

**TO:- Planning Committee**

Councillor Mark Evans , Councillor Bob Cope , Councillor Helen Adams , Councillor Jeff Ashley , Councillor Barry Bond MBE , Councillor Gary Burnett , Councillor Val Chapman , Councillor Philip Davis , Councillor Robert Duncan , Councillor Sam Harper-Wallis , Councillor Rita Heseltine , Councillor Diane Holmes , Councillor Victor Kelly , Councillor Kath Perry MBE , Councillor Robert Reade , Councillor Gregory Spruce , Councillor Christopher Steel , Councillor Wendy Sutton

Notice is hereby given that a meeting of the Planning Committee will be held as detailed below for the purpose of transacting the business set out below.

Date: Tuesday, 27 February 2024

Time: 18:30

Venue: Council Chamber Community Hub, Wolverhampton Road, Codsall, South Staffordshire, WV8 1PX



D. Heywood  
Chief Executive

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**AGENDA****Part I – Public Session**

- |          |   |                 |
|----------|---|-----------------|
| <b>1</b> | Minutes<br>To approve the minutes of the Planning Committee meeting held on 30 January 2024 | <b>1 - 2</b>    |
| <b>2</b> | Apologies<br>To receive any apologies for non-attendance.                                   |                 |
| <b>3</b> | Declarations of Interest<br>To receive any declarations of interest.                        |                 |
| <b>4</b> | Determination of Planning Applications<br>Report of Development Management Team Manager     | <b>3 - 86</b>   |
| <b>5</b> | Monthly Update Report<br>Report of Lead Planning Manager                                    | <b>87 - 104</b> |

### **RECORDING**

Please note that this meeting will be recorded.

Any person wishing to speak must confirm their intention to speak in writing to Development Management by 5pm on the Thursday before Planning Committee

- E-mail: [SpeakingatPlanningCommittee@sstaffs.gov.uk](mailto:SpeakingatPlanningCommittee@sstaffs.gov.uk)
- Telephone: (01902 696000)
- Write to: Development Management Team  
South Staffordshire Council  
Wolverhampton Road  
Codsall  
WV8 1PX

### **PUBLIC ACCESS TO AGENDA AND REPORTS**

Spare paper copies of committee agenda and reports are no longer available. Therefore should any member of the public wish to view the agenda or report(s) for this meeting, please go to [www.sstaffs.gov.uk/council-democracy](http://www.sstaffs.gov.uk/council-democracy).

Minutes of the meeting of the **Planning Committee** South Staffordshire Council held in the Council Chamber Community Hub, Wolverhampton Road, Codsall, South Staffordshire, WV8 1PX on Tuesday, 30 January 2024 at 18:30

**Present:-**

Councillor Helen Adams, Councillor Jeff Ashley, Councillor Gary Burnett, Councillor Bob Cope, Councillor Philip Davis, Councillor Robert Duncan, Councillor Mark Evans, Councillor Rita Heseltine, Councillor Diane Holmes, Councillor Kath Perry, Councillor Robert Reade, Councillor Gregory Spruce, Councillor Christopher Steel, Councillor Wendy Sutton

26      **MINUTES**

**RESOLVED:** that the minutes of the meeting of the Planning Committee held on 23 November 2023 be approved and signed by the Chairman.

27      **APOLOGIES**

Apologies were received from Councillor Bond and Councillor Chapman.

28      **DECLARATIONS OF INTEREST**

Councillor Adams declared that although her husband Councillor Adams was speaking against application 23/00009/23, she would listen to the debate and reach her own conclusion.

29      **DETERMINATION OF PLANNING APPLICATIONS**

The Committee received the report of the Development Management Manager, together with information and details received after the agenda was prepared.

**23/00009/FUL – LAND AROUND PRESTON HILL FARM, PRESTON VALE, PENKRIDGE, ST19 5RA - APPLICANT – AURA POWER DEVELOPMENT LTD - PARISH – PENKRIDGE**

Katie McCreath KMC Legal spoke against the application.

Councillor A Adams, Ward Member spoke against the application

Peter Thomas, Aura Power (agent) spoke for the application.

The Local Residents Group requested a named vote.

Councillor Harper-Wallis welcomed the biodiversity gains associated with this application.

Councillors Reade believed the case for farm diversification to ensure a sustainable future for the farming family should be supported.

**RESOLVED:** That the application be **APPROVED** subject to the conditions set out in the Planning Officers report.

For approval: Councillors Evans, Ashley, Burnett, Reade, Davies, Heseltine, Steele and Spruce.

For refusal: Councillors Perry, Adams, Holmes, Sutton and Duncan.

Abstention: Councillor Cope

Councillors Harper-Wallis and Kelly arrived late to the meeting and were unable to vote.

**23/00978/FUL – LITTLE ROUND HILL, TINKERS CASTLE ROAD, SEISDON, WOLVERHAMPTON, WV5 7HF - APPLICANT – MR JASON MILNER - PARISH – TRYSELL AND SEISDON**

Councillor Reade, local member, supported the application.

**RESOLVED:** That the application be **APPROVED** subject to the conditions set out in the Planning Officers report.

**23/18001/TPO - NEW TREE PRESERVATION ORDER – PARISH – WOMBOURNE SOUTH**

**RESOLVED:** That the Planning Committee support the confirmation of Tree Preservation Order 23/18001/TPO with the modifications set out in the Planning Officers report.

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**MONTHLY UPDATE REPORT**

The Committee received the report of the Lead Planning Manager informing the committee on key matters including training; changes that impact on National Policy; any recent appeal decisions; relevant planning enforcement cases (quarterly); and latest data produced by the Ministry of Housing Communities and Local Government.

**RESOLVED:** That the Committee note the update report.

The Meeting ended at: 20:10

**CHAIRMAN**

**SOUTH STAFFORDSHIRE COUNCIL****PLANNING COMMITTEE – 27 FEBRUARY 2024****DETERMINATION OF PLANNING APPLICATIONS****REPORT OF DEVELOPMENT MANAGEMENT TEAM MANAGER****PART A – SUMMARY REPORT****1. SUMMARY OF PROPOSALS**

To determine the planning applications as set out in the attached Appendix.

**2. RECOMMENDATIONS**

**2.1** That the planning applications be determined.

**3. SUMMARY IMPACT ASSESSMENT**

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	The reasons for the recommendation for each application addresses issued pertaining to the Council's Plan.
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	Determination of individual planning applications so not applicable- see below for equalities comment.
SCRUTINY POWERS APPLICABLE	No	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	N/A	
FINANCIAL IMPACT	No	Unless otherwise stated in the Appendix, there are no direct financial implications arising from this report.
LEGAL ISSUES	Yes	Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 Planning (Consequential Provisions) Act 1990 Planning (Hazardous Substances) Act 1990 Planning and Compensation Act 1991 Planning and Compulsory Purchase Act 2004

OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	Equality and HRA impacts set out below.
IMPACT ON SPECIFIC WARDS	Yes	As set out in Appendix

## **PART B – ADDITIONAL INFORMATION**

### **4. INFORMATION**

All relevant information is contained within the Appendix.

#### **Advice to Applicants and the Public**

The recommendations and reports of the Development Management Team Manager contained in this schedule may, on occasions, be changed or updated as a result of any additional information received by the Local Planning Authority between the time of its preparation and the appropriate meeting of the Authority.

Where updates have been received before the Planning Committee's meeting, a written summary of these is published generally by 5pm on the day before the Committee Meeting. Please note that verbal updates may still be made at the meeting itself.

With regard to the individual application reports set out in the Appendix then unless otherwise specifically stated in the individual report the following general statements will apply.

Unless otherwise stated any dimensions quoted in the reports on applications are scaled from the submitted plans or Ordnance Survey maps.

#### **Equality Act Duty**

Unless otherwise stated all matters reported are not considered to have any adverse impact on equalities and the public sector equality duty under section 149 of the Equality Act 2010 has been considered. Any impact for an individual application will be addressed as part of the individual officer report on that application.

#### **Human Rights Implications**

If an objection has been received to the application then the proposals set out in this report are considered to be compatible with the Human Rights Act 1998.

The recommendation to approve the application aims to secure the proper planning of the area in the public interest. The potential interference with rights under Article 8 and Article 1 of the First Protocol has been considered and the recommendation is considered to strike an appropriate balance between the interests of the applicant and those of the occupants of neighbouring property and is therefore proportionate. The issues arising have been considered in detail

in the report and it is considered that, on balance, the proposals comply with Core Strategy and are appropriate.

If the application is recommended for refusal then the proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The recommendation to refuse accords with the policies of the Core Strategy and the applicant has the right of appeal against this decision.

### **Consultations Undertaken**

The results of consultations with interested parties, organisations, neighbours and Councillors are reported in each report in the Appendix.

### **CONSULTEES**

CH – County Highways  
CLBO – Conservation Officer  
CPO – County Planning Officer  
CPRE – Campaign to Protect Rural England  
CPSO – County Property Services Officer  
CA – County Archaeologist  
CS – Civic Society  
EA – Environment Agency  
EHGS – Environmental Health Officer  
ENGS – Engineer  
FC – The Forestry Commission  
HA – Highways Agency  
LPM – Landscape Planning Manager  
HENGs – Engineer  
NE – Natural England  
PC – Parish Council  
OSS – Open Space Society  
STW – Severn Trent Water  
SWT – Staffordshire Wildlife Trust

### **5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

N/A

### **6. PREVIOUS MINUTES**

Details if issue has been previously considered

### **7. BACKGROUND PAPERS**

Background papers used in compiling the schedule of applications consist of:-

- (i) The individual planning application (which may include supplementary information supplied by or on behalf of the applicant) and representations received from persons or bodies consulted upon the application by the Local Planning Authority, and from members of the public and interested bodies, by the time of preparation of the schedule.
- (ii) The Town and Country Planning Act, 1990, as amended and related Acts, Orders and Regulations, the National Planning Policy Framework (NPPF), the Planning Practice Guidance Notes, any Circulars, Ministerial Statements and Policy Guidance published by or on behalf of the Secretary of State for the Department for Communities and Local Government.
- (iii) The Core Strategy for South Staffordshire adopted in December 2012 and Supplementary Planning Documents
- (iv) Relevant decisions of the Secretary of State in relation to planning appeals and relevant decisions of the courts.

These documents are available for inspection by Members or any member of the public and will remain available for a period of up to 4 years from the date of the meeting, during the normal office hours. Requests to see them should be made to our Customer Services Officers on 01902 696000 and arrangements will be made to comply with the request as soon as practicable. The Core Strategy and the individual planning applications can be viewed on our web site [www.sstaffs.gov.uk](http://www.sstaffs.gov.uk)

Report prepared by: Helen Benbow - Development Management Team Manager



<b>App no</b>	<b>Applicant/Address</b>	<b>Parish and Ward Councillors</b>	<b>Recommendation</b>	<b>Page</b>
22/00083/FUL MAJOR	Harlaston (Packington) Ltd  Patshull Park Hotel Golf And Country Club Patshull Park Burnhill Green WV6 7HR	PATTINGHAM, TRYSUL, BOBBINGTON AND LOWER PENN  Councillor V Wilson Councillor R Reade	REFUSE	<b>9 - 49</b>
23/00240/FUL NON MAJOR	Mr Nick Brassington  Oak Lane Farm Oak Lane Calf Heath Staffordshire WV10 7DR	HATHERTON  Councillor D Williams Councillor J Ashley	Approve – Subject to conditions	<b>51 - 67</b>
23/00887/FUL NON MAJOR	Mr M Warner  Spring Paddock Common Lane Bednall STAFFORD ST17 0SF	ACTON TRUSSELL, BEDNALL & TEDDESLEY HAY  Councillor A Adams Councillor S Harper- Wallis	Approve – Subject to conditions	<b>69 - 78</b>
23/01060/FUL NON MAJOR	OCL Kingswinford Ltd  Outdoor Creations Limited Hinksford Garden Centre Hinksford Lane Swindon KINGSWINFORD DY6 0BH	SWINDON  Councillor R Lees	Approve – Subject to conditions	<b>79 - 86</b>



**22/00083/FUL  
MAJOR**

**Harlaston (Packington) Ltd**

**PATTINGHAM, TRYSUL, BOBBINGTON  
AND LOWER PENN**

Councillor Victoria Wilson  
Councillor Robert Reade

**Patshull Park Hotel Golf And Country Club, Patshull Park Burnhill Green WV6 7HR**

**A development of similar nature to this now before Planning Committee for determination was presented to members on the 25<sup>th</sup> April 2023. At this committee officers recommended refusal for:**

- Demolition of the modern hotel extensions and removal of hard standing car parking, retention and resetting of the Grade II\* listed Temple and siting of 62 lodges, construction of Central Facilities Building (CFB) and associated access, parking and servicing

**The reasons for refusal presented to members were:**

1. The site is within the Green Belt and the proposed development is considered to be inappropriate development as set out in policy GB1 of the adopted Core Strategy. The development is therefore harmful to the Green Belt, contrary to policy GB1 of the adopted Core Strategy
2. The Local Planning Authority has considered the reasons advanced but does not consider that these reasons constitute the very special circumstances required to clearly outweigh the harm to the Green Belt by reason of inappropriateness.
3. The proposal would cause harm to a number of designated Heritage Assets including the character of the Grade II listed Park and Garden as well as the setting of the Grade I listed Hall, Grade II\* listed Temple and Grade II boathouse. Any public benefit is would not outweigh the harm contrary to Local Plan policy EQ3 and Part 16 of the NPPF. Insufficient evidence has been presented that demonstrates the proposed used is the optimum viable use and that the development is necessary to secure the economic viability of the site.
4. The Veteran trees on site, of which there are a significant number will need to effectively be isolated from casual access by residents. Retaining Veteran trees in high usage areas carries an inherent risk that needs to be managed. Simply providing extra space around them is not sufficient and it is unclear as to whether this has been given ample consideration; even if adequate provisions were made however, there is then the question of whether this in turn would have further impact on the character of the Brownian landscape. Such a high intensity development of the site would only lead to the long term degradation of a high value tree stock contrary to local plan policy EQ4 and Part 15 of the NPPF.
5. In sufficient detail has been submitted to demonstrate suitable mitigation measures for Great Crested Newts will be carried out under a European Protected Species Licence (EPSL). The applicant has not provided a suitable mitigation method statement for the site, which must prove to the Council that the applicant is likely to be granted an EPSL

Members at the planning committee having considered all the matters raised were minded to overturn the officer recommendation to refuse and progress with approval, but this was subject to a legal agreement to secure definitive rights of way across the site from the village of Pattingham. Work was also required to secure a license for Great Crested Newts.

Following this minded to grant resolution officers from the District Council and County Council walked the site to establish the most effective and usable public rights of way to be secured through the Highways Act. During this exercise it was established that there was already in place a permissive path “The Millenium Path” from the village to the site. This information was not known at the time by officers or relayed to members of the planning committee at the time who voted on the recommendation. Significant weight was given to the creation of a path in the planning balance.

Further to the planning committee meeting and upon engaging in discussions with the applicant/agent regarding proposed planning conditions, it became clear that significant variations with regards to the design, finish and scale of the lodges proposed existed between the Council and the proposed future occupier of the site. Members were advised that the lodges were of temporary construction, meeting the terms of the Caravan Act. This was not the proposed lodge design or parameters required by the end user of the site.

Since the planning committee in April 2023 a screening opinion has also been undertaken with regards to an Environmental Impact Assessment. Following assessment an EIA was not required.

Finally, a holding objection from the Highways Authority (Shropshire Highways Authority) has been addressed.

It was therefore deemed appropriate to carry out a further round of consultation. The outcomes of this consultation are set out in the Report and should be taken into account along with the original consultation responses.

Given the number of new factors that have arisen through the further information provided since the last planning committee the decision was made by officers, to debate the full merits of the proposals at a further planning committee prior to a decision being issued.

This report is presented to members to consider the merits of the development in full based in the latest set of plans. No decision was issued following the planning committee in April 2023 and as such this proposal needs to be considered on its own merits.

**Proposed development:**

**Demolition of the modern hotel extensions and removal of hard standing car parking, retention and resetting of the Grade II\* listed Temple and siting of 59 permanent holiday lodges (6No 1 bedroom, 27No 2 bedroom, 20No 3 bedroom, 4No 4 bedroom, 2No 4 bedroom with associated tree house which each include a further ensuite bedroom) and 3No staff lodges each with 3 bedrooms. Construction of a Central Facilities Building (CFB) used as reception, café, shop and toilet for guests with an office and meeting room for the site team. Use of the existing maintenance building and associated access, parking areas and servicing.**

Pre-commencement conditions required:	Pre-commencement conditions Agreed	Agreed Extension of Time until
n/a	n/a	01 March 2024

**Date of site visit – 7<sup>th</sup> September 2022**

**1. SITE DESCRIPTION AND APPLICATION DETAILS**

## 1.1 Site Description

1.1.1 Patshull Park lies in an isolated rural area to the south of the A464 and the A41, and the nearest settlement is Patteringham to the east. The site encompasses a redundant hotel and golf leisure complex that forms a smaller section of the land around Patshull Hall, a Grade I listed Georgian mansion. The land around the hall was formed into formal gardens and pleasure grounds in the late 17C and was altered in each century since, including by Capability Brown, extending to around 83 hectares. This area of land is a designated Historic Landscape Area and is a registered Grade II Historic Park and Garden (RPG) by English Heritage for its special historic interest.

1.1.2 The RPG is made up of a number of large lakes and pools, a number of historically important and designated listed buildings as well as veteran and younger trees, some of which are self-seeded and some which were planted for the golf course landscaping and some for the Brownian landscape. The western branch of the Hall's Y shaped Great Pool had a Doric temple (Grade II\*) built on the bank of the southern tip in the mid-18th Century. Brick wings were added to this around 1840 and in 1980 it was incorporated as part of the hotel's main entrance. The hotel and golf club closed in July 2020. The hotel building consists of 49 en-suite bedrooms, swimming pool, gym, beauty salon, conference facilities for 250, a restaurant, a bar, lounge and seminar rooms. The hotel also has a wedding licence and there are around 200 parking spaces.

1.1.3 The application site measures approximately 20ha in area and is a smaller part of the overall RPG which is generally being split into 'north and south', with the two divided by part of the Great Pool with a wooden bridge connecting them. The hotel and car parking lies in the southern half of the site with the access track leading from Patshull Road in the very southern corner with access being made over the pool on an ornamental bridge. A small building that is utilised by an on-site fishing business is found not far from the site entrance. The access track splits after the fishery building and car park, with an arm extending North up to St Mary's Church and a further leading east to the hotel.

