustainable methods of transport.

"Due to the connotations that follow 'glamping' this type of development has been seen to thrive in rural areas rather than within settlement areas or town centres. Guests seeking this type of accommodation are looking for a quiet holidaying area where they can relax and escape their busy everyday lives. The location of this development is situated in a vastly quiet area with breathtaking views ideal for the secluded getaway that the target market strives for".

1.13 The application is accompanied by a business case (market research and feasibility study) which highlights the demand for glamping sites and notes the lack of competition in the local area, along with the knock on benefits, such developments have for the local economy.

1.14 Given the small-scale nature of the proposal and the target consumer base, on balance, there is no conflict with the policy aims of CP1 and EV2.

2. Layout, Design and Appearance

2.1 Policy EQ4 of the Core Strategy advises that “the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long-distance views”. Core Policy 4 similarity seeks to promote high quality design and respect and enhance local character and distinctiveness of the natural and built environment. Policy EQ11 advises that new development should seek to achieve creative and sustainable designs that consider local character and distinctiveness, whilst having regard to matters of use, movement, form and space. Finally, the Council's Design Guide SPD amplifies the principles set out in Policy EQ11 of the Core Strategy.

2.2 The proposal will not have any undue impact on any medium or long-term views. The two glamping pods in the northern part of the site will be on the edge of the existing small ponds and predominately screened by the surrounding vegetation. Turning to the two southern lodges these will be screened to the north and west by existing vegetation and a new native hedgerow is proposed to be planted to limit views from the East and South. The pods/decking will occupy a small portion of the overall site and given the benefit of the existing vegetation, and their low height and appearance (wooden) they will be a discreet feature within the local landscape.

2.3 The proposal is compliant with policy EQ4 and EQ11 of the Local Plan.

3. Access, Parking & Highway Safety

3.1 The proposed development will be served by existing vehicular access and the parking area created will have space for 5 vehicles. Considering there will be four pods with each having one bedroom, the number of spaces 1 per each pod with one additional is considered to be adequate. The County Highways Team have raised no concerns over the proposal. The proposed use would be a low traffic generator.

4. Residential Amenity

4.1 In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.

4.2 The site is located approx. 270m from the nearest dwellings on Bradbury Lane. The design and access statement provides:

“The pods would be rented out on a per-nightly basis. Patrons would likely be families or friends due to the size of the units. Party groups will not be permitted by the operator. The site would be operated as a typical (year-round) holiday let, much like a caravan site, but with much fewer guests, meaning less noise and disruption to neighbouring properties and road users etc. The site will also be marketed as a peaceful and relaxing retreat, which again should mean noise from guests is not a consideration”.

4.3 Considering this, together with the low-key use of the site and the existing general level of agricultural activity on the wider site, there are no concerns on privacy, daylight or amenity and the proposal complies with Policy EQ9. It is noted that there have been no objections from neighbours to the site.

5. Ecology & Biodiversity

5.1 The Wildlife and Countryside Act (as amended) 1981 covers the protection of a wide range of protected species and habitats and provides the legislative framework for the designation of Sites of Special Scientific

Interest (SSSIs).

5.2 The proposed development will not result in significant effects to designated wildlife sites. The application is accompanied by a preliminary ecological assessment and further surveys on Great Crested Newts and Reptiles which have been produced to the satisfaction of the Council's Ecologist. Conditions have been recommended to secure necessary details for a number of elements such as lighting, method statements and species enhancement measures.

5.3 To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.

5.4 The current proposals would result in an increase in developed land and thus a reduction in vegetative habitats. Based on the information provided in the ecological assessments The Council's Ecologist is satisfied that a net gain for biodiversity could be achieved through habitat management on site to improve the condition of existing ponds, grassland, woodland and scrub habitat and conditions to secure this are recommended. As some of these conditions are pre-commencement, these have been agreed with the planning agent.

5.5 The proposal is compliant with Policy EQ1.

6. Arboriculture

6.1 Paragraph 175 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Strategic Objective 3 and 4 seek to protect, conserve and enhance the District's natural environment, whilst Policy EQ4 states that "The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved".