## 1.2 SITE HISTORY

### Planning Applications

00/01130/FUL Greenkeepers facilities **Approve Subject to Conditions** 20th December 2000  
01/01034/LBC Relocation of Grade 2 listed wall, gate piers and gates to boundary of Patshull Hall and Hack Cottage **Approve Subject to Conditions** 20th December 2001  
01/01237/FUL Extension to gymnasium at first floor level over balcony and alterations **Approve Subject to Conditions** 9th January 2002  
01/01238/LBC Extension to gymnasium at first floor level over balcony and alterations **Approve Subject to Conditions** 9th January 2002  
01/01263/FUL Use of existing escape staircase to create 2 meeting rooms and new external escape staircase **Approve** 9th January 2002  
01/01264/LBC Change of use of escape staircase to create 2 meeting rooms with new external escape staircase **Approve** 9th January 2002  
76/00981 Amenity Centre **Approve Subject to Conditions** 19th January 1978  
76/00982 Recreational  
77/00047 Recreational **Approve Subject to Conditions** 19th January 1978  
96/00951 Irrigation Lagoon And Realignment Of Track **Approve Subject to Conditions** 18th February 1997  
87/01149 Conversion Of Courtyard To Functions Room Office And Store **Approve Subject to Conditions** 7th April 1988

87/00673 Erection Of Bedroom Block **Approve Subject to Conditions** 14th November 1987  
85/01055/FUL Extensions To Hotel To Provide Bedroom And Recreational Facilities **Approve Subject to Conditions** 16th June 1986  
96/00021/LBC Removal Of Glazed Screen And Erection Of Wall To Form Meeting Room **Approve Subject to Conditions** 10th September 1996  
78/01408 Golf Course Storm Shelter And Associated Toilets For Occasional Use **Approve Subject to Conditions** 6th December 1978  
76/00981/COU Change Of Use for recreational/sporting activities **Approve Subject to Conditions** 19th January 1978  
81/00535 Erection Of Buildings In Connection With The Use Of The Land As A Recreational Centre **Withdrawn** 28th January 1981  
97/00273 Sewage Treatment Plant **Approve Subject to Conditions** 10th June 1997  
97/00987 Pump House For Irrigation Lagoon For Golf Course **Approve Subject to Conditions** 6th January 1998  
76/00982 The Erection Of Buildings In Connection With The Use Of Land As Part Of An Amenity Centre For Recreational And Sporting Activities 19th January 1977  
77/00047 Erection of buildings in connection with new use of land as recreational/sporting centre 12th October 1977  
88/00885 Extension To Form 4 Additional Bedrooms **Withdrawn** 11th April 1989  
89/00566 4 Bedroom Extension 14th November 1987  
90/00342 Erection Of Golf Clubhouse Ancillary Buildings And Car Parking **Approve Subject to Conditions** 24th April 1990  
04/00183/FUL Retention of 4 shallow fairway bunkers on current holes of golf course **Approve** 26th May 2004  
86/00001/LBC Extensions To Hotel To Provide Bedroom And Recreational Facilities **Approve Subject to Conditions** 16th June 1986  
87/00032/LBC Erection Of Bedroom Block  
87/00045/LBC Conversion Of Courtyard To Functions Room Office And Store  
88/00033/LBC Extension to form 4 additional bedrooms **Approve Subject to Conditions**  
89/00021/LBC 4 bedroom extension **Approve Subject to Conditions**  
83/00044/ADV Advance Sign **Withdrawn** 15th November 2018  
11/00319/FUL Extension to provide 18 new, en-suite guest bedrooms [revival of 673/87] **Refuse** 13th June 2011  
11/01018/FUL 16-bedroom extension [revival of 673/87] [resubmission of 11/00319/FUL] **Approve Subject to Conditions** 2nd February 2012  
12/00064/LBC 16-bedroom extension to existing hotel complex **Approve Subject to Conditions** 12th March 2012  
12/00064/COND Discharge of condition nos: 3 (12/00064/LBC) **Approved by Letter** 5th December 2014  
11/01018/COND Discharge of conditions nos 3 (11/01018/FUL) **Approved by Letter** 19th November 2014  
22/00084/LBC Removal of modern hotel to provide for the retention and resetting of the Grade II\* listed Temple, pending consideration.

### 1.3 Pre-apps

21/00024/PREAPP Siting of 133 holiday lodges and the demolition and re-development of Patshull Park Hotel, including a new facilities and spa building and the restoration of the temple and re-instatement of the historical park and grounds – unacceptable 23rd March 2021

## **2. APPLICATION DETAILS**

## 2.1 The Proposal

2.1.1 The scheme as amended will see the erection of fifty nine self catering holiday lodge buildings and three staff static caravans predominately spread across the northern section of the south half of the existing golf course, beyond the site of the existing hotel, terminating at the southerly side of the Great Pool. The scheme would be for 100% holiday rental. The lodge buildings will be flat packed and assembled on site and will sit on a steel frame which in turn sits on a concrete piled foundation. The lodge buildings are of modern design with perpendicular pitched roofs and are timber clad on the external elevations. Each plot would have a fairly large decking like structure attached to the principal elevation that would allow for access and outdoor socialising/seating which would also be home to a hot tub. The design of the four bed lodge buildings includes a first-floor extension that exceeds 6.8m in height and the tree houses being some 6.2m in height. Generally, the holiday lodge buildings have a total right height of around 5.5m.

The holiday lodge mix is as follows:

6 x 1 bed cabin = **66 sqm**  
26 x 2 bed cabin 84 sqm = **2184 sqm**  
1 x 2 bed wheelchair 93 sqm = **93sqm**  
20 x 3 bed cabin 100 sqm = **2000sqm**  
2 x 4 bed cabin with tree house (104 + 43 + 26 = 173 sqm) = **346sqm**  
4 x 4 bed cabin 147 sqm = **588sqm**

2.1.2 The existing hotel building would be demolished, and the listed Temple structure would be retained.

2.1.3 The proposed Central Facilities Building (CFB) would be erected not far from the site entrance. The design of this building is modern with contrasting roof pitches and timber cladding. The building would measure 7 metres in height to main ridge and 3.8m to eaves. It would house the reception, a small café, staff facilities and a meeting room totalling around 278 sqm.

2.1.4 Towards the north west corner of the site, an existing machinery store used in association with the golf course would be converted and used for housekeeping and general maintenance. Three static caravans are also proposed for the use by staff located to the south of the general maintenance building. Each static caravan would measure around 12m by 5.8m totalling 70 sqm floor area.

2.1.5 The application proposes an ongoing maintenance scheme for the grounds and a footpath linking the far northern site to the village of Pattingham that both the users of the site can use, as well as members of the public.

## 2.2 Applicants Submission

2.2.1 The following documents have been submitted:

- Planning Statement
- Design and Access statement
- Heritage Statement
- Historic Building Assessment – The Temple
- Historic Environment Desk Based Assessment
- Conservation and Heritage Management Plan (draft)
- Landscape and Visual Appraisal and Green Belt Assessment

- Noise Assessment
- Flood Risk Assessment and Drainage
- Site Waste Management Plan
- Market Review of Accommodation Options
- Preliminary Ecological Appraisal Report
- Ecological Impact Assessment
- Biodiversity Metrics
- GCN Method Statement
- Business Case and Economic Assessment
- Viability Letter
- Demand and Economic Impact Analysis
- Example Construction Management Plan
- Example Operational Management Plan
- Patshull Park Hotel & Country Club
- Transport Statement and Travel Plan
- Arboricultural Impact Assessment and Method Statement
- Tree Removal Plan
- Tree Protection Plan

Various Updated and addendums to existing reports to address amendments to the scheme and consultee comments

### **3. POLICY**

Within the West Midlands Green Belt, Registered Park and Garden and various listed properties (Designated Heritage Assets) multiple protected trees.

#### **3.1 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 EQ1: Protecting, Enhancing and Expanding Natural Assets

Policy EQ3: Conservation, Preservation and Protection of Heritage Assets

Policy EQ4: Protecting, Expanding and Enhancing Natural Assets

Policy EQ5: Sustainable Resources and Energy Efficiency

Policy EQ7: Water Quality

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 7: Employment and Economic Development

Policy EV1: Retention of existing employment sites

Policy EV2: Sustainable tourism

Core Policy 9: Rural Diversification

Policy EV6: Re-use of Redundant Rural Buildings

Core Policy 11: Sustainable Transport

Policy EV11: Sustainable Travel

Policy EV12: Parking Provision

Core Policy 13: Community Safety

Policy CS1: Designing Out Crime

Core Policy 14: Open Space, Sport and Recreation

Policy HWB2: Green Infrastructure



Statutory duty set out in Planning (Listed Buildings and Conservation Areas) Act 1990 that requires that special regard be given to the desirability of preserving listed buildings and their settings.

**3.2 National Planning Policy Framework [NPPF Dec 2023]** – to be read as a whole, but specifically:

Achieving sustainable development

Requiring good design

Protecting Green Belt land

Meeting the challenge of climate change, flooding and coastal change

Conserving and enhancing the natural environment

Conserving and protecting the Historic environment

Decision taking pre-application engagement and front loading

**3.3 Constraints**

Newt - Impact Risk Zone Amber Name: AMBER ZONE:

Newt - Impact Risk Zone Green Name: GREEN ZONE:

Newt - Impact Risk Zone White Name: Impact Risk Zone White:

Listed Building Listed Building Ref: 11/154B

Grade: Grade II Listed Building

Group Details: NGV

Date of Listing: 28/03/1985 00:00:00

Listed Building Listed Building Ref: 11/160

Grade: Grade II\*

**4. CONSULTATION RESPONSES**

All consultation periods have expired unless noted otherwise.

**All comments detailed below relate the recent amendments ONLY unless otherwise specifically referred to in consultee responses.**

Site Notice Expires	Press Notice Expires
4 <sup>th</sup> December 2023	5 April 2022

**Pattingham Parish Council**

**Received 1<sup>st</sup> February 2024**

*in light of receiving new information from the applicant:-*

*Original Motion to be withdrawn:-*

- *It was agreed to refuse the changed application on the grounds that:-*
- *Where the original plan was to use half of the golf course, they now want to reduce the area with the same no of lodges.*
- *The original lodges were traditional small log cabins that could be moved, and they are now proposing 6.6m tall 2 storey cabins that are fixed.*
- *All the facilities that were in the previous approved application for local people to use gym / restaurant has been taken out of this new application, and this needs to be in the application so there is a benefit to the residents of the area.*
- *All the Veteran trees need to be protected on the site.*

*It was noted that the applicant has permission for 62 lodges, with leisure facilities and they are now asking for a change to the permission. The Parish Council were asked by SCC / Applicant for comments on the proposed footpath / bridle path changes, which we made comments to change the route, as the*

*one proposed was a path to know where, the comments have not been taken into account which were to make the path to walk easier to the site for future staff and residents from the area of Pattingham and Patshull.*

#### *New recommendation*

*Following the presentation from Mr Mercer to address the parish council and explained how and why the development has changed since the initial parish meeting.*

*Mr Mercer has volunteered to increase the footpaths and redirect a proposed bridle path that the council thought was a health and safety issue for the parishioners. The parish council expressed concern that they were not consulted by the footpath officer but if the changes are included they would drop their objections.*

*As a parish council subject to the footpath changes above now support the proposal.*

#### **Local Plans Team**

**Received 21/12/2023**

#### *Emerging Local Plan update*

*In January this year, work on the review of our new Local Plan was paused awaiting clarity from the government on proposed changes to national planning policy. However, the Council has now announced that it is resumed work on the plan and is anticipating undertaking a new public consultation in Spring 2024.*

#### *Principle of Development*

##### *2012 Core Strategy*

##### *Core Policy 1 - The Spatial Strategy for South Staffordshire*

*The proposed development is outside of any settlement and development boundary. For development outside of service villages, the relevant section of the policy states:*

*'The rural regeneration of South Staffordshire will be delivered through the implementation of the following Spatial Strategy. The principal aim will be to meet local needs, whilst recognising the constraints that impact upon the District, and support and improve infrastructure and service delivery in the District.*

*Throughout the District, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy set out below and the Council will work with partners to deliver the infrastructure, facilities and services required to support this growth. An integral part of the Strategy will be to protect, maintain and enhance the natural and historic environment and the local distinctiveness of the District and retain and reinforce the current settlement pattern'*

*For outside of service villages:*

*'Outside the service villages, the objective of the Spatial Strategy is to protect the attractive rural character of the countryside where new development will be restricted to particular types of development to meet affordable housing needs, support tourism, provide for sport and recreation and support the local rural economy and rural diversification.'*

*The policy goes on to state that for development within the Green Belt and Open Countryside:*

*'The South Staffordshire portion of the West Midlands Green Belt as defined on the Policies Map, will be protected from inappropriate development and proposals will be considered in the light of other local planning policies and the policy restrictions relating to Green Belt in the NPPF, however the Council will consider favourably sustainable development which accords with this Spatial Strategy.'*

*Proposals to support tourism are listed as a potential type of development which may be acceptable outside of service villages. However, proposals would also need to comply with the aim of the overall strategy aims including the protection of the attractive rural character of the countryside. The site is also within the Green Belt and would need to comply with the relevant Green Belt policies as discussed below and other development plan policies.*

*The site is remote from services and facilities with the nearest settlement being Pattingham which is a Local Service Village over 1.5 miles away. This Journey would be along Patshull Road which is unpaved and without street lighting and would not be an attractive walking / cycling route to most users. Public transport options to the site are extremely limited with the nearest bus stop being 2.7km away and railway station 12km. Future visitors would be mostly reliant on private motor vehicle to travel and from the site and during their stay.*

*The application is supported by a travel plan and D&A Statement which set out measures which could be implemented to reduce private car journeys in favour of more sustainable transport methods. The applicant also makes the case that the proposed use would generate less trips than of the previous use of the site as a hotel and golf course.*

*Green Belt - Policy GB1: Development in the Green Belt and National Green Belt Policy*

*The site is within the West Midlands Green Belt. The proposals do not fall within the list of 'exceptions' within Policy GB1 or national policy and would constitute inappropriate development in the Green Belt. As stated in paragraph 147 of the NPPF: 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'.*

*It is acknowledged that the proposal would include the demolition of the existing hotel and removal of hardstanding. However, the introduction of the lodges, Central Facilities Building and associated infrastructure will create a dispersal of built form across a much larger area which is currently void of build development. This will have a clear impact upon the openness of the site taken as a whole.*

*The Planning Statement make a case for VSC - this includes:*

- 1. Protection and Enhancement of Heritage*
- 2. Previously Developed Land (PDL) and the Green Belt*
- 3. Sustainable Economic Benefits*
- 4. Public Benefits*
- 5. Visual Containment, Landscape Enhancement and Biodiversity*

*Heritage and landscape impacts*

*The application references heritage benefits of the proposed scheme. With the proposed development enabling the management of the historic parkland and facilitating access to the general public for them to enjoy. The application also states that the development would enable the restoration of heritage assets including the Temple.*

*Although these heritage improvements / benefits are acknowledged, they would be facilitated through the introduction of the lodges and associated infrastructure. This development would therefore significantly change how the historic parkland is appreciated and potentially cause harm to the heritage assets.*

*Advice received from the Council's heritage consultant and Historic England should be considered.*

#### *Tourism*

##### *Policy EV2: Sustainable Tourism*

*The Planning Statement highlights the benefit of tourism and the associated economic benefits of the proposal. The application also advocates that these benefits as contributors towards the VSC case in order to approve development within the Green Belt.*

*The most relevant parts of Policy EV2 state:*

*'The Council will support the growth of tourism in South Staffordshire consistent with the heritage and cultural associations of the District including attractive villages and hamlets, historic houses, parklands and gardens with particular focus given to the promotion of sustainable tourism. In accordance with the Council's Tourism Strategy, the aim will be to raise the profile of South Staffordshire as a visitor destination.'*

*And*

*'Outside development boundaries it will be necessary for a business case to be made, which identifies how the development will support and make a sustainable contribution to the local economy. Priority will be given to reuse and conversion of redundant buildings rather than new build. The provision of tourist accommodation, including the location of static and touring caravans, will only be permitted if 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.*

*Development proposals should be consistent with other local planning policies.'*

*The application is supported by a Business Plan and Draft Operational Management Plan with the applicant stating that Forest Holidays have a legally binding agreement with the landowner.*

*Policy EV2 offers support to tourism within South Staffordshire. However, as set out in the policy, proposals should not have an adverse effect on the character and appearance of the area. Any other harm including that to the Green Belt must also be considered.*

#### *Planning Balance*

*As previously stated, the development would constitute inappropriate development in the Green Belt. As stated in paragraph 147 of the NPPF: 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'.*

*The decision taker will need to form a judgement whether the application has demonstrated the VSC and overall harm to the Green Belt. The introduction of the holiday lodges and associated infrastructure would also have a significant impact upon the parkland settings with significant heritage and landscape impacts.*

*It is acknowledged that there are several benefits associated with the proposal including: increased tourism and associated economic benefits of spend in the local area, economic benefits through employment (both ongoing and during the construction phase), specific heritage benefits and public benefits such as the opening of the parkland to the public and continued management.*

*Overall, the decision maker will need to weight the above matters (including any identified conflict with the Development Plan) and any other relevant factors in the planning balance.*

**Senior Conservation Officer**

**Received 7<sup>th</sup> December 2023**

*Amended plans have been received for the site. Based upon this information, I would make the following additional comments:*

*The large boat house has been removed from the site, which will leave the Temple building isolated in the landscape as it was originally. This change to the scheme is welcomed in heritage terms, however, there are still objections to the other elements of the scheme.*

*Whilst the overall number of structures have been reduced as part of this amendment to the scheme, the structures that are now proposed are far more permanent. Originally the application was for 100 lodges, the proposed 62 cabins will have a greater detrimental impact upon the heritage assets. These lodges are spread across the area and are brought close to the access drive. This visual intrusion into the landscape has a greater impact upon the perception of the open parkland on access through to towards the Hall and Church. Whilst some changes have been undertaken in line with previous discussions, it is a shame that alternative locations for the cabins in less sensitive parts of the land within the ownership of the applicants have not been brought forward.*

*There are also a significant number of trees proposed to be planted across the area to screen the cabins. This in itself is harmful to the original character of the area, which as a man-made landscape is characterised by open areas with groups of (and individual) trees and larger plantations. Whilst the golf course has eroded the character of this part of the park, that is not a justification for further harmful changes.*

*It is noted that there are significant changes to the Great Pool (outside of the red line) which will require significant engineering works. It is not clear what this change is for and why it is proposed. The Great Pool is a man-made feature and is associated with the works carried out by Capability Brown in the C18. I would have concerns with the proposed changes based upon the information that I have seen in relation to this part of the scheme.*

*Based upon the changes that have been put forward, whilst there are some elements that have been improved, overall the impact of the 62 permanent cabins within the landscape will cause less than substantial harm to the character and appearance of the registered park and the setting of the listed buildings. Therefore, the proposed scheme should not be supported in its current form on heritage grounds.*

**Senior Arboricultural Officer**

**Received 28<sup>th</sup> November 2023**

*Having reviewed the application and supporting information I can confirm that I am not able to support the proposed development and must therefore raise an objection.*

*The Brownian landscape, of which the proposed development site is a part, has a number of defining features amongst which, unsurprisingly, are the many trees present.*

*As would be expected of a high amenity tree stock, all specimens of significance on site are covered by SSDC Tree Preservation Order No. 146/1995.*

*Whilst the proposed layout has been designed so as to minimise the immediate impact of development on the trees, keeping removals to a minimum and providing space around veteran specimens for example, it is the longer-term pressures that are of concern.*

*As well as the risks to the nominal root protection areas from the construction phase itself, including a particularly extensive network of underground utility runs to service the large number of lodges, there will then be the issues arising from usage of the site thereafter.*

*Despite dedicated vehicle access to the lodges being provided, it is inevitable with a development of this nature that vehicles will be operated in areas where they should not be from time to time. This will arise due to the concentrated layout of the lodges and their proximity to retained trees.*

*In addition, the general footfall in the area will increase significantly over that which occurred when the golf course was operating, or that would occur if the site were to revert to open parkland usage.*

*This change and increase in site usage will result in significant ground compaction which will be extremely detrimental to the long-term health of the tree stock. Semi and Early Mature successor trees will see their future growth halted, while the potential damage to the veteran specimens on site will be particularly devastating.*

*The other long-term pressure that would arise from the creation of a holiday park comes from the requirement of such facilities to fulfil their duty of care.*

*With so many lodges, paths, driveways and other facilities in such close proximity to retained trees there will be a requirement to implement a far more intensive safety inspection and maintenance regime. Another inevitability, arising from these inspections, would be the lowering of the bar for what would constitute an undue risk. Subsequently, there would be a corresponding increase in pruning works required, resulting in negative impacts on tree health, amenity value and a general degradation of the asset currently protected by the extant Tree Preservation Order.*

*It is also the case that the Veteran trees on site, of which there are a significant number all requiring special planning consideration, will need to effectively be isolated from casual access by residents. Retaining Veteran trees in high usage areas carries an inherent risk that needs to be managed. Simply providing extra space around them is not sufficient and it is unclear as to whether this has been given ample consideration; even if adequate provisions were made however, there is then the question of whether this in turn would have further impact on the character of the Brownian landscape.*

*In consideration of the above points, it is my opinion that such a high intensity development of the site would only lead to the long term degradation of a high value tree stock.*

*It is in light of this that I raise my objection to the proposal.*

**Senior Ecologist**

**Received 10<sup>th</sup> January 2024**

*I have significant concerns regarding the long-term impacts of the proposed development to veteran trees on site and I concur with the findings of the County Ecologist in her previous comments on this application, as well as those made by the Arboricultural Officer.*

*The increased footfall around the veteran trees will likely lead to increased compaction over time, as well as an increase in requirement to manage/prune trees and remove deadwood which is a key feature of veteran trees, as well as a habitat and food source for saproxylic and saprophytic invertebrates. The submitted documentation provides no permanent protection for veteran trees on site, and I cannot see how this impact is proposed to be mitigated or appropriately managed in the long-term without detriment to veteran trees and the species associated with them.*

*Section 5.4 of the arboricultural impact assessment and method statement states "Occasional removal of dead wood or other remedial works to address significant defects may be required in areas of frequent access. This is unlikely to be overly onerous and will be the responsibility of the tree owner. This will not represent a significant change from the current situation on site." I concur with the Arboricultural Officer's comments that the change in use of the site would almost certainly require an increase in the frequency of health and safety inspections and would likely lead to inappropriate removal of dead wood and other pruning of veteran trees which are key features of veteran trees and species associated with them. There is further concern that the installation of services may occur within the root protection areas of veteran trees, and no certainty has been given that this would not be the case.*

*I have reviewed the great crested newt method statement and am satisfied that it adequately addresses impacts to great crested newts as well as any reptiles that may be present within the working area. I have provided comments on the consideration of the three tests further in this consultation.*

#### *Policy and Legislative context in relation to this application*

*The National Planning Policy Framework (2023) s.180 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.186 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... c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists"*

*South Staffordshire Council adopted 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.*

*South Staffordshire Council adopted Core Strategy policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape states "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."*

*The Conservation of Habitats and Species Regulations 2017 (as amended) 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).*

- *Deliberate capture or killing or injuring of an EPS*
- *Deliberate taking or destroying of EPS eggs*
- *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.*
- *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 and bats are present. Direct impacts to the bat roosts on site will be avoided and no consideration of the Habitat Regulations is necessary in that respect. However, suitable great crested newt will be affected and a licence from Natural England will be required, therefore further consideration of the Conservation of Species & Habitats Regulations is necessary.*

*A High Court judgement ruled that local authorities must consider all applications where European Protected Species are likely to be affected and a European Protected Species license required, by considering the 3 tests applicable to the Habitats Directive. The ruling stated the following:*

*"When dealing with cases where a European Protected Species may be affected, a planning authority... has a statutory duty under Regulation 3(4) to have regard to the requirements of the Habitats Directive in the exercises of its functions. Further the Directive's provisions are clearly relevant in reaching planning decisions, and these should be made in a manner which takes them fully into account ...".*

*The three tests are that:*

- 1. The activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;*

*The first test is usually evidenced with grant of planning permission where imperative reasons of overriding public interest can be demonstrated (proportionate to the impacts of the scheme to protected species), usually through compliance with local planning policies. It is for the applicant to demonstrate the 'need' for the development and this has been set out in the planning and listed building statement.*

- 2. There must be no satisfactory alternative; and*

*The applicant must demonstrate that there is no satisfactory alternative to the proposals that would deliver the same 'need'. It is noted that alternative options are presented on section 3.2 of the planning and listed building statement.*

- 3. The favourable conservation status of the species must be maintained.*

***The mitigation strategy provided by the applicant is sufficient to maintain the favourable conservation status of the population of great crested newts at the site through a dedicated receptor area and long-term management of habitats for newts.***

***It is therefore considered likely based on the information provided that Natural England would be reasonably likely to grant a European Protected Species Mitigation Licence.***



**County Highways**

**Received 4<sup>th</sup> December 2023**

*Recommendation Summary: Acceptance*

*Site Visit Conducted on: 23-Nov-2023*

*Informative for Decision Notice.*

*This Form X is issued on the assumption that the developer enters into a Section 106 Agreement to secure the following:*

*- Travel Plan Framework with Outcomes and Measures and £15,000 towards the travel plan costs.*

*Notes to Planning Officer.*

*i). The above comment relates purely to the effects of the development on roads for which Staffordshire County Council is the Highway Authority. For consideration to be given to the effects of the development at the access and surrounding highway network, it will be necessary for you to consult Shropshire Council.*

*ii). This Form X supersedes previous dated 4th November 2022.*

*iii). This Form X is issued on the assumption that the amount of proposed lodges is reduced from 100 to 62.*

*iv). The increase in the amount payable for the monitoring of the Travel Plan is due to the current rates.*

**Lead Local Flood Authority**

**Received 7<sup>th</sup> February 2024**

*No objection subject to a pre commencement condition requiring that a fully detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. This is to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.*

**County Archaeologist**

**Received 21<sup>st</sup> November 2023**

*Thank you for consulting with Staffordshire County Council's Historic Environment Team with regards to the additional information submitted in support of the above applications. I have reviewed the amended application and do not have anything to add to our previous response on this application (dated 23/06/22) which remains valid. I will defer to the knowledge and experience of Historic England and your Conservation Officer colleague with regards to the potential impact of the proposals on designated heritage assets.*

**Comments from 23<sup>rd</sup> June 2023**

*Amendments have been made to the proposed scheme following previous comments. However, based upon the changes made there are still concerns with the proposed development, which shouldn't be supported in heritage terms.*

*Whilst the scheme will result in the listed Temple building being separated from the current hotel complex, the other changes proposed will cause harm to the setting of the Temple, the Grade II listed boathouse and the parkland surroundings in general.*

*It is acknowledged that the lodges have been moved further from the Temple, however they will be still clearly visible within its context. The benefit of removing the modern structures from the temple is counteracted by the significant harm caused to its wider setting. There are still other large structures being built close to the lake to the south of the temple which will have a detrimental impact upon its setting.*

*There are still significant conservation concerns with regards to the proposed impact of the development in terms of the numerous significant heritage assets. Based upon this I cannot support the application which creates less than substantial harm (be it at the higher end of the spectrum) to significant heritage assets, without providing the heritage related public benefits to outweigh this harm.*

## **Historic England**

### **Received 7<sup>th</sup> December 2023**

*Thank you for your letter of 13 November 2023 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.*

### *Historic England Advice*

*As you are aware, we have previously provided comments on the above application in our letters dated 26 January 2023, 11 March 2022 and 7 June 2022, and with specific reference to Masterplan C in our letter dated 10 November 2022.*

*We note the additional and amended materials submitted including in particular the updates to the Heritage Impact Assessment by SLR. Our position remains as set out in previous correspondence, we consider insufficient weight has been afforded to the holistic and kinetic experience of the designed landscape (how one experiences it as a whole, moving through it, as well as from singular viewpoints). Further to the approach set out in our GPA3 Setting of Heritage Assets impacts need to be considered in respect of the Grade II registered Park both in its own right and as designed setting to the Grade I listed Patshull Hall and the Grade II\* listed Church of St Mary.*

*Having reviewed all the submitted information Historic England continues to be unable to support the proposals on heritage grounds, and would refer you to the detailed advice and recommendations in our previous letters.*

### *Recommendation*

*Historic England has concerns regarding the application on heritage grounds as expressed in our previous correspondence.*

*Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.*

## **Comments from 11<sup>th</sup> March 2022**

### *Summary*

*Historic England considers the current proposals to be over intensive, and would cause harm to the significance of the Grade II Historic Park and Garden and the Grade I Patshull Hall and its setting, the*

*significance of the Grade II\* listed Temple and its setting, and the approach and context of the Grade II\* listed Church of St Mary.*

*We are therefore unable to support the current applications.*

*Further detailed analysis and understanding of the site within the context of the Hall, the historic circulation routes and wider parkland setting would be helpful as part of any future proposals.*

#### *Historic England Advice*

*The Patshull estate of is of some considerable pedigree. Built for the honourable Sir John Astley between 1754 and 1758, the impressive Patshull Hall was designed by one of the preeminent architects of the day James Gibbs, and is set within grounds laid out by the great landscaper Lancelot 'Capability' Brown for Sir George Pigot on his return as Governor of Madras for the East India Company.*

*Reflective of this considerable architectural and historic importance and notable associations, this extremely fine country house is listed Grade I. Only 2.5% of all listed buildings warrant this highest of statutory grades.*

*The surrounding estate boasts all the hallmarks of a Brown landscape with its formal pleasure grounds awash with separately listed garden features and structures, not one but two feature lakes including the expansive Great Pool, and sweeping parkland crisscrossed with riding and carriageway routes, affording set views and vistas to amuse and delight.*

*As such the surrounding landscape not only contributes positively to the significance of the Hall and its setting, it is also designated in its own right as a Grade II Registered Historic Park and Garden.*

*The application site is located to the south of the Hall across the Great Pool, and is flanked to the west by an important access route to both Patshull Hall and the Grade II\* Church of St Mary. Although used more recently as a golf course and hotel complex the application site is still clearly perceived as part of the wider parkland landscape showcasing the prominently positioned Grade II\* Temple folly.*

*The Patshull estate is therefore a complex and sensitive series of nationally important buildings, structures and integrated landscape. As such the proposed creation of 100 holiday lodges, a facilities building, parking, servicing etc requires the utmost deliberation.*

*With this in mind, we would refer you to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework. As you are aware the Act requires that special regard be given to the desirability of preserving listed buildings and their settings.*

*Section 16 of the NPPF further highlights the need to fully understand the significance of a heritage asset in order to assess the impact, and potential harm, of new development. Local authorities are also instructed to identify and assess the particular significance of any heritage assets, including by development in their settings, to avoid or minimise any conflict.*

*Furthermore, there is an expectation within the NPPF that great weight be given to the conservation of a designated heritage asset, and any harm to, or loss of, that significance including from development within its setting, should require clear and convincing justification. Where harm does occur, this must be weighed against the public benefits of the proposals.*

*Section 12 of the NPPF is focused on achieving well-designed places, and states that planning decisions should ensure that development adds to the overall quality of an area; is visually attractive as a result of good architecture, layout and appropriate and effective landscaping; is sympathetic to local character and history including surrounding landscape setting, and establishes or maintains a strong sense of place. Development that is not well designed should be refused.*

*The application site occupies the southern section of the Patshull Hall parkland landscape, and is flanked to the west by an important access route to Patshull Hall, and the Grade II\* Church of St Mary. Within the site is the 18th century, Grade II\* Temple folly, and an early 19th century boathouse which is listed Grade II. We also note from the application that there is evidence of potential remains of a road of at least mid-18th century and a ride of at least early 19th century.*

*Follies, such as the classically inspired 18th century Doric Temple (possibly designed by Gibbs), were key features of such grand designed landscapes. These picturesque, extravagant architectural features were intended to be focal points of interest generating curiosity and delight, to be glimpsed across the lake or come up 'by chance' on walks and rides through the parkland grounds. Often, as is the Temple they are elevated, and were intended to be seen in splendid isolation. From the evidence found of the former circulation routes, and the historic maps, it is clear that the Temple and this part of the parkland, was an important part of the designed landscape.*

*Therefore, whilst we welcome the removal of the late 20th century hotel accretions from the Temple, we do not agree that the proposed swathe of lodges, extensive car parking, access roads and large central facilities building would be 'highly beneficial' as suggested by the Historic Building Assessment.*

*Clearly the hotel complex and golf course has resulted in some change to this area of the park. However, as noted within the Historic Building Assessment much of the character and appearance of the former parkland landscape is retained. The introduction of such extensive development would severely compromise the existing open, green landscape, resulting in a far more intensive, built character. As such this would not only dramatically impact upon the registered park and garden, but would also harm the significance of the associated listed buildings and their setting.*

*We therefore consider that the current proposals would harm the significance of the Patshull Historic Park and Garden and as such the setting of Patshull Hall, the significance of the listed Temple and its setting, and the approach and context of the listed Church of St Mary.*

*No clear and convincing justification has been provided within the application and, in our view, there are limited heritage benefits to offset the harm identified. As required by the NPPF, it is necessary to weigh any harm identified against the public benefits of the proposals. Clearly this is the role of your authority. However, we would emphasis that this should be a very high bar.*

*Given that the application site is an existing golf course and hotel complex Historic England is not opposed to the principle of some further development. However, we are concerned that the current proposals are far too intensive. Additional analysis and understanding of the contribution of the application site to the wider parkland, the kinetic experience of the landscape from the historic routes and rides, and the relationship of the Temple to views and vistas from the pleasure grounds and Great Pool would be helpful in formulating any future proposals for this important site. Any future scheme should also consider the reinstatement and celebration of the historic circulation routes through the parkland.*

*Recommendation*

*Historic England is unable to support the current proposals on heritage grounds.*

*We would therefore recommend that the applicant works with your conservation adviser to bring forward a less intensive scheme, more sympathetic to the character of the historic park and the significance of the surrounding listed buildings and their settings.*

*Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.*

**The Gardens Trust and Staffordshire Gardens and Parks Trust**

**Received 10<sup>th</sup> December 2023**

*Thank you for consulting The Gardens Trust and Staffordshire Gardens and Parks Trust about the latest revised details for this proposed development. As with previous correspondence SGPT is responding on behalf of both Trusts in accordance with agreed working arrangements.*

*Some of the additional information has attempted to address concerns previously expressed by the Trusts. This includes the reduction in the number of chalets proposed; their confinement to the north end of the site leaving the southern end undeveloped; the reduction in size of the central facilities building and its relocation on the site; and the introduction of an experienced holiday park management company with a commitment not to sell any of the chalets individually and what appears to be a responsible management regime. However none of these changes are sufficient either in themselves or collectively to overcome and resolve criticisms raised earlier by the Trusts.*

*Patshull Park is a grade II Registered Park and Garden of 17th century origin the present extent and appearance of which and now largely derives from 18th century interventions influenced by Lancelot "Capability" Brown. This is most manifest in the Great Pool and its adjacent setting which encompasses the application site. Map evidence submitted by the applicants in their revised Heritage Statement shows that this area was historically laid out as wood pasture, that is to say open grassland interspersed with individual trees or clumps with an open eastern boundary to the Pool. While it is accepted this area has been disturbed by the laying out of the former golf course its essential wood pasture character survives and is capable of reconfiguration without recourse to the type of drastic remodelling and built development envisaged in this application. In particular the extensive new planting shown in the revised Masterplan in the northern area and along the lakeside is wholly incompatible with and harmful to its historic open character and appearance (it is noteworthy that the chosen operators' experience as evidenced in its sales literature is in woodland or forest settings, not open parkland). The introduction of new roadways, chalets, car parking and outdoor lighting will more resemble a housing development than features appropriate to an historic designed landscape. While the cladding of the chalets is recessive in colour their individual massing is large and in the case of the two storey units, inelegant. This, allied to the tall, repetitive monopitch roofs, will give the new structures considerable and unwelcome prominence in the open landscape pending any new tree planting reaching maturity. The use of uPVC fenestration is inappropriate in a heritage location. The proposed staff accommodation in oversized caravans will be out of place in the historic landscape. No drawings have been provided of the proposed new reduced size facilities building.*

*In short the new and additional information is insufficient to ameliorate the harm which this development would cause to the historic landscape or override the Trusts' fundamental opposition in principle to siting a holiday park within this grade II Registered Historic Park and Garden.*

*While the application continues to offer some heritage benefits as in the removal of the modern hotel and renovation of the grade II\* listed Temple the Trusts still consider that overall, the proposals would*

*cause substantial harm to the various heritage assets and their setting. The Trusts maintain their OBJECTION to the proposed development.*

**Capability Brown Society**  
**9<sup>th</sup> January 2024**

*Objection*

*This further submission of the Patshull park Masterplan C revision D dated 31 October 2023 reduces the initial number of lodges from 100 to 62 and which are now closely clustered in the north of the application site with a 'Forest retreat' building and just two lodges in the southern area and which was also shown on revision C. There is no significant site plan changes to the objection TCBS made in November 2022 to revision A of the masterplan. The design of all the lodges, however, has changed. As previously stated the Forest Retreat building is poor and unsympathetic to the site particularly in such a prominent location given that the proposed development shifts far closer to the historic access road to Patshull Hall and St Mary's Church. As also stated previously the relocation of so much development provides welcome open land around the listed temple and to the south, where the former hotel would now be demolished and the lake shore line restored, but the impact of the proposals on the historic access road would now be greater than previously and the visual loss of openness, and any appreciation of the Capability Brown setting, particularly to all those entering the site, would result in even greater harm and is not helped by the inappropriate design of all the lodge buildings.*