6.2 The Council's arboricultural officer has raised no objections to the proposal for the following reasons:

- The trees specified for removal are low quality specimens, with are not worthy of being a constraint to development.
- The single category 'A' tree on site is located at some distance from any proposed construction works, with a significant body of water between it and the nearest pod.
- Incursions into the RPAs of retained trees are minimal and the proposed construction methods specified as being low impact.

The proposal is compliant with Policy EQ4.

7. Human Rights

7.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

8. CONCLUSIONS

8.1 In light of the above it is concluded that whilst the proposal would be inappropriate development in the Green Belt, very special circumstances have been put forward to outweigh the harm to the Green Belt. There would be no material harm to neighbouring amenity and there would be no adverse effect on protected species or on the character of the area. The development also raises no material concerns in relation to parking or highway safety. The argument is finely balanced, but it is considered the scales tip in favour of the proposal and the recommendation is for Members to approve the scheme subject to relevant and necessary conditions.

7. RECOMMENDATION – APPROVE SUBJECT TO CONDITIONS

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. The Development hereby approved shall not be occupied as a permanent dwelling or by any persons for a continuous period exceeding 28 days in any calendar year.
4. All tree protection measures within the approved Arboricultural Impact Assessment (ref. ZTL_292) and associated Tree Protection Plan, shall be duly considered and implemented before any construction related activity commences on site. Once implemented all such measures shall be maintained throughout development unless agreed in writing with the Local Planning Authority.

Any trees that are damaged or lost during a two year period, starting from the date of commencement, due to a failure of required tree protection measures shall be replaced. The species, size, nursery stock type and location of such replacements to be specified by the local planning authority.

5. No development shall take place, including demolition, groundworks or any necessary vegetation clearance until a method statement for herpetofauna including grass snake and great crested newt has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved method statement which must include (as a minimum):
 - A risk assessment in relation to site activities that may impact grass snake and GCN and the associated legislative breaches that may occur due to works;
 - Details of all reasonable avoidance measures to ensure grass snake and GCN are not adversely affected by works; and
 - Identification sheets for native amphibians and reptiles (to be kept on site).
 - Details of the toolbox talk and signed register for attendees.
6. No development shall take place, including demolition, groundworks or any necessary vegetation clearance until a construction and environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
 - a) A risk assessment of potentially damaging activities and the phases associated with them.
 - b) Identification of biodiversity protection zones.

- c) Practical measures (both physical measures and sensitive working practices such as timing) to avoid or reduce impacts during site clearance and construction.
- d) The location and timing of sensitive works to avoid harm to ecological features.
- e) The times during construction when an ecological clerk of works (ECoW) needs to be present (if appropriate).
- f) Role and responsibilities of the ECoW if appropriate.
- g) Responsible persons and lines of communication.

The approved CEMP scheme shall thereafter be fully implemented throughout all construction work and any physical protective measures kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed from the site.

7. Prior to the commencement of development, excluding demolition or groundworks, full details, shall be submitted to and approved in writing by the Local Planning authority of a species enhancement scheme including the details of integrated bat and bird boxes, as well as other species-specific enhancements such as hedgehog highways, hedgehog shelters, butterfly banks etc. The scheme must include detail of locations, models, number and aspect of species-specific measures including any ongoing maintenance requirements.

The agreed species enhancement scheme will be installed in full prior to the first occupation of the Development and shall thereafter be retained for the life of the development

8. Prior to occupation, a "lighting design strategy for biodiversity" for all external lighting shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for instance for foraging; and
 - b) show how and where external lighting will be installed (through the provision of horizontal and vertical lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- c) No lighting will exceed 2700 Kelvin in colour.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

9. Prior to commencement of development, a combined Landscape and Ecological Management Plan (LEMP) must be submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on the site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options to achieve aims and objectives.
 - e) Detailed management prescriptions and a work schedule with annual plan
 - f) Responsibilities of bodies/organisations for implementation against actions
 - g) Monitoring and remedial measures

The LEMP shall also include details of the management body/bodies responsible for delivery and future maintenance.