*The scheme continues to have the character of a dense caravan park rather than a discrete rural retreat. There is constant reference in the documents to this being a 'forest retreat' with forest lodges and illustrations in the documentation of buildings in a forest environment and the operator is 'Forest Holidays'. This site is not, however, a forest but an open registered park and garden, and, as such, requires a totally different design approach to a dense holiday village hidden in a forest. The new design of the lodges is very poor and completely out of character for a relatively open parkland site in a Grade II Registered Park and Garden. They would be more suited to a dense woodland site, much the same design (it seems) as those shown in the Forest of Dean illustrated on page 17 of the Construction Management Plan. Furthermore, the very close clustering of the lodges is completely unacceptable. In a number of instances separation of views between principal rooms between lodges is under 10m distance resulting in a complete lack of privacy. The two tree houses shown on plan bizarrely have no trees near them and the 4 bedroom lodges are unacceptably bulky and 6.1m in height.*

*Other Objections are:*

- 1. No proper landscape plan is submitted to demonstrate how privacy between lodges is maintained. The masterplan only shows proposed new tree planting with no specifications on tree size or species. This is unacceptable for a scheme submitted in a registered park and garden*
- 2. There is no landscape management plan setting out how the historic pastoral character of the parkland might be reinstated and managed. This is required for review as part of the submission and not as a planning condition.*
- 3. There appears to be no foul drainage scheme submitted.*
- 4. There appears to be no comparative schedule of proposed building footprints and gross external floor areas with the existing. The masterplan suggests a vast increase in both.*

*5. An economic case for so much development and its viability as a rural retreat does not appear to have been submitted. There appear to be limited recreational possibilities on this site, and site limited privacy. What exactly is the attraction?*

*6. The viability of the 'Forest Retreat' building might also be questioned. Each cabin appears to have generous kitchen and dining areas so would the Retreat building cafe and bar be used?*

*As previously stated TCBS challenge the very basis of the proposal for so many holiday lodges on this site which would be contrary to all planning policies on Green Belt land, would irretrievably damage the heritage status of the site, would be intrusive to neighbours and, with such a concentration of lodges, would not offer the high quality quiet holiday accommodation described in the application statements. There are therefore no wholly exceptional, or even new exceptional circumstances, that would now be considered to override the substantial harm that these new proposals would cause.*

**Shropshire Highways Team**

**Received 14<sup>th</sup> November 2023**

*Following review of the amended application Shropshire Council raise no objection but would attach the following condition on any permission granted.*

*Condition*

*Traffic Management Plan*

*No development shall take place, including any works of demolition, until a Traffic Management Plan for construction traffic has been submitted to, and approved in writing by, the local planning authority, to include a community communication protocol. The approved Statement shall be adhered to throughout the construction period.*

*Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.*

*We have reviewed the transport report as part of 22/00083/FUL and see that there is a reduction traffic movements which would result in a further reduction due to the amended scheme.*

**Shropshire Conservation Team**

**Received 9<sup>th</sup> January 2024**

*I don't have any specific comments on this one other than to agree with the most recent comments from Historic England.*

**Naturespace**

**Received 28<sup>th</sup> November 2023**

*Response: Licence Required*

*Recommendations: Updated\**

*The applicant has submitted a great crested newt mitigation method statement: Great Crested Newt Method Statement, SLR consulting LTD, July 2023.*

*Should the council be minded to approve the planning application, they will need to consider whether the three derogation/licensing tests are likely to be met in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) and Natural England Standing Advice.*

*If the council decides that these tests are likely to be met and that a European Protected Species Licence is likely to be forthcoming after planning permission has been approved, then the full implementation of the great crested newt mitigation statement would need to be secured as a condition of planning consent.*

*Alternatively, the applicant still has the option to use the Council's District Licence for great crested newts. Currently, the applicant has submitted an enquiry from NatureSpace but has not formally joined the District Licensing Scheme. If the applicant does wish to use the Scheme, it would be advantageous to do so prior to the determination of the application to avoid having to go back into the planning system at a later date.*

*Further information on the District Licensing Scheme administered by NatureSpace can be found at [www.naturespaceuk.com](http://www.naturespaceuk.com)*

*\*For previous comments please see prior consultee response (18/03/2022).*

*Conclusions:*

*The applicant has submitted a 'Great Crested Newt Method Statement, SLR consulting LTD, July 2023' and has chosen to obtain a European Protected Species Licence from Natural England after planning permission.*

*South Staffordshire District Council must whether the 3 derogation tests are likely to be met before a positive determination of the application. These tests are as follows:*

- 1. The proposal must be of imperative reasons of overriding public interest;*
- 2. There must be no satisfactory alternatives; and*
- 3. The favourable conservation status of the species must be maintained*

*The council must therefore satisfy themselves that a European Protected Species Licence is likely to be forthcoming or potentially refuse the application on ecological grounds should the application fail to meet the requirements of these tests.*

*If the Council concludes that the 3 tests are likely to be met, then the full implementation of the great crested newt mitigation statement must be secured as a condition of planning consent.*

*We therefore recommend that the council should consult with their in-house or external ecological advisor to assist with the consideration of the 3 tests and whether the great crested newt mitigation strategy is sufficient or not.*

*The applicant does still have the option of joining the District Licensing Scheme now or at a future point in time should the need arise. The required planning conditions can be attached to planning permission via a Non-Material Amendment or Variation of Condition application.*

*Thank you again for consulting us and please contact us with any queries, we are always happy to help.*

## **Public consultation responses**

57 consultation responses were received. These included 38 letters of support and 15 letters of objection. The comments are summarised below.

### **Comments of support**

- This proposal will provide opportunities for work and leisure to locals, it will attract visitors to the area and boost the economy.
- This development with its lodges and central facility will ensure that the Park is well maintained and enjoyed by many.
- Improved public access to a valued Capability Brown landscape which has hitherto been inaccessible to the public and has not formed a part of the local visitor economy offering.
- It opens up more of the Patshull estate for walkers and the like. It provides for proper vehicular access to St. Mary's Church, which is a problem at the moment.
- Application restricts the lodges to the south end of the Park so that the present environment around the old Patshull Hall and Wildcote is maintained.
- Pleased to see that the access to Patshull Church is to be improved.
- The proposed lodges are tastefully designed with very modest density whilst the intention to restore Capability Brown's vision is highly laudable.



- The proposed development has the potential to increase the number of people visiting St Mary's Church and thereby income for its maintenance and long-term viability.
- The proposals is better than what is currently there.
- tradespeople who would benefit from employment in construction and development and jobs for local youngsters in the gym, restaurant and wider complex would mean the world to the village.
- Comments praising the management of the Patshull estate under the current owner.
- Gives both local people and people from further afield the opportunity to enjoy the countryside in such a beautiful area.
- Proposed public footpath would be useful and take walker off the roads which are dangerous.
- Would bring business to Pattingham and Dartmouth Arms.

#### Comments of objection

- Will have a seriously harmful impact on the appearance and significance of the historic designed landscape. Their axial north-south distribution along a roadway running through centre of the former wood pasture at the heart of the one-time golf course is not compatible with its location within the Green Belt
- development by reason of its size, density and lack of consideration to the Green Belt site contravenes this policy and would have an unacceptably adverse impact on the local environment.
- plastic wood effect on the lodges and artificial grass is unnatural and does not protect the listed landscape.
- The plan offers nothing to Pattingham and surrounding area to compensate for the inevitable increase in traffic.
- I am concerned about increases in traffic in Pattingham village and along Patshull Road. Fast moving traffic is a risk to cyclists, horse riders and walkers. Additional traffic would increase this risk and add noise pollution.
- No realistic public transport options.
- limited visibility from right and left exiting five properties along Patshull rod near the village end. Concerned by increased traffic/ and footfall along here.
- Light pollution form chalets and the paths etc having to be lit at night.
- A smaller hotel, with a spa and swimming pool open to the public would be much preferable, together with the retention of the existing beautiful golf course.
- Questions over the economic sense of the project and whether it will be successful as there is already a larger similar site at Astbury park, Bridgenorth.
- Rather unique part of historic landscape will be changed forever.
- The 5 year of works is a long time for disruption to residents.
- Renovating the hotel and ideas put forward such as including a swimming pool, using as a wedding venue, a farm shop.
- Impact on peace and solitude that the environment currently offers.
- Impact of construction on the identified species within the site. Muntjac deer. Owls, bats
- The proposals would set a precedent for further development within the site and further north toward the hall.
- Any type of lighting, low level or otherwise, will create light pollution which in turn will affect the numerous nocturnal animals. Increase in footfall will destroy habitats.
- Would cause harm to trees.
- Concerns regarding the impact on St Mary's Church as vehicle access is proposed up the western boundary. How will this be managed?
- Increased footfall will affect the privacy of Patshull park residents.

#### Other comments

- I do hope that the historic aspects of the park are properly protected.
- Clear signage is needed to ensure that visitors are aware that there is no through road between the golf course and Patshull hall.
- I would encourage possible investment in a safe cycle path as well.

## 5. APPRAISAL

### 5.1 Key Issues

- Principle of development
- Level of harm to the openness of the Green Belt
- Does the proposal conflict with the purposes of including land within the Green Belt?
- Case for very special circumstances
- Impact on Heritage
- Impact on highways
- Impact on Ecology and veteran trees
- Drainage
- Impact on neighbours

### 5.2 Principle of the development

5.2.1 The site is located in the West Midlands Green Belt. The Government attaches great importance to Green Belts. 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.

5.2.2 Both Core Strategy policy GB1 and the NPPF notes the construction of new buildings other than for agricultural or forestry purposes is generally considered to represent inappropriate development. The lodge buildings proposed here are of permanent construction and would be considered as buildings. The considerations in this report shall be based on this conclusion.

5.2.3 Core Strategy policy GB1 is silent on the issue of sites within the Green Belt that are previously developed (brownfield land); i.e. land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole curtilage should be developed). However, the supporting text to policy GB1 states that development within the Green Belt will normally be permitted where it is acceptable "within the terms of national planning policy". It therefore follows that for any development to be acceptable any proposal must comply with the provisions of the NPPF. In addition to this where the local plan is silent, then the NPPF is a material consideration.

5.2.4 Paragraph 154(g) of the NPPF specifies that for the construction of new buildings, limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development is an exception to inappropriate development in the Green Belt.

5.2.5 Does section g) of paragraph 154 apply here?

5.2.6 The NPPF offers a definition of previously developed land in the glossary stating:

*Land which is or was occupied by permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry infrastructure; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

5.2.7 In that the application site consists of buildings, a large expanse of hard standing as well as a golf course, it is considered that it does comprise a site that has been previously developed. As the proposal involves demolition, rebuilding, new construction and an entirely new use, it is for the complete redevelopment of the site. Therefore, it is considered that the second bullet point NPPF paragraph 154(g) is engaged and it has to be demonstrated that the complete redevelopment of previously developed land would ‘...not have a greater impact on the openness of the Green Belt than the existing development’.

5.2.8 when considering impact on openness is the existing built form on site. The applicants have provided a breakdown of floorspace:

- The existing hotel provides around 7380 sqm. This would be demolished.
- The proposed 59 holiday lodge building and 3 staff lodges (caravans) provide around 5487 sqm
- There is to be a facility building that provides around 278 sqm.

5.2.9 This would result in a reduction of built form of around 1615 sqm. However, the existing hotel is concentrated around the listed temple that was part of the overall estate belonging to Patshull Park. The temple was set on a ridge and the hotel building has been built around it, enclosing it to the rear and sides. The building is mainly single storey (but with a pitched roof) to the south of the temple with two storey elements to the west and south sides. It is therefore contended that the existing built form is currently concentrated in one small part of the site. Furthermore, the current built form of the hotel is located discreetly in the landscape and the main bulk of the building cannot be viewed until one is well within the site.

5.2.10 The proposal would introduce 59 holiday lodge buildings that would sprawl across the northern part of the site, starting some distance away from the listed temple, and reaching all the way to the top of the site, to where the lake splits into two arms. The lodge buildings would be accessed by a main artery road with the lodge buildings scattered sporadically. Every building would sit on an individual plot with two parking spaces and each unit would be provided with mains water, electric, foul drainage, piped gas, TV and WiFi through an internal private network of services. Each plot would have a fairly large decking like structure attached to the principal elevation that would allow for access and outdoor socialising/seating which would also be home to a hot tub. The design of the four bed lodge buildings includes a first-floor extension that exceeds 6.8m in height and the tree houses being some 6.2m in height. Generally, the holiday lodges have a total right height of around 5.5m. As well as the lodge buildings, the proposal would also see the introduction of an amenity building towards the entrance to the site in a prominent location.

5.2.11 The proposal for 59 lodge buildings, amenity building, and the associated infrastructure would introduce built form of significant scale across a wide area, which is currently undeveloped. The

proposed amenity building would be located in a prominent location and along with the sprawl of the lodge buildings would result in a greater impact on the openness of the Green Belt than the existing development, which is concentrated in one part of the site, located discreetly in the landscape where the main bulk of the building cannot be viewed until one is well within the site.

5.2.12 The proposal is inappropriate development and therefore harmful to the Green Belt by definition and should not be approved except in very special circumstances (VSC). Paragraph 153 of the Framework states, *'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 resulting from the proposal, is clearly outweighed by other considerations.*

5.2.13 Consideration of whether VSC exists includes, first of all, consideration of Green Belt harm which is the definitional harm identified above, harm by way of impact on the openness and the purposes of the Green Belt and any other non-Green Belt harm. The following sections set out that harm and then, whether other considerations clearly outweigh that harm, to determine whether VSC exists.

### **5.3 Level of harm to the openness of the Green Belt**

5.3.1 Paragraph 142 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'.

5.3.2 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'.

5.3.3 The PPG (last updated December 2023) 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.

5.3.4 *R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant)* (2020) states, 'The concept of "openness" in para 90 of the NPPF seems to me a good example of such a broad policy concept. It is naturally read as referring back to the underlying aim of Green Belt policy, stated at the beginning of this section: "to prevent urban sprawl by keeping land permanently open ...". Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt. As PPG2 made clear, it is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept. Nor does it imply freedom from any form of development. Paragraph 90 shows that some forms of development, including mineral extraction, may in principle be appropriate, and compatible with the concept of openness. A large quarry may not be visually attractive while it lasts, but the minerals can only be extracted where they are found, and the

impact is temporary and subject to restoration. Further, as a barrier to urban sprawl a quarry may be regarded in Green Belt policy terms as no less effective than a stretch of agricultural land."

5.3.5 The proposal would introduce 59 holiday lodge buildings that would sprawl across the northern part of the site. The design of the four bed lodge buildings includes a first-floor extension that exceeds 6.8m in height and the tree houses being some 6.2m in height. Each plot would have a fairly large area of decking with a hot tub. Generally, the holiday lodges have a total right height of around 5.5m. The proposals include a main artery road to access the lodge buildings. As well as the lodge buildings, the proposal would also see the introduction of an amenity building towards the entrance to the site in a prominent location.

5.3.6 The proposed extent of development proposed introduces significant built form across a wide area, which is currently undeveloped. As a result, the proposal would result in a significant spatial and visual harm to the openness of the Green Belt.

5.3.7 The site would give rise to a high number of vehicles trips to and from the site, particularly at peak holiday times during the year such as school holidays. However, the existing site has an approved leisure use in the shape of a golf course, as well as having the potential to reopen a restaurant and café facilities and of course the main use as a hotel and conferencing facility. The vehicular trip movements from the proposed use as a holiday lodge retreat is therefore unlikely to cause any greater harm to openness than that of the existing approved use.

5.3.8 In terms of the duration of the development (with the exception of the staff statics) the lodges are considered to be buildings and are of permanent construction and durability. Each has a large expanse of decking with a hot tub and two designated parking spaces. The roadways will be of durable construction. Whilst it is noted that the applicants claim that the lodge buildings can easily be dismantled and minimal construction techniques are needed for their erection, no temporary permission is sought. Notwithstanding this, there is the very permanent nature of the existing hotel building. In light of this therefore, the duration element in comparison with the existing use, as with trip movement is not likely to have any more impact on openness than the existing use of the site as a hotel and conference facility. However, this does not overcome the spread of permanent built form across the currently undeveloped part of the site.

5.3.9 To conclude, due to the spread of the permanent buildings throughout the site, and their scale and form, it is considered there would be significant harm to openness of the Green Belt caused by the proposed development.

#### **5.4 Does the proposal conflict with the purposes of including land within the Green Belt?**

5.4.1 The Green Belt serves five purposes as defined in the NPPF Paragraph 143. They are:

- To check the unrestricted sprawl of large built-up areas,
- To prevent neighbouring towns from merging into one another,
- To assist in safeguarding the countryside from encroachment,
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.4.2 Regarding the first and second purpose of the Green Belt, the site is located in an open area of the countryside and would not attract additional development to locate with or beside it. The site does not form part of a large built-up area and therefore the development would not encourage sprawl or cause the merging of towns; particularly as the site is surrounded by other open fields.

5.4.3 The site is not within a historic town or adjacent to any historic assets therefore satisfying the fourth purpose.

5.4.4 The fifth purpose encourages urban regeneration and the recycling of derelict land. Whilst the land is considered to be previously developed, it is not derelict, nor is it in an urban location.

5.4.5 Regarding the third purpose, this proposal would develop the site which is in the countryside and distributing the built form throughout the site where it is currently concentrated in a small part. This causes direct conflict with the purpose of safeguarding the countryside from encroachment. This is reflected in the proposal being inappropriate development by definition (NPPF para 154(g)).

## **5.5 Impact on Heritage**

5.5.1 Core Strategy policy EQ3 states that the Council will consider the significance of all proposed works to heritage assets, informed by relevant guidance that is supported by Historic England.

5.5.2 Section 16 of the NPPF states that when determining planning applications LPAs should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting and an appropriate assessment should be submitted in support.

5.5.3 Paragraph 205 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.5.4 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.5.5 Members will have to have regard to the statutory duty set out in Planning (Listed Buildings and Conservation Areas) Act 1990 that requires that special regard be given to the desirability of preserving listed buildings and their settings.

5.5.6 Proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) in order to identify which policies in the NPPF apply.

5.5.7 Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.

5.5.8 Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

5.5.9 What is optimum viable use?

If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes.

5.5.10 For clarification purposes, the application site is contained wholly within, and is considered to be, a Grade II listed registered park and garden (RPG) and contains but is not limited to the following listed structures:

5.5.11 Boathouse approximately 400 yards south of Church of St Mary – Grade II: Listing entry 1039291  
The Temple – Grade II Star: Listing entry 1374062  
Boathouse approximately 25 yards north of The Temple: Listing entry 1039294

5.5.12 The listed parkland (RPG) was designed by Lancelot ‘Capability’ Brown which formed part of the pleasure grounds to the Grade I listed Patshull Hall. The site and hall were unfortunately split into separate ownership in the past and the application site was developed into a golf course. There remains a further area of RPG that extends to the north and includes a number of listed structures most notably:

- Gate, piers and wall at of Church of St Mary – Grade II: Listing entry 1039331, 1188257, 1188233
- Church of St Mary – Grade II star: listing entry 1039330
- Boathouse approximately 100 yards west of Church of St Mary – Grade II: Listing entry: 1039290

5.5.13 The listing entry of the RPG gives a good summary of the site’s history and significance, and the reader is encouraged to refer to it as a useful independent (and unusually detailed) backdrop to this report as it is too lengthy to include here. Most noteworthy sections state:

*By the end of the C18 the pools on either side of the house had been extended to form a Y-shaped lake, the western branch of which is called Church Pool. The Doric temple was built, possibly by Gibbs, in the mid C18, on the west bank of the southern tip of the lake. Brick wings were added c.1840 and in 1980 it was incorporated as part of Temple hotel.*

*To the east of the lake is the Old Park and, beyond this, the High Park, now used as a golf course. To the west the park is divided into fields and edged with plantations.*

5.5.14 As detailed in the comments from Historic England, the grounds around large country homes such as Patshull Hall were designed specifically for the enjoyment of the owners and any visitors. The landscapes would include pools, fountains and follies to excite and surprise on their walks. Both the pool and the landscape are entirely manmade and were designed in consultation with Lancelot Brown. There is an undated entry in Browns account book under ‘Lord Pigot’ for £52 10s for a ‘general plan for the Place and Journeys’.

5.5.15 The listed Temple would have been one of the follies built in the mid to late 18<sup>th</sup> Century and later extended sympathetically. Follies were an ‘eyecatcher’ and were usually unused structures that were located in landscapes to create an enhancement and to excite landowners and visitors.

5.5.16 Comments submitted by the Gardens Trust state:

*The application site lies in the southern part of the park to the west of Great Pool in the area associated with the Brownian remodelling. An 18th century boathouse and small garden temple, both listed buildings, survive in this area together with a number of ancient trees possibly part of the 18th century planting scheme. The character of this part of the park was substantially altered in the latter part of the*

*20th century by the intrusion of a golf course, the attachment of a sprawling hotel extension to the rear of the grade II\* Temple, and construction of large associated car parking areas. Notwithstanding these harmful changes the underlying historic significance of the 18th century designed landscape remains intact, legible and capable of reinstatement.*

5.5.17 This is reinforced by Historic England who state;

*Although used more recently as a golf course and hotel complex the application site is still clearly perceived as part of the wider parkland landscape showcasing the prominently positioned Grade II\* Temple folly.*

*The Patshull estate is therefore a complex and sensitive series of nationally important buildings, structures and integrated landscape. As such the proposed creation of holiday lodges, a facilities building, parking, servicing etc requires the utmost deliberation.*

5.5.18 None of the statutory consultees consider that the supporting evidence submitted provides sufficient justification or understanding of the either the settings of the listed buildings nor the impact on the RPG. These comments were relayed to the agent who amended the layout of the lodge buildings to the layout considered here and provided a rebuttal on the consultee comments.

5.5.19 The lodge buildings would result in an intensive spread of development within the listed RPG and would also result in harm to the setting of some listed structures. The application considers that the development is contained to just a small part of the RPG however it is considered that the RPG cannot be split and compartmentalised in such a way. It is contended that what is left of the registered parkland should be preserved and a number of consultees have commented that they would prefer to see the site rewild as it has already started to do which in some way has regained some of the Brownian design principles which would cause significantly less harm to the designated Heritage Asset. The number of lodge buildings has been reduced from the original submission (100) and moved further away from the listed folly, but changed from temporary lodges that would satisfy the definition of a caravan, to permanent buildings with heights ranging from 5 to 6.5m. They are to be located wholly within the registered parkland and within close proximity of the listed church, boathouse and most crucially within the Grade I Hall. Having walked the park on a number of occasions and stood on the northern part of the park, close to the bridge but south of the hall, the lodge buildings would be clearly viewed across The Great Pool. The RPG and all of the associated listed structures are inextricably linked and cannot be separated from the Grade I listed Hall. Any development close to or within the RPG would have a detrimental impact on the significance of the Hall. The Hall is listed as Grade I and its setting should be afforded significant weight, as should the comments from the statutory consultees.

5.5.20 The Council's Conservation Officer considers there to be both harm to the listed RPG as well as the setting of a number of listed structures on site. He contends that whilst overall the impact on the whole of the registered park would be "less than substantial", the scheme would cause substantial harm to this key element of the parkland landscape. The proposed addition of more planting and trees in the area around the lodges also has a detrimental impact upon what is a man-made landscape. Whilst it has previously been accepted that the golf course has eroded the character of this part of the park, it has retained an openness that is closer to the original state of the landscaping. The character of the area can be more easily be returned to be closer to a Brownian landscape from its current state than when a large number of lodges have been constructed and additional planting etc. carried out. The fact that the golf course has previously eroded the character of this part of the landscape is not a clear justification for causing further harm.



5.5.21 The Gardens Trust and Staffordshire Gardens and Parks Trust and The Capability Brown Society both object to the proposals and consider that substantial harm is caused. This harm relates to the impact of the lodges and associated buildings and infrastructure on the various heritage assets and their setting, the historic access road to Patshull Hall and St Mary's Church and appreciation of the Capability Brown setting, particularly to all those entering the site.

5.5.22 Historic England state that, 'the current proposals would harm the significance of the Patshull Historic Park and Garden and as such the setting of Patshull Hall, the significance of the listed Temple and its setting, and the approach and context of the listed Church of St Mary. No clear and convincing justification has been provided within the application and, in our view, there are limited heritage benefits to offset the harm identified. As required by the NPPF, it is necessary to weigh any harm identified against the public benefits of the proposals. Clearly this is the role of your authority. However, we would emphasis that this should be a very high bar'.

5.5.23 The NPPF does allow for development to be approved if there are public benefits that outweigh the less than substantial harm. It is the decision maker who is to balance and consider the matter of public benefit as is the case with very special circumstances and this is discussed in the next section of this report.

## **5.6 Case for very special circumstances and justification for harm to Heritage (public benefit) and optimum viable use**

5.6.1 When considering planning applications, 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 resulting from the proposal, is clearly outweighed by other considerations.

5.6.2 Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework ([paragraph 8](#)). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

5.6.3 Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

5.6.4 The case for very special circumstances/public benefits can be summarised as follows:

- Protection and enhancement of Heritage
- Sustainable economic benefits
- Public benefits
- Visual containment, landscape enhancement and biodiversity

### **Protection and enhancement of Heritage**

5.6.5 The case for the protection and enhancement of the existing heritage is welcomed by the Council. The site has a number of listed buildings on it, most likely to benefit here is the Grade II star listed

temple and the listed boathouse. However, no case has been presented that concludes the existing structures are falling into a state of disrepair and urgently need funds to allow for their maintenance and repair. The applicants also detail that access would be granted to the registered parkland when there has previously been none, other than those playing golf, and that the costs of the maintenance of the trees would thus increase.

5.6.6 Whilst the Council would welcome the restoration of the listed Temple, this would be facilitated through the introduction of 59 lodge buildings, a facilities building and associated infrastructure. As highlighted by statutory consultees this would significantly change how the historic parkland is appreciated and cause harm to the various listed buildings and RPG. As a result, only limited if any weight is attributed this consideration.

#### **Public Benefits - Installation of footpath and access to parkland**

5.6.7 An existing permissive footpath (the 'Millenium Way') that leads from the village of Pattingham to the registered parkland (not within the redline boundary) would be made a definitive public right of way by the landowners. A plan submitted with the application shows the creation of a further definitive public right of way which would be located in the Northern half of the golf course, closer to Patshull Hall as well as a further right of way linking this path to the existing permissive Millenium Way. It is also important to note that there are two public rights of way that already exist throughout the RPG; Pattingham and Patshull 26 which leads to the church from an access track north of the application site as well as Pattingham and Patshull 25 which runs through the site to the east of the Great Pool from Patshull Road to the south. It is contended that access could be granted to the park immediately without significant costs to the applicants if the intention is to allow public access for the good of the community, indeed, works to improve accessibility to the footpaths have already been undertaken without the benefit of the planning permission sought here; confirming the relatively minimal costs involved.

5.6.8 In addition, the Council's arboricultural officer comments that the erection of lodge buildings would in fact, increase the need for maintenance of the existing trees for safety purposes where there is currently none. Due to the existence of two public rights of way across the parkland already, as well as the existence of a permissive right of way linking the village to the RPG, only limited weight is attributed to the consideration.

5.6.9 Creating statutory public rights of access can only be done through a public path creation order under the Highways Act as set out below and in consultation with Staffordshire County Council. Works have already begun which shows the applicants willingness to ensure they are provided.

#### **Economic Benefit**

5.6.13 The Council would welcome the regeneration of the site and recognises that there would be economic benefits from the scheme that would include the spend from users as well as job creation. The application has been amended to provide 100% holiday rentals which will create an anticipated 36 full time equivalent jobs (which may increase by 47) and £2.5 million spend in the local economy per year whilst the construction phase would create up to 45 full time jobs. A letter of support submitted by the Staffordshire Tourism Board. The applicants have a well-respected and recognised end user in mind if planning permission is granted. It is certainly welcomed that such a provider would be facilitating a tourism destination within the district, but this is not an appropriate site for them for the reasons set out in this report, nor is there a mechanism for this end user to be secured either now or in perpetuity. Any permission would be for the erection of the lodge buildings alone and would not be a personal permission to the business.

5.6.14 Overall, the economic benefits are afforded moderate weight in the planning balance.

### **Biodiversity Enhancement**

5.6.15 Part of the very special circumstances case also rests on the landscape and biodiversity enhancement. Objections have been submitted by both the Senior Ecologist and the Council's Senior Arboricultural officer who have serious concerns over the detrimental impact the development would have on the ongoing health of a number of trees on site, many of which are veteran. It is agreed that the site is laid out as formal golf course, however many of the bunkers and greens have started to rewild and there has already been advantages to the both the landscape and biodiversity from this. It is recognised that the site could be reverted back to a 'working' golf course and hotel but visitors to the venue would either be concentrated at the hotel for the facilities there, or visitors would play golf where users simply hit a ball and follow it around the site. There would not be concentrated numbers of people and development within the locations of the existing trees, and certainly none would need to be removed as is proposed with this scheme.

5.6.16 Notwithstanding that the areas below the veteran trees are proposed to be planted, this would not prevent young children from playing within these areas and pressures would inevitably come to the Council requesting permission to prune to keep the trees 'safe'. In light of these objections and in spite of the fact that there would be some biodiversity gain at the site, there are objections submitted and only limited weight can be applied to this element of the applicants very special circumstances case.

### **Optimum Viable Use**

5.6.17 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the [National Planning Policy Framework \(paragraph 207\)](#) requires that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing the optimum viable use of that asset.

5.6.18 Where a heritage asset is capable of having a use, then securing its optimum viable use should be taken into account in assessing the public benefits of a proposed development.

5.6.19 'Area-based' designated heritage assets such as World Heritage Sites and conservation areas will not themselves have a single use (though any individual heritage assets within them may). Therefore, securing the optimum viable use of the area-based asset as a whole is not a relevant consideration in assessing the public benefits of development proposals affecting such heritage assets. However, securing the optimum viable use of any individual heritage assets within the area-based designated heritage asset may still be a relevant consideration.

5.6.20 Appropriate marketing is required to demonstrate that a heritage asset has no viable use in the circumstances set out in [paragraph 207 of the National Planning Policy Framework](#). The aim of such marketing is to reach potential buyers who may be willing to find a viable use for the site that still provides for its conservation to some degree. If such a purchaser comes forward, there is no obligation to sell to them, but it will not have been demonstrated that the heritage asset has no viable use.

5.6.21 A confidential business case was submitted in support of the application in an attempt to demonstrate that the site is unviable in its current form (hotel and golf course). As a point of clarity this document was confidential due to commercially sensitive information being contained. As such it is not conducive with paragraph 58 of the NPPF which relates to specifically viability assessment. The case states that the rebuilding of the hotel may not be viable due to the costs involved with demolition, but

this is somewhat confusing given the hotel is proposed to be demolished here and a significant amount of money would be spent providing the services and associated works needed for the erection of the lodge buildings (circa £20 million). There is no evidence giving likely build costs to either refurbish/enhance the hotel or to replace it for it to be considered as truly unviable to re-instate this use. A letter was submitted by Knight Frank that detailed how and when the site was marketed and why the hotel and golf/spa business model is failing in the current economic climate. This was an exercise that was undertaken at an unusual time in the market, given the ongoing effects of lockdown and Covid as well as the effect of Brexit. The letter details that an offer was made on the hotel but this was withdrawn due to potential issues including poor water supply to the hotel as well as boundary issues. It is noted that a purchase was made in spite of these issues. The letter goes on to explain that the amount of money needed to spend on the hotel could not be recouped at the local room rates. However, there is no mention of revenue from weddings or other events. It is stated that staff being able to access the hotel would be an issue, this is somewhat confusing as the use as a holiday lodge building would also need staff to be able to access the site. The letter ends by stating that alternative uses should be considered for Patshull Park as the viability of the site for the continued hotel use is extremely low. It does not conclude that the only viable use would be holiday lodge buildings.

5.6.22 If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. Nothing has been presented to denote that other ideas were considered or explored, say for example, other pieces of land not within the RPG were looked at from a sequential approach, for locating the lodge buildings. It is indeed in fact considered that the RPG is the *preferred* location by the applicant, as it would create a 'pretty' location for a tourism destination. No viability case has been submitted. As the decision maker, it is not considered that sufficient evidence has been provided that the use proposed is in fact the optimum viable use.

## **5.7 VSC and public benefit conclusions**

5.7.1 It is important here to point out that if one were to consider the case as a set of scales, the harm to the Green Belt and the harm to the designated heritage assets (albeit less than substantial) weigh down on one side. The benefits as detailed above, would need to clearly tip the scales in the favour of the development. In this instance, given the elements of harm, this is a high bar to overcome. The reader will be aware that national policy requires any harm to the Green Belt to be given substantial weight, as well as this, as decision makers, we also have the weight attributed to the harm to the designated assets, and the plural here is given emphasis. The harm to Heritage has been outlined by a number of expert consultees.

5.7.2 Whilst it is recognised that it would be of some benefit to the community to have access across the entire RPG, this should not be at the detriment to part of it. There are also two existing PROWs across the RPG and the existence of a permissive path leading from Pattingham Village to PROW number 24. It is noted that there would be welcomed economic tourist benefits in accordance with Core Strategy policy EV2, again, it is not considered that these benefits are so great to overcome both elements of harm. As with the case for very special circumstances, it is not considered that public benefits would outweigh the harm to heritage assets, albeit less than substantial, and these have been discussed in detail above. Insufficient evidence has been presented that demonstrates the proposed used is the optimum viable use.

## **5.8 Impact on Highways**

5.8.1 Section 9 of the NPPF requires LPAs to consider and promote sustainable forms of transport, whilst addressing community needs and creating places that are safe, secure and attractive; which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards. Core Strategy policy CP11 and EV11 echo these themes.

5.8.2 The application has been considered by both the County Highways Team and the Highways Team at the neighbouring authority of Shropshire Council, neither of which has objected. County Highways have requested a monetary sum to allow for the monitoring of the Travel Plan.

5.8.3 In light of the above, it is considered that the proposal is in accordance with the aims of the NPPF and the relevant policies in the Core Strategy.

## **5.9 Impact on Ecology and veteran trees**

5.9.1 Core Policy 2 of the Core Strategy states the Council will support development or other initiatives where they protect, conserve and enhance the district's natural and heritage assets. Policy EQ1 provides that developments should not cause significant harm to habitats of nature conservation, including woodlands and hedgerows, together with species that are protected or under threat. Support will be given to proposals which enhance and increase the number of sites and habitats of nature conservation value, and to meeting the objectives of the Staffordshire Biodiversity Action Plan. These principles are echoed and supported through the Sustainable Developments SPD 2018. Section 15 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- 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;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;
- and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

As well as this, it also requires that when determining planning applications, LPAs should ensure that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Wholly exceptional circumstances include infrastructure projects where the public benefit would clearly outweigh the loss of determination of habitat. There are no such circumstances here.

5.9.2 Overall the Senior Ecologist has no objections to the mitigation proposal suggested by the applicants to satisfy the 'net gain' requirements of national planning policy. Despite the additional work carried out by the applicants in response to objections submitted there remains an objection from both the Senior Ecologist and the Senior Arboricultural Officer in relation to the impact on the existing trees on site. As detailed in the very special circumstances section of this report a high number of the visitors to the existing hotel and golf course use would either be concentrated at the hotel for the facilities there, or visitors would play golf and wander through the site in small numbers throughout dispersed times of the day. There would not be concentrated numbers of people and development within the locations of the existing trees as would undoubtedly happen if the lodge buildings were to be approved.

5.9.3 Notwithstanding that the areas below the veteran trees are proposed to be planted, this would not prevent children and adults alike from playing or walking within these areas and as such pressures would inevitably come to the Council requesting permission to prune to keep the trees 'safe' as well as potentially causing compaction issues. In spite of the additional information provided by the applicants, there remains concerns from the Senior Arboricultural Officer and Senior Ecologist that the underground service runs would cause harm to the tree roots. The proposed loss of trees is predominantly those that were planted when the golf course was created or were self-seeded and have been considered acceptable as their loss would be mitigated by replacement planting. It is noted the Woodland Trust have withdrawn their objection.

5.9.4 The supporting report states that mitigation measures for great crested newts will be carried out under a European Protected Species Licence and the applicant have provided further information, including a mitigation method statement for the site, which must prove to the Council that the applicant is likely to be granted an EPSL by Natural England if they are granted planning permission. Overall, the Senior Ecologist is satisfied with the submitted information that a licence would be granted. This information has been submitted and appraised since the last planning committee meeting in April 2023, as such this previous reason for refusal has been removed as it has been addressed.

5.9.5 In light of these objections and in spite of the fact that there would be some biodiversity gain at the site, there remains an objection that has not been overcome during the course of the application, and planning conditions would not overcome this objection. The proposal is contrary to national and local policy that seeks to protect and enhance natural assets.

## **5.10 Drainage**

5.10.1 Core Policy 3 of the Core Strategy states the Council will require development to be designed to cater for the effects of climate change, making prudent use of natural resources, enabling opportunities for renewable energy and energy efficiency and helping to minimise any environmental impacts by:

- guiding development away from known areas of flood risk as identified in the Strategic Flood risk assessment, surface water management plan and consistent with the NPPF,
- ensuring the use of sustainable drainage (SUDS) in all new development and promoting the retrofitting of SUDS where possible,
- ensuring that all development includes pollution prevention measures where appropriate, to prevent risk of pollution to controlled waters.