The plan shall also set out (where monitoring shows that aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

10. The development hereby permitted shall not be brought into use until the access drive, parking, servicing and turning areas have been provided in accordance with the approved plans.
11. Within three months of commencement of the development hereby approved details of all boundary treatment around and within the site shall be submitted to the Local Planning Authority for approval. The approved boundary treatment shall be built/erected within 3 months of the date of the approved details and shall thereafter be retained in the approved form and position throughout the life of the development.
12. Within 3 months of any development commencing on the site a landscape scheme (species and mix) shall be submitted to the Local Planning Authority for approval. The approved scheme shall be implemented within 3 months of the approval of these details and completed within 12 post approval of these agreed details. The Local Planning Authority shall be notified when the scheme has been completed. Any failures shall be replaced within the next available planting season and the scheme shall be maintained to the satisfaction of the Local Planning Authority. The planting shall be retained and maintained for a minimum period of 10 years by the property owner from the notified completion date of the scheme. Any plant failures that occur during the first 5 years of the notified completion date of the scheme shall be replaced with the same species within the next available planting season (after failure).
13. Within 3 months of the development commencing design details of the proposed bike racks, as shown on proposed site plan 210534-01-02, shall be submitted to and approved in writing by the Local Planning Authority. The agreed bike rack details shall be implemented in full prior to first use of the glamping pods and maintained for the lifetime of the development.
14. The proposed electric charging point shall be installed and fully operational prior to first use of the glamping pods hereby approved and shall be maintained for the lifetime of the development in full operational order. Use of the electric vehicle charging point shall be available to visitors/users of the glamping pods hereby approved for the lifetime of the development.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development
4. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
5. To prevent harm to protected species in accordance with Policy EQ1 of the adopted Core Strategy.

6. To prevent harm to habitats of conservation value in accordance with Policy EQ1 of the adopted Core Strategy.
7. To deliver biodiversity enhancements as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
8. To prevent harm to protected species in accordance with Policy EQ1 of the adopted Core Strategy.
9. To deliver biodiversity enhancements and achieve a net gain for biodiversity as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
10. In the interest of highway safety.
11. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
12. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
13. To ensure the development increases the sustainability of the location outside of the development boundary , encourages sustainable methods of transport and makes a sustainable contribution to the local area in accordance with policies CP1 and EV2 of the adopted Core Strategy.
14. To ensure the development increases the sustainability of the location outside of the development boundary , encourages sustainable methods of transport and makes a sustainable contribution to the local area in accordance with policies CP1 and EV2 of the adopted Core Strategy.

Informative Notes:

1. Ecology

The applicant is reminded that under the Wildlife and Countryside Act 1981, as amended (1)(Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown that nesting birds are not present.

Please note that planning permission does not override or preclude the requirement to comply with protected species legislation. Should protected species be found (or be suspected to be present) at any time during site clearance or construction, works must cease immediately and Natural England and/or a suitably qualified professional ecologist must be contacted for advice.

2. County Council Footpath Officer

Public Footpath No.18 Enville Parish runs along the access track to the application site (occupying the full width of the track between boundaries), and north of the farm.

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).

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.

Any works that affect the surface of the footpath require discussions with the County Council Rights of Way Team.

Where private rights exist that allow the use of vehicles along a footpath, drivers of vehicles must give way to pedestrians. This needs to be reflected in signage on the site.

In the absence of private rights, driving a vehicle on a public right of way is a criminal offence.

It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development.

3. Development Low Risk Area Standing Advice - The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2021.

Plans on which this Assessment is based

Plan Type	Reference	Version	Received
Proposed Plans and Elevations	210534 -01-05	A	18 November 2022
Proposed Plans and Elevations	210534 -01-06	A	18 November 2022
Other Plans	210534 -01-04	A	2 August 2023
Proposed Block Plan	210534 -01-02		10 August 2023
Other Plans	210534 -01-07		15 August 2023
Other Plans	210534-01-08		15 August 2023



Crump Hillocks Farm Bradbury Lane Enville Staffordshire DY7 5JG