5.10.2 EQ7 requires new development to include SUDS, which is further echoed in the Sustainable Development SPD 2018.

5.10.3 Paragraph 173 of the NPPF states:

When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

5.10.4 A number of technical queries were raised initially by the Lead Local Flood Authority (LLFA) regarding the measurements used within the flood risk assessment submitted, and a holding objection was received pending resolution of the matters raised. These were addressed accordingly by the applicants culminating in the revised Flood Risk Assessment and Drainage Strategy received 26<sup>th</sup> January 2024. The LLFA have now reviewed the revised document and have withdrawn their objection subject to a pre-commencement condition requiring a fully detailed surface water drainage scheme for the site. This is to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

5.10.5 In light of the above, it is considered that the proposal is in accordance with policies CP3 and EQ7 of the Core Strategy.

## **5.11 Impact on neighbours**

5.11.1 In accordance with Core Strategy 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.

5.11.2 I have taken into account the comments received from residents and addressed the points within the relevant sections of this report. Overall, there is no concern with regard to neighbour amenity. The two properties at the site entrance would most likely be affected by the number of cars entering and exiting the site. However, the hotel and golf use could be re-instated quickly, and as detailed earlier in the report, the trip generation is not likely to materially increase, despite there being peak arrival and departures times. As a result, there would be no materially greater harm to the amenity of neighbours from the proposals than the existing use, which could resume.

## **6.1 CONCLUSIONS**

6.1.1 The proposed development is inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the openness of the Green Belt. The proposal would also create a significant level of visual and spatial harm to the openness of the Green Belt and also causes direct conflict with the purpose of safeguarding the countryside from encroachment. This harm shall be attributed substantial weight in the planning balance. In addition to the Green Belt harm there is harm to a number of designated Heritage Assets, and this is 'less than substantial harm' is not outweighed by the public benefits arising from the proposal. In addition, the proposal is likely to lead to the long-term degradation of a high value tree stock.

6.1.2 The applicant has advanced a number of considerations by way of very special circumstances. Full consideration has been given to the case presented by the applicants, that there are public and economic benefits, some ecological benefits as well as benefits to the Heritage on site. It is recognised that there would be some economic benefit from the proposal, however this can only be afforded moderate weight in the planning balance and the benefits to the tourism of South Staffordshire would be minor, arising from 59 holiday lodge buildings. Any ecological benefit is counteracted by concerns that the proposal would have a seriously detrimental effect on the health of a number of trees on site, some of which are veteran as the use is incompatible and would result in pressure to prune and potentially remove such trees on 'safety grounds'.

6.1.3 For the reasons above, it is not considered that these matters clearly outweigh the substantial weight that must be attached to the Green Belt harm and other harm as identified in this report.

6.1.4 The decision maker should attach considerable weight to representations made by statutory consultees and the statutory duty set out in Planning (Listed Buildings and Conservation Areas) Act 1990 that requires that special regard be given to the desirability of preserving listed buildings and their settings.

6.1.5 Taking the above into consideration I am recommending the application be refused.

## 7. RECOMMENDATION - REFUSE

### Reasons

1. The site is within the Green Belt and the proposed development is considered to be inappropriate development as set out in policy GB1 of the adopted Core Strategy. The development is therefore harmful to the Green Belt, contrary to policy GB1 of the adopted Core Strategy.
2. The Local Planning Authority has considered the reasons advanced but does not consider that these reasons constitute the very special circumstances required to clearly outweigh the harm to the Green Belt by reason of inappropriateness, visual and spatial harm, conflict with the purposes of the Green Belt and other harm resulting from the proposal, contrary to the NPPF.
3. The proposal would cause harm to a number of designated Heritage Assets including the character of the Grade II listed Park and Garden as well as the setting of the Grade I listed Hall, Grade II\* listed Temple and Grade II boathouse. The public benefits would not outweigh the harm, contrary to Local Plan policy EQ3 and Part 16 of the NPPF. Insufficient evidence has been presented that demonstrates the proposed use is the optimum viable use and that the development is necessary to secure the economic viability of the site.
4. The Veteran trees on site, of which there are a significant number will need to effectively be isolated from casual access by residents. Retaining Veteran trees in high usage areas carries an inherent risk that needs to be managed. Simply providing extra space around them is not sufficient and it is unclear as to whether this has been given ample consideration; even if adequate provisions were made however, there is then the question of whether this in turn would have further impact on the character of the Brownian landscape. Such a high intensity development of the site would lead to the long-term degradation of a high value tree stock contrary to Core Strategy policy EQ4 and Part 15 of the NPPF. No wholly exceptional reasons or a suitable compensation strategy exists to outweigh this harm.

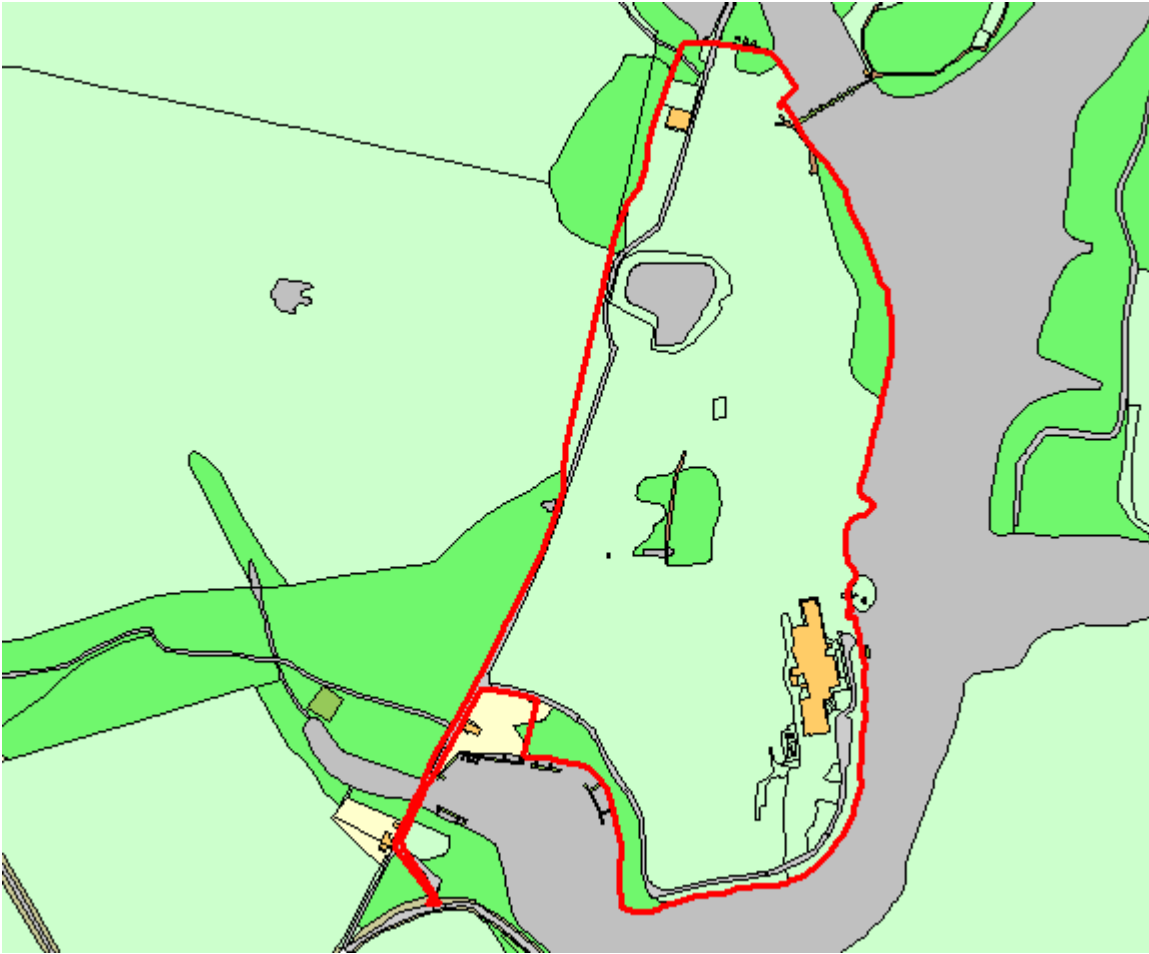


Proactive Statement -The Local Planning Authority has worked in a positive and proactive manner in accord with National Planning Policy Framework 2023, paragraph 38, by attempting to seek solutions with the applicant to problems associated with the application. A solution could not be found and so the development fails both with regards to the NPPF and the adopted South Staffordshire Core Strategy 2012.

**Plans on which this Assessment is based:**

Plan Type	Reference	Version	Received
Location Plan	4556-S0 REV P1-PAT-HMA-CF-XX-DR-A-00000		27 January 2022
Existing Site Plan	4556-S0-REV P1-PAT-HMA-LT-00-DR-A-00001		27 January 2022
Proposed Masterplan C	PAT 01PMPC	REV D	7 November 2023
Existing Ground Floor Plan (hotel)	4556-S0-REV P1-PAT-HMA-LT-00-DR-A-00002		27 January 2022
Existing First Floor Plan (hotel)	4556-S0-REV P1-PAT-HMA-LT-01-DR-A-00003		27 January 2022
Existing North and South Elevations (hotel)	4556-S0-REV P1-PAT-HMA-LT-XX-DR-A-00005		27 January 2022
Existing Roof Plan (Hotel)	4556-S0-REV P1-PAT-HMA-ZZ-02-DR-A-00004		27 January 2022
Existing Western Elevations (Hotel)	4556-S0 REV P1-PAT-HMA-LT-XX-DR-A-00007		27 January 2022
Existing East Elevation (Hotel)	4556-S0-REV P1-PAT-HMA-LT-XX-DR-A-00006		27 January 2022
Existing Ground Floor Plan (Hotel)	4556-S0-REV P1-PAT-HMA-CF-00-DR-A-00002		27 January 2022
GF Demolition Plan	4556-S0 REV P1-PAT-HMA-A-03002		27 January 2022
1 <sup>st</sup> Floor Demolition Plan	4556-S0-REV P1-PAT-HMA-A-03003		27 January 2022
RF Demolition Plan	4556-S0-REV P1-PAT-HMA-A-03004		27 January 2022
North and South Elevations Demolition Plan	4556-S0-REV P1-PAT-HMA-A-03005		27 January 2022
West Elevations Demolition Plan	4556-S0-REV P1-PAT-HMA-A-03006		27 January 2022
West Elevations Demolition Plan	4556-S0-REV P1-PAT-HMA-A-03007		27 January 2022
Existing Ground Floor Plan (Hotel)	4556-S0-REV P1-PAT-HMA-CF-00-DR-A-00002		27 January 2022
Proposed Elevations (Central Building)	PL(00)201	Rev C	19 October 2022
Proposed Ground Floor Plan (Central Building)	PL(00)200	Rev C	19 October 2022
Proposed Plans and Elevations	220712_FH CABIN 1BED		7 November 2023

Proposed Plans and Elevations	2BED DDA_PL120M REV.C_230630	REV C	7 November 2023
Proposed Plans and Elevations	220712_FH CABIN 2BED		7 November 2023
Proposed Plans and Elevations	220712_FH CABIN 3BED		7 November 2023
Proposed Plans and Elevations	220712_FH CABIN 4BED		7 November 2023
Proposed Plans and Elevations	3 BED TWIN CHASSIS ACCOMODATION	REV 1	7 November 2023
Proposed Plans and Elevations (Tree House)	PL(00)0095	REV B	7 November 2023
Proposed Tree Removal Plan	1410/10 REV A		27 January 2022
Tree Protection Plan	406.V11343.00001.ARB.D.002- 04		7 November 2023
Tree Protection Plan	406.V11343.00001.ARB.D.003- 04		7 November 2023
Tree Protection Plan	406.V11343.00001.ARB.D.004- 04		7 November 2023
Tree Protection Plan	406.V11343.00001.ARB.D.005- 04		7 November 2023



Patshull Park Hotel Golf and Country Club, Patshull Park, Burnhill Green WV6 7HR



**23/00240/FUL**  
**NON MAJOR**

**Mr Nick Brassington**

**HATHERTON**  
Councillor David Williams  
Councillor Jeff Ashley

**Oak Lane Farm Oak Lane Calf Heath Staffordshire WV10 7DR**

**Proposed detached agricultural worker's dwelling.**

<b>Pre-commencement conditions required:</b>	<b>Pre-commencement conditions Agreed</b>	<b>Agreed Extension of Time until</b>
<b>Yes</b>	<b>Yes - 06/02/24</b>	<b>1 March 2024</b>

## **1.0 SITE DESCRIPTION AND APPLICATION DETAILS**

Proposed detached agricultural worker's dwelling.

Date of site visit - 14 September 2023

### **1.1 Site Information and Proposal**

1.1.1. The application site measures 0.11 hectares which is currently included within the R.H. Brassington & Sons Farm property, which includes approximately 600 acres on both the east and west sides of Oak Lane. A supplemental map provided with the application documents indicates that R.H. Brassington & Sons Farm also owns approximately 58 acres located 1.25 miles to the northeast, between Roman Road, Wellington Drive and Poplar Lane. There is not direct connectivity between the land holdings along Oak Lane and those some 1.25 miles to the northeast. The Planning Statement notes that the Brassington family manages an area of approximately 190 acres but leases the remainder of their landholdings. The land managed by the Brassington family is devoted to beef and dairy cattle, with 1100-1200 cattle on site.

1.1.2. The site proposed for a farmhouse is located on the east side of Oak Lane within the Hatherton Parish. The application proposes a detached, two storey dwelling with a total floor area of approximately 110sq m including three bedrooms and two bathrooms. A dual pitched roof is proposed with a peak height of 8.1m. The proposed site plan notes utilising the existing access point from Oak Lane, repositioning the gates approximately 9m in from the highway. The Planning Statement notes that the majority of electricity would be provided via solar panels with heating and hot water provided by an air source heat pump. Both elements are indicated on the proposed plans.

1.1.3. According to the application documents the proposed dwelling is for the cattle stockman, who is the applicant's son. The applicant's son currently lives in Cannock, but is intended to take responsibility for the day-to-day operations on the farm, along with the applicant's younger brother who resides at Oak Lane Farm House (approximately 75m to the south of the application site, amongst the cattle sheds). The applicant himself lives at The Acorns (immediately to the south of the application site) and wishes to remain active on the farm but to reduce his day-to-day commitments.

### **1.2 Agent's submission**

1.2.1. The agent has provided the following documents in addition to a standard application form, maps and plans:

- Design and Access Statement and Planning Statement
- Great Crested Newt Habitat Assessment Report
- Confidential financial figures which have been reviewed but which will not be repeated within this public report.
- Email (received 8/11/23) noting the following:

*“It is important to our business and the safety of our staff and livestock that we have enough people on site to deal with calving cows, sick animals and animals which sometimes escape, especially outside of normal working hours when other staff have gone home. Calving or calved cattle can be aggressive protecting their newborn calves. Cast or sick cows weigh in excess 650 kg and can take a number of people to get them comfortable or in less dangerous position.*

*At Oak Lane Farm there is one single storey brick and tile building ground footprint approx. 20 metres by 12 metres. This has a steel span shed less than 0.5 metre on the east side and another steel span shed connected on the south side. The west and north have concrete driveways around (please see attached photos). This building currently houses the farms electric supply meters, distribution boards and solar panel feed in. Also housed is the vacuum pump, compressors, ice builder and heat exchanger for milking the cows. The farm office, laundry, toilet, spray store, some corn storage and general storage are also housed in this building. This building is not suitable for conversion to a dwelling. We also have a static caravan in which our worker lives for 6 to 7 months of the year at busy times.*

*There are very few properties that come available in Oak Lane. There have been two properties on the market in our lane recently one a converted stables and a semi-detached house both over £500,000. Houses in Calf Heath village are in excess of £400,000.”*

- Email (received 20/11/23) noting the following key points:

Mr R. Brassington and Mrs A. Brassington are semi-retired/retired but are partners in the farm business and live in Cheslyn Hay.

Mr J. Brassington at The Old Farm House on the farm. Julian has two post school teenagers neither of whom have any interest in farming.

Mr N. Brassington lives at The Acorns on the farm. They have two children a daughter and a son (Ben) who is a full time employee of the farm and would live in the proposed farm workers dwelling. Ben is married and has a two year old son. Obviously they may have more children hence the three bedroom house.

The caravan has planning permission and is sited to the south side of The Old Farm House. The caravan has been there for around 12 years. Damian, who resides in the caravan has been with us for 8 years. He is an important member of staff covering holidays and busy periods such as sowing and harvesting working six to eight months a year which we would still need even if Ben lived back at the farm.

The farm also has five more staff members, two full-time and three part time, all of whom live a fair distance from the site.

- Email received (27/11/23) noting the following:

*"I have attached some pictures of the building previously mentioned showing vacuum pump, compressor, ice builder, heat exchanger and farm electrics. There are pictures of farm office, staff kitchen and staff toilet and laundry. Also pictures of corn store, general store and spray store. I think the converting this building to a dwelling would be impossible as I don't know where we could resight this equipment as it needs to be next to the milking parlour. The building has no proper cavity for insulation, is in a poor state of repair so far as the roof is concerned (we have recently bought tin sheets to replace the tiles). The building is also surrounded by concrete roads and steel span buildings with no opportunity for a garden. All other buildings on the farm are of steel span construction. I have also attached a couple of pictures of the caravan.*

*I have spoken to a builder and he estimates a dwelling of the one proposed would cost about £150,000 but costs are coming down at the moment."*

### **1.3 SITE HISTORY**

#### Planning applications

86/00965 Farmworkers Dwelling Approve Subject to Conditions 18th August 1986  
95/00621 Farm Building Approve Subject to Conditions 28th September 1995  
94/00878 Storage of Caravans Refuse 22nd November 1994, Appeal Dismissed 12th September 1995  
94/00018/AGR Agricultural Buildings 17th August 1994  
97/00012/AGR General Farm Building 5th September 1997  
98/00820 Agricultural Workers Dwelling Refuse 1st December 1998  
04/01195/FUL Farm building for wintering tractors and storage of straw. Approve Subject to Conditions 9th November 2004  
04/01453/LUE Certificate of lawfulness for storage of HGV vehicles Approve 14th September 2006  
07/00209/COU Mobile home Refuse 4th June 2007  
07/01237/TEM Retention of agricultural worker's mobile home for three years Approve Subject to Conditions 9th January 2008  
09/00656/FUL Erection of cattle cubicle shed Approve 24th September 2009  
11/00635/FUL Slurry store to be excavated for nitrate vulnerable zones which becomes law on Jan 1st 2012. Will be dug and lined with an approved product complete with pump and agitator. Approve Subject to Conditions 26th October 2011  
12/00671/AGR Cattle shed 24th September 2012  
12/00720/LUP Proposed two storey front extension Approve 19th December 2012  
12/00829/FUL Cattle shed Approve Subject to Conditions 28th November 2012  
13/00465/LUP Proposed Two Storey Front Extension Approve 14th June 2013  
17/00601/FUL New livestock building 41.148mts long, 12.192 mts wide, 4.269 mts high to eaves plus 15% roof pitch this building is to house young replacement cattle for our milking herd Approve Subject to Conditions 15th September 2017  
17/00762/FUL Agriculture (New calf shed) Approve Subject to Conditions 9th October 2017

### **1.4 POLICY**

#### **1.4.1. Constraints**

Coal Authority Low Risk Area Name: Coal Authority Low Risk Development Area:  
Newt - Impact Risk Zone Amber Name: Great Crested Newt Amber Impact Zone:  
SAC Zone- 8km Buffer Zone: 8km

#### **1.4.2. Policies**

- **Within the Green Belt.**

- **National Planning Policy Framework**

Chapter 5: Delivering a Sufficient Supply of Homes

Chapter 12: Achieving well-designed and beautiful places

Chapter 13: Protecting Green Belt land

- **Adopted Core Strategy**

Core Policy 1: The Spatial Strategy for South Staffordshire

GB1: Development in the Green Belt

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

EQ1: Protecting, Enhancing and Expanding Natural Assets

EQ4: Protecting the Character and Appearance of the Landscape

EQ9: Protecting Residential Amenity

Core Policy 4: Promoting High Quality Design

EQ11: Wider Design Considerations

EQ12: Landscaping

Core Policy 9: Rural Diversification

EV8: Agriculture

EV11: Sustainable Travel

EV12: Parking Provision

Appendix 5: Parking Standards

Appendix 6: Space About Dwellings Standards

- **Supplementary Planning Documents**

Design Guide 2018

Green Belt and Open Countryside 2014

## 1.5 CONSULTATION RESPONSES

All consultation periods have expired unless noted otherwise and comments are summarised.

Site Notice Expires	Press Notice Expires
5 October 2023	N/A

### **Councillor David J Williams Huntington and Hatherton Ward**

12th September 2023

I have no comments to make at this time but reserve the right to comment or call into committee following Parish and Resident concerns

### **Councillor Jeff Ashley - Huntington and Hatherton Ward**

No Response Received

### **Hatherton Parish Council**

17th October 2023

No objection

### **Senior Ecologist - South Staffordshire**

6<sup>th</sup> February 2024



Based on the size of the scheme and the habitat in the construction footprint, I'd be inclined to agree with Naturespace's conclusion in this instance and am satisfied with a method statement for this site providing the applicant understands the risks of doing so and having to (potentially) pause works if a GCN is found. A pre-commencement condition is recommended to secure a GCN Method Statement.

### **County Highways**

15th September 2023

Recommendation Summary: Conditional

Site Visit Conducted on: 14-Sep-2023

No objections subject to condition to secure the parking and turning area as proposed. Note to Planning Officer - The proposed development is located in a rural area with an existing vehicular access from an unclassified road subject to the National Speed limit of 60 mph. There are no recorded vehicular accidents at the existing access in the last 5 years.

### **Severn Trent Water Ltd**

3rd October 2023

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

### **NatureSpace Partnership Newt Officer (Staffordshire)**

11th September 2023

It is located in the Amber Impact Risk Zone for great crested newts and the ecological report supplied identifies two ponds with possibility of supporting newts with some connectivity between them via the development site. However, due to the scale and location of the development further surveys are considered disproportionate. Therefore, it is recommended that a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist is produced, to show that the works will be carried out following best practice procedures. An informative is also recommended.

### **Natural England**

11th September 2023

No objection - subject to appropriate mitigation being secured.

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of Cannock Chase Special Area of Conservation. In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured: - delivering mitigation, for recreational impacts on Cannock Chase SAC, by means of the Strategic Access Management & Monitoring (SAMM) measures. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Internationally and nationally designated sites

The application site is within close proximity of the Cannock Chase Special Area of Conservation (SAC) which is a European designated site, and therefore has the potential to affect its interest features. Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions., providing that all mitigation measures are appropriately secured in any permission given.

Cannock Chase SSSI - No objection

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

### **Contributors**

No comments received

## **2.0 APPRAISAL**

- **Principle of development**
- **Impact on the openness of the Green Belt**
- **Case for Very Special Circumstances**
- **Impact on visual amenity of the Green Belt and character of the area**
- **Access, parking & highway safety**
- **Residential and Occupier Amenity**
- **Ecology & biodiversity**
- **Cannock Chase Special Area of Conservation**
- **Human Rights**

2.1 The application has been referred to Planning Committee for determination as it is contrary paragraphs 152 and 154 of the NPPF and Policy GB1 of the Core Strategy.

### **2.2. Principle of development**

#### **2.2.1. Spatial Strategy**

2.2.2. Core Strategy Core Policy 1 (or 'CP1') states that throughout the district, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. Calf Heath is identified within the Core Strategy as an 'other village or hamlet' which is not identified for housing growth and is restricted to particular types of development including affordable housing, tourism, sport and recreation and to support the local rural economy and rural diversification.

2.2.3. NPPF Paragraph 84 states that planning decisions should avoid the development of isolated homes in the countryside, subject to a number of exceptions, one of those being where there is an "*essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside*". Paragraph 83 of the NPPF also states that planning decisions should enable the development and diversification of agricultural businesses.

2.2.4. Consequently, providing the application demonstrates an essential need for a rural worker to reside on site, the proposal would comply with the provisions of the NPPF and Core Policy 1. The proposal would also support the local rural economy by supporting the ongoing successful operation of a farming enterprise which is supported by Core Policy 1.

### **2.3 Green Belt**

2.3.1. The site is located within the Green Belt where the construction of new dwellings is considered to represent inappropriate development. Paragraph 142 of the NPPF advises that the Government attach great importance to Green Belts, the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

2.3.2. As stated within Policy GB1 of the Core Strategy there are exceptions to the presumption against new buildings within the Green Belt however these are (amongst others) usually for purposes directly related to agriculture. It is not considered that a dwelling is for purposes directly related to agriculture and as such for planning permission to be granted the applicant must identify material considerations amounting to Very Special Circumstances. These considerations will be assessed against the criteria within Core Strategy Policy EV8 (Agriculture).

## **2.4 Impact on the Openness of the Green Belt**

2.4.1. Openness is an essential characteristic of the Green Belt. The application site is currently a portion of an agricultural field. As such, the proposed dwelling would develop land that is currently undeveloped, as it is the point at which the cattle sheds and two adjacent dwellings on the Brassingtons' land transitions from buildings to agricultural land. Therefore, as the proposed dwelling would increase the built form on the site, it would lead to a reduction in openness. The use of the land for residential purposes also has the potential to introduce domestic paraphernalia in the Green Belt (i.e. outdoor seating areas as indicated on the proposed plans etc), further impacting on openness.

2.4.2. The residential use of the land is a form of encroachment into this part of the countryside, and conflicts with one of the purposes of including land in the Green Belt as identified in paragraph 143 of the NPPF. It is considered that the presence of a permanent dwelling combined with the potential associated residential curtilage would be likely to erode the openness of the Green Belt, identified in paragraph 143 of the NPPF as one of its essential characteristics. This in itself constitutes harm to the Green Belt.

## **2.5 Case for Very Special Circumstances**

2.5.1. In line with NPPF paragraph 153, 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 resulting from the proposal, is clearly outweighed by other considerations.

2.5.2. As set out above, it is considered that the proposed permanent dwelling would have a greater impact upon the openness and character of this part of the countryside and, for the reasons already set out above, would amount to inappropriate development in the Green Belt and is therefore harmful. Against this backdrop, it must be considered whether very special circumstances have been presented or otherwise exist, which might outweigh the substantial harm to the Green Belt. The applicant's case for Very Special Circumstances are considered as follows.

2.5.3 The Applicant's case is that there is an essential need for his son to live on the site to service the business. The NPPF does not provide guidance on what constitutes an essential need. In order to determine whether a need is essential it is necessary to establish whether there is a physical need for someone to be on site most of the time (e.g. to care for animals or work the land), and whether the proposed operation itself has reasonable medium to long term prospects of success.

2.5.4. Policy EV8 of the Core Strategy sets out certain criteria which proposals for permanent agricultural and occupational workers must satisfy, which provides a useful checklist to assess the application, these being:

- There is a clearly established existing functional need which cannot be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;

- The need relates to a full-time worker;
- The unit and the agricultural activity concerned have been established of at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
- The proposal satisfies all other normal planning requirements.

2.5.5. Compliance with each of the criteria is considered in turn as follows:

## **2.6 Functional need**

2.6.1. The first element of part g) requires that there is a clearly established functional need which cannot be fulfilled by another existing dwelling on the unit or any other existing accommodation in the area which is suitable and available for occupation by the worker concerned.

2.6.2. The existing enterprise operated from the site comprises two existing dwellings (occupied by the applicant who intends to remain, and the applicant's brother), as well as a number of cattle sheds for the enterprise's 1100-1200 cattle. The proposed dwelling intended to provide permanent on-site residential accommodation for the applicant's son.

2.6.3. The submitted Planning Statement provides the following detail:

- Mr Julian Brassington (a business partner) has resided in the main farmhouse since 2003, enabling him to be on site to assist in the husbandry tasks of the dairy and beef enterprises throughout the day and night, as required for his full-time role in the business.
- Mr Nick Brassington (also a business partner) also resides at Oak Lane Farm, in an agricultural workers dwelling, The Acorns. Nick also provides essential labour for and management of the dairy and beef enterprises, but due to limitations on his health is less able to contribute to the more labour intensive tasks, such as calving.
- There is also a part time worker who resides on site in temporary accommodation and assists with casual labour for relief milking and seasonal demands. The business also employs five more workers, two full time and three part time, all of whom live off site.
- The accommodation is proposed to be occupied by B.Brassington (son of the applicant) who has obtained various qualifications in agricultural practice and has been employed by the business for 10 years. He currently resides off-site in Cannock, which reduces the responsibility and management contributions he is able to make to the husbandry tasks at present, specifically the labour requirements of calving, which often occur at night and at short notice.
- As aforementioned, R.H. Brassington & Sons owns approximately 600 acres of land on the east and west sides of Oak Lane, with the Brassington family managing an area of approximately 190 acres and leasing the remainder of their landholdings. The land managed by the Brassington family is devoted to beef and dairy cattle, with 1100-1200 cattle on site. Based on aerial imagery, there are approximately 15 cattle sheds on the property, located 60m to the south of the proposed dwelling site. It should be noted that the physical number of cattle sheds is difficult to ascertain as many of the sheds have been previously extended and are interconnected in various manners.
- The herd operates a year-round calving pattern, necessitating regular visual monitoring throughout the night to identify cows requiring assistance and act accordingly where needed at short notice.

There is a large requirement for out of hours labour associated with the dairy herd, most crucially during calving. Due to the nature and demands of the work involved, it is necessary for at least two suitably experienced and competent individuals to be present on the farm each night throughout the year for assisting with calving, to ensure both the safety and welfare of the farm workers and cattle being assisted.

2.6.4. Although there are already two suitably qualified workers who reside on site, one of them is unable to assist with calving due to health issues. The part time worker who lives in the temporary accommodation for 6-7 months a year is described as casual labour who assists during busy periods, rather than an experienced stockman. It is evident from the information provided, due to the number of cattle on site and the calving pattern, at least two stockmen need to be within sight and sound of the herd at all times to assist with calving, escaped or sick animals in order to avoid losses.

2.6.5. With the exception of the existing rural workers temporary accommodation (which is already occupied part of the year by a longstanding casual worker) there is no other accommodation available on site that is unoccupied, nor are there any other buildings which might be converted to create the required dwelling. The applicant has provided photos of the existing brick buildings however they are already in use for milking equipment, farm office, and corn/general storage.

2.6.6. The operation is located in a relatively isolated area with limited residential uses within a reasonable distance. The majority of the properties located further south-west in Calf Heath are primarily large expensive properties which are unlikely to be suitable. At the time of drafting this report (February 2024) there were four properties for sale in Calf Heath, the most affordable being on sale for £315,000.

2.6.7 The next closest settlement is Four Ashes, which is around 1.5miles to the west. There are limited residential properties available here and at the time of writing there was one property for sale, a bungalow, which was marketed at £385,000. Wedges Mills is situated approximately 1.2 miles east of the site. At the time of writing there were two properties for sale that were under £250k however both were around 2 miles from the site, hence they would not enable the worker concerned to be within sight and sound of the site to assist with calving etc. Given the clustered nature of the existing cattle sheds and the two existing dwellings at Oak Lane Farm, the proposed siting of the subject dwelling is located in necessary proximity to the aforementioned functional needs.

2.6.8. Given the information that has been presented with this application, and based on the numbers of cattle that reside at the site it is considered that there is a clear functional need for someone to be present on site at most times (both day and night) to ensure the proper functioning of the enterprise and avoid losses. There is clearly no available or affordable alternative accommodation within a reasonable distance of the site, and it is clear that whilst there will most likely be affordable properties in nearby settlements, their distance from the site renders them unsuitable. It is therefore considered that the functional need and consideration of alternative accommodation tests have been met.

## **2.7 Requirement for a full-time worker on-site**

2.7.1. The second requirement is that the need relates to a full-time worker. The above information confirms that there is a need for round the clock supervision of the operation to ensure the welfare of the livestock on site. Although two suitably qualified full-time workers already reside on site, one of them is unable to assist with calving and there is a need for two workers to assist with calving and sick and escaped animals.

2.7.2. The submitted Planning Statement sets out that Oak Lane Farm employs 5 full time agricultural workers, which includes two of the business partners (Mr J. Brassington and Mr N. Brassington), one part time worker and up to 5 further individuals, who provide casual labour to support business activities.

2.7.3. The statement includes an industry recognised Farm Management breakdown of standard man days (SMDs) to cover the labour requirement to include field work, fodder making and maintenance/management which is calculated as being equivalent of 2835.90 SMDs. It is generally accepted that 275 Standard Man Days are provided by a full-time agricultural worker therefore this equates to a need for 10 full time workers.

2.7.4. As discussed within the previous section of this report, a functional need is considered to have been demonstrated and the calculations put forward corroborate the labour requirement. On the basis of the evidence presented, it is considered that the need for a full-time worker has been demonstrated and the relevant test has been met.

## **2.8 The agricultural operation is financially sound**

2.8.1. Turning to the third requirement of Policy EV8 part g), the applicant needs to demonstrate that the unit and agricultural activity have been established for at least 3 years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so.

2.8.2. According to the financial statements provided there are five main sources of income to the current enterprise, these being: milk, livestock, single farm payment, a stewardship scheme and sundries. The details of the financial statements that have been are confidential and will not be restated here; however, the statements provided indicate that R.H. Brassington & Sons has been profitable in both 2022 and 2023. According to the applicant the farm business is over 60 years old, firstly as R.H. & A.S. Brassington and for the last thirty years as R.H. Brassington & Sons.

2.8.3. The applicant has confirmed that the dwelling would belong to the farm as a farm-workers dwelling and the build cost (estimated to be around £150k) would be financed by the farm either by loan or mortgage out of the business. The applicant has submitted accounts information showing an increasing profit for a two-year period and the business is estimated to have been operating for over 60 years. On this basis the business appears to be financially sound with a clear prospect of remaining so.

## **2.9 Whether the proposal satisfies all other normal planning requirements.**

2.9.1. Although there are no saved local plan or national policies concerning the scale of rural workers dwellings, it is still necessary to consider whether the size of the proposed dwelling is commensurate with functional need of the enterprise. It is important to note that it is the requirements of the enterprise, rather than those of the owner or occupiers, that are relevant in determining the appropriate size of an occupational workers dwelling.

2.9.2. As stated previously, the proposed dwelling would be two storeys in form and have a floor area of some 110sq. m. to include three bedrooms and two bathrooms. It is considered that the scale and nature of the accommodation proposed is not excessive and is commensurate with the functional needs of the business enterprise.

2.9.3 With regard to other planning matters, the site is not located within an area liable to flooding. Foul water drainage would be disposed of via a septic tank facility. Any matters relating to the capacity of the drainage facilities would be a matter for Building Regulations.

2.9.4 Excess surface water would be discharged via the soakaway system. The proposed block plan indicates that the proposed rear patio and front parking area would be finished with porous paving. The Planning Statement notes that the majority of electricity would be provided via solar panels with heating and hot water provided by an air source heat pump. Both elements are indicated on the proposed plans. In such regards, the development is considered to be in line with the aspirations of the Council's Sustainable Development SPD (2018). Ecology and biodiversity matters are considered further within Section 7 below.

### **3.0 Conclusion on essential need**

3.0.1 For the reasons set out above, it is considered that there is a functional need for a full-time worker to reside on the site in connection with the enterprise, and that this business appears to be financially sound (based upon the evidence presented) and has clear prospects of remaining so. That being the case, the applicant has demonstrated an essential need for the construction of a permanent dwelling in association with the enterprise and the proposal would therefore accord with Policy EV8 of the adopted Core Strategy.

### **3.1 Impact on visual amenity of the Green Belt and character of the area**

3.1.1 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 similarly 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.

3.1.2. The NPPF (Section 12) advises that "good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities". The document continues to state that "development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design".

3.1.3 Paragraph 135 of the NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area's defining characteristics, it states that developments should:

- function well and add to the overall quality of the area;
- establish a strong sense of place;
- be sympathetic to local character and history, and reflect local surroundings and materials;
- create safe and accessible environments; and
- be visually attractive as a result of good architecture and appropriate landscaping.

3.1.4. Oak Lane Farm on the whole is readily visible from the highway due to the distance of the buildings from the highway and the generally level terrain. The proposed dwelling would be sited approximately 25m from the highway, in line with the existing front building line of The Acorns to the south. Whilst the proposed dwelling would occupy a prominent position within the landscape, the dwelling would to some extent be read as part of the existing complex of buildings and two existing dwellings which comprise the Brassington farm.

3.1.5. Whilst the proposed site plan does indicate a ranch type timber fence along three sides of the curtilage, it is considered necessary and reasonable to apply a suitable landscape condition to ensure delivery of adequate screening to ensure compliance with Policy EQ12 of the Core Strategy.

### **3.2. Access, Parking & Highway Safety**

3.2.1. Appendix 5 of the Core Strategy provides guidance on the Council's car parking requirements for new development. The proposed site plan indicates parking for two vehicles adjacent to the dwelling, as well as turning space to the front of the dwelling. As the dwelling is proposed to have three bedrooms, providing two parking spaces meets the requirements of the Core Strategy.

3.2.2. County Highways has recommended approval of the application, subject to a condition which has been included below. As such the proposal is considered to accord with Policy EV12 and the Parking Standards.

### **3.3. Residential and Occupier Amenity**

3.3.1. 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.

3.3.2. There is approximately 12.5m between the southern-facing side wall of the proposed dwelling and The Acorns. Whilst there is one first floor window proposed it is to an en-suite and noted on the proposed elevations as being obscure glazing. Of course, The Acorns is also owned by the applicant, with the proposed dwelling to be occupied by his son. Given the distance between the side walls of the dwellings, it is considered that the proposed dwelling would not give rise to a material impact on the amenity of the occupants of The Acorns. Accordingly, there is no conflict with Policy EQ9.

3.3.3. Paragraph 1.10 within Appendix 6 'Space about dwellings standards', seeks for the appropriate level of garden amenity space for outdoor recreation. The proposed dwelling would benefit from moderate garden length and area, meeting the requirements of the Core Strategy for a three-bedroom dwelling. The proposal does not infringe the Council's Space about Dwellings standards and it also complies with Nationally Described Space Standards.

### **3.4 Ecology & Biodiversity**

3.4.1. Policy EQ1 of the Core Strategy states that permission will not be granted for development which would (alone or in combination) significant harm to sites and/or habitats of nature conservation, including trees, hedgerows and species which are protected or under threat.

3.4.2 Protected Species - 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). The Conservation (Natural Habitats, &c.) Regulations 1994 implement two pieces of European law and provide for the designation and protection of 'Special Protection Areas' (SPAs) and 'Special Areas of Conservation' (SACs), together with the designation of 'European Protected Species', which include bats and great crested newts. The Countryside and Rights of Way (CROW) Act 2000 compels all government departments to have regard for biodiversity when carrying out their functions. Finally, The Protection of Badgers Act 1992 consolidated existing legislation on the protection of badgers. This legislation is intended to prevent the persecution of badgers. The act protects both individual badgers and their setts.



3.4.3. Biodiversity - To comply with the guidance contained within 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.

3.4.4. Due to the Local Planning Authorities obligation to "reflect and where appropriate promote relevant internal obligations and statutory requirements" (paragraph 2 of NPPF) and the requirement, under paragraph 180 of the NPPF, for planning decisions to minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (along with emerging advice within the Draft Environment (Principles and Governance) Bill 2018); the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, Paragraph 185 of the NPPF, requires that "opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity".

3.4.5. The site is within an amber Impact Risk Zone for Great Crested Newts (GCN). The applicant has submitted a GCN Habitat Suitability Assessment which indicates that eDNA testing should be carried out on nearby waterbodies to determine likely presence or absence of GCN. However NatureSpace (who administer the Council's District License) and the LPA's Senior Ecologist have reviewed the application and based on the size of the scheme and the habitat in the construction footprint it is considered that a method statement would be sufficient for this site providing the applicant understands that there is a risk of having to (potentially) pause works if a GCN is found. On that basis a pre-commencement condition would be required, which has been agreed to by the applicant.

3.4.6. In terms of biodiversity, at present the site is a field and all of the existing trees and hedgerows on the perimeter are proposed to be retained. A landscaping condition is proposed which would provide an opportunity to secure biodiversity gains. Accordingly, the application is considered compliant with Protected Species and Biodiversity legislation.

### **3.5. Cannock Chase Special Area of Conservation**

3.5.1. The application site lies within the 8km zone of influence for the Cannock Chase Special Area of Conservation (SAC). Any application which involves a net dwelling increase within the 0-15km zone of influence of the SAC is required to provide mitigation in the form of a charge for any additional dwellings proposed. The applicant has agreed to enter into a legal agreement to secure the financial mitigation should the application be approved, and a draft unilateral undertaking has been provided. A Habitat Regulations Assessment has been carried out and Natural England have raised no objections to the proposal subject to appropriate mitigation being secured.

### **3.6. Human Rights**

3.6.1. 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.

### 3.7 CONCLUSIONS

3.7.1 The proposal for a new dwelling constitutes inappropriate development in the Green Belt and is therefore harmful by definition. However the applicant has demonstrated a clear functional need for a workers dwelling to support the agricultural enterprise on a round the clock basis, thus amounting to the very special circumstances needed to outweigh the developments harm. The proposal would sit on the periphery of the existing agricultural complex and would assimilate comfortably with the character of the immediate area and there are no concerns arising in respect of parking/highways, residential amenity or ecology/biodiversity. The proposal is therefore considered to comply with Policy EV8 of the Core strategy and Paragraphs 84 and 153 of the NPPF. Consequently, approval is recommended subject to conditions and satisfactory completion of a unilateral undertaking to secure the necessary mitigation in respect of Cannock Chase SAC.

### 3.8. RECOMMENDATION – APPROVE SUBJECT TO THE SATISFACTORY COMPLETION OF A UNILATERAL UNDERTAKING IN RESPECT OF CANNOCK CHASE SAC.

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. GCN Method Statement:  
No development shall take place, including demolition, groundworks or any necessary vegetation clearance until a method statement for great crested newts (GCN) has been submitted to and approved in writing by the Local Planning Authority and all works thereafter shall be carried out in accordance with the approved method statement The method statement must include (as a minimum):
  - A risk assessment in relation to site activities that may impact GCN and the associated legislative breaches that may occur due to works;
  - Details of all reasonable avoidance measures to ensure GCN are not adversely affected by works; and
  - Identification sheets for native amphibians (to be kept on site).
  - Details of the toolbox talk and signed register for attendees
4. No works above damp-proof level shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
5. Prior to any works taking place above damp proof course level, 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 concurrently with the development and shall thereafter be retained in the approved form and position throughout the life of the development.
6. Within 1 month of any development commencing on the site a landscape scheme shall be submitted to the Local Planning Authority for approval. The approved scheme shall be implemented concurrently with the development and completed within 12 months of the

completion of the development. 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).

7. The development hereby permitted shall not be brought into use until the access drive, parking and turning areas have been provided in accordance with the approved plans
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the dwelling(s) hereby approved without the prior approval of the Local Planning Authority:

Schedule 2, Part 1, Class A - enlargement, improvement or other alteration

Schedule 2, Part 1, Class AA - enlargement of a dwellinghouse by construction of additional storeys

Schedule 2, Part 1, Class B - addition or alteration to the roof

Schedule 2, Part 1, Class C - any other alteration to the roof

Schedule 2, Part 1 Class E – buildings etc incidental to the enjoyment of a dwellinghouse

Schedule 2, Part 2, Class A - gate, wall, fence or other means of enclosure

Schedule 2, Part 20, Class AD - new dwellinghouses on detached buildings in use as dwellinghouses.

9. The development hereby approved shall be occupied by a person primarily employed in the operation of the adjoining agricultural unit ( known as **Oak Lane Farm Oak Lane Calf Heath Staffordshire WV10 7DR** ), their relatives, dependents and/or household staff, and by no other person.

#### 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. To prevent harm to protected species in accordance with Policy EQ1 of the adopted Core Strategy.
4. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
5. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
6. to ensure delivery of adequate screening to ensure compliance with Policy EQ12 of the Core Strategy and to secure biodiversity enhancement in accordance with Policy EQ1.

7. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
8. To preserve the openness and visual amenity of the landscape and the Green Belt in accordance with policies GB1 and EQ4, and to protect the amenity of neighbouring occupiers in close proximity to the site in accordance with Policy EQ9.
9. 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. The development is hereby approved on the basis that the dwelling is to be occupied by an agricultural worker only.

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, 2023.

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:

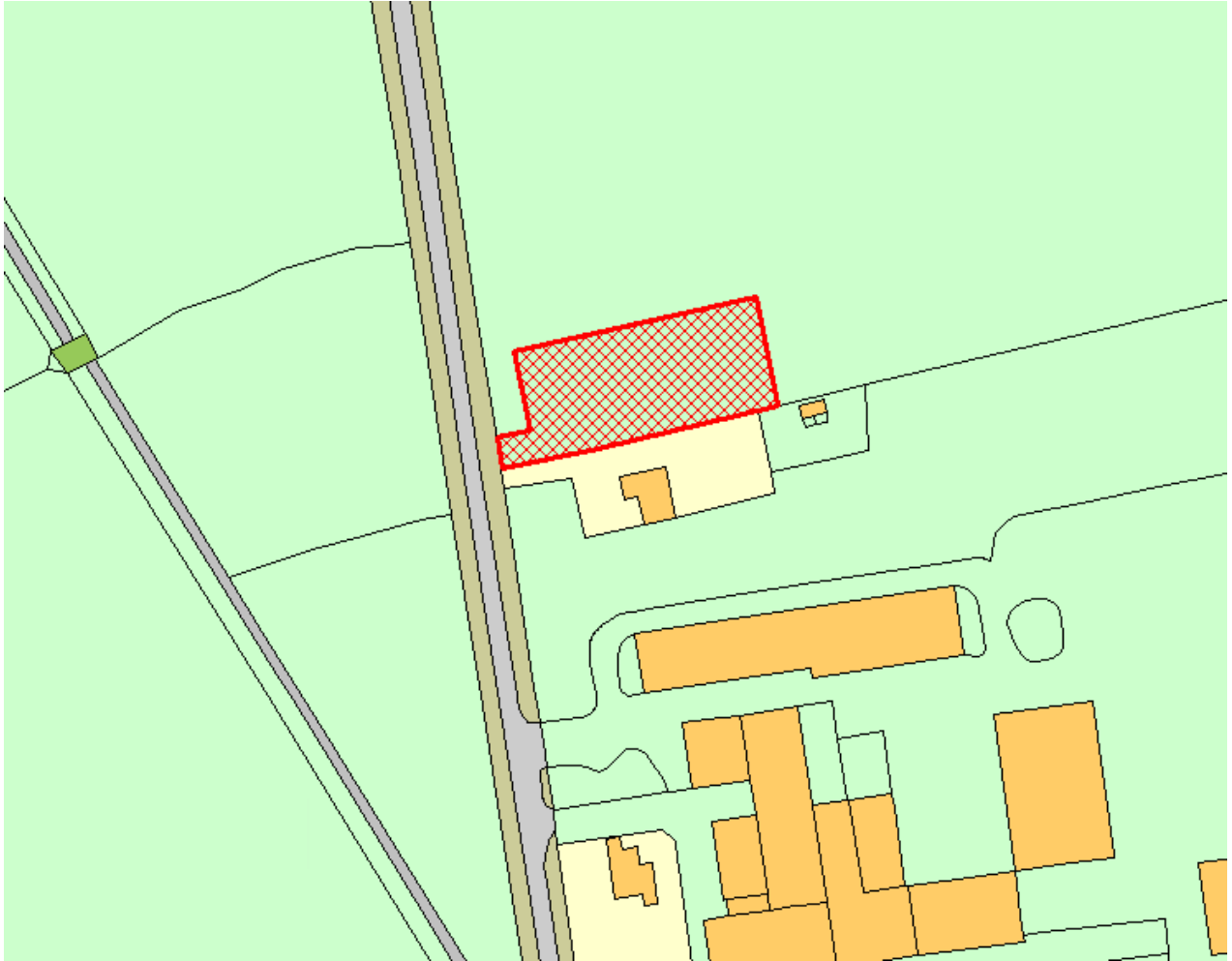
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence."

The applicant can apply to the District Licensing Scheme at any time should they wish to avoid any risks or should newts be encountered on the site. For more information please see [www.naturespaceuk.com](http://www.naturespaceuk.com)

#### **Plans on which this Assessment is based**

Plan Type	Reference	Version	Received
Proposed Plans and Elevations	09/99/547		20 March 2023
Proposed Site Plan	09/99/552		20 March 2023
Location Plan			22 March 2023



Oak Lane Farm, Oak Lane, Calf Heath, Staffordshire WV10 7DR



**23/00887/FUL  
NON MAJOR**

**Mr M Warner**

**ACTON TRUSSELL, BEDNALL &  
TEDDESLEY HAY**  
Councillor A Adams  
Councillor S Harper-Wallis

**Spring Paddock Common Lane Bednall STAFFORD ST17 0SF**

**Demolition of existing building and change of use of land for the siting of a shepherd's hut for use as a holiday let.**

<b>Pre-commencement conditions required: n/a</b>	<b>Pre-commencement conditions Agreed: n/a</b>	<b>Agreed Extension of Time until 01.03.2024</b>
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**1.1 SITE DESCRIPTION**

1.1.1 The application site comprises an office building associated with the operation of the caravan site and as a home office to run a separate business of the applicant's (application ref 19/00202/COU). The site also includes the entrance from the highway (Common Lane) which serves the caravan park and the parking area associated with the offices as well as a small agricultural building (application ref 19/00200/FUL).

1.1.2 Beyond the red line boundary is a wildlife pond (application ref 20/01104/FUL) to the west and to the north a grassed area with 5 pitches for caravans/motorhomes. Beyond these areas to the northwest is approximately 3.85 acres of agricultural land. To the east is the A34 which connects to the site via Common Lane. To the southeast of the site are two residential properties.

1.1.3 Date of site visit - 6 December 2023

**1.2 APPLICATION DETAILS**

1.2.1 Planning permission is sought for the change of use of land for the siting of a shepherd's hut for use as a holiday let. The existing agricultural building (permitted under application 19/00200/FUL) which lies on a similar footprint to the proposed hut would be demolished.

1.2.2 The shepherds hut would measure 9m in length, 3.3m in width, 4m in height to the top of the curved roof and 3m to the eaves. The hut would be mounted on wheels with steps up to the front entrance. The hut walls would be clad in composite timber and the roof synthetic roof tiles. Internally the hut would be open plan with a bed, living area and kitchen with an ensuite toilet. The application form states that 2 parking spaces would be accommodated within the area adjacent to the hut which is currently laid with stone chippings.

1.2.3 Agents' submission:

- Preliminary Bat Roost Assessment and Bird Survey 11th October 2023
- Planning Statement October 2023

**SITE HISTORY**

Planning Applications

19/00199/FUL Creation of 5 no. gravel caravan pitches, 3 no. bollards for electric hook ups and enclosed Elsan point **Approve Subject to Conditions** 4th June 2019

19/00200/FUL Erection of agricultural building for hay store/lambing shed **Approve Subject to Conditions** 16th May 2019

19/00202/COU Change of use of stables to office (Use Class B1a), external alterations including insertion of windows and doors, retention of electric meter box, widening of access drive and retention of hardstanding **Approve Subject to Conditions** 11th June 2019

19/00202/COND Discharge condition 3 - Details of the design and materials of the doors and windows and details of the materials, finish and colour of the material to be used on the exterior walls of the meter cabinet. 5th August 2019

19/00975/COU Change of use of existing implement store into 2 no. shower/toilets including the installation of a septic tank. **Approve Subject to Conditions** 26th February 2020

20/01104/FUL Creation of wildlife pond (retrospective) **Approve Subject to Conditions** 5th March 2021

22/00071/COU Change of use of land to accommodate 5no. touring caravans and motorhomes **Approve Subject to Conditions** 22nd March 2022

## **POLICY**

### **Constraints**

Coal Authority Low Risk Area Name: Coal Authority Low Risk Development Area:

Newt - Impact Risk Zone White Name: Impact Risk Zone White:

C Class Road C0278

SAC Zone- 8km Buffer Buffer Zone: 8km

### **Policies**

South Staffordshire Adopted Core Strategy 2012

Core Policy 1: The Spatial Strategy

Policy GB1: Development in the Green Belt

Core Policy 4: Promoting High Quality Design

Policy EQ1 Protecting, Enhancing and Expanding Natural Assets

Policy EQ2: Cannock Chase Special Area of Conservation

Policy EQ4 Protecting and enhancing the character and appearance of the Landscape

Policy EQ9 Protecting Residential Amenity

Policy EQ11 Wider Design Considerations

Policy EV2 Sustainable tourism

Policy EV6 Re-use of Redundant Rural Buildings

Policy EV12 Parking Provision

Core Policy 11: Sustainable Transport

Appendix 5 Car parking standards

Appendix 6 Space About Dwellings

### **Supplementary Planning Documents**

South Staffordshire Design Guide 2018

Green Belt and Open Countryside Supplementary Planning Guidance 2014

Sustainable Development SPD, 2018

### **National Planning Policy Framework, 2023 (the 'NPPF').**

Paragraph 11: The Presumption in Favour of Sustainable Development



Section 12: Achieving well-designed places

Section 13: Protecting Green Belt Land

### CONSULTATION RESPONSES

All consultation periods have expired unless noted otherwise.

Site Notice Expires	Press Notice Expires
27 December 2023	n/a

#### Acton Trussell PC

No Response Received

#### Councillor Andrew Adams - Penkridge North & Acton Trussell

No Response Received

#### Councillor Samuel Harper-Wallis-Penkridge North & A Trussell

No Response Received

#### Senior Ecologist - South Staffordshire

29th November 2023

Summary of Consultee Position:

##### Designated Wildlife Sites

SSDC Cannock Chase SAC Guidance (Updated 1st April 2023) ([sstaffs.gov.uk](https://staffs.gov.uk)) states that the "in combination" impact of proposals involving a net increase of one or more dwellings within a 15 kilometre radius of the SAC would have an adverse effect on its integrity unless avoidance and mitigation measures are in place.

This proposal therefore clearly qualifies as a net increase of one dwelling within the 15km zone of influence. A draft Appropriate Assessment will be completed by South Staffordshire Council as the Competent Authority, and Natural England will accordingly be consulted on this.

Providing that Natural England agree with the Appropriate Assessment, and that the fee of £329.83 (index linked) is paid in accordance with the UU, I am satisfied that the proposal would have no adverse effect on site integrity in relation to Cannock Chase SAC.

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

##### Habitats

I have no significant concerns in relation to the impacts of the proposed development to habitats.

##### Protected Species

I have reviewed the bat and bird survey report by S. Christopher Smith MRICS MSc CEnv and I am satisfied with the assessment and recommendations of the report. I have proposed a condition for implementation of the details included within the report.

## Recommendations

Should you be minded to approve the application, I recommend the following conditions and informative notes are added to any decision notice:

### Condition 1 - Compliance with existing documents

All works shall be carried out in accordance with the details contained in the method of working section of the bat and bird survey report by S. Christopher Smith MRICS MSc CEnv dated 11th October 2023 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

### Condition 2 - Lighting Specifications

Any external lighting at the site must comply fully with the specifications detailed below:

- All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.
- LED luminaires should be used due to their sharp cut-off, lower intensity, good colour rendition and dimming capability.
- A warm white light source (2700 Kelvin or lower) should be adopted to reduce blue light component.
- Column heights should be carefully considered to minimise light spill and glare visibility. This should be balanced with the potential for increased numbers of columns and upward light reflectance as with bollards.
- Only luminaires with a negligible or zero Upward Light Ratio, and with good optical control, should be considered - See ILP GN01
- Luminaires should always be mounted horizontally, with no light output above 90 degrees and/or no upward tilt.
- All external lighting shall be installed in accordance with the above specifications, and shall be maintained thereafter in accordance with the specifications.

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

## Contributors

No comments received.

## APPRAISAL

### 1. Principle of the development

### 2. Layout, Design and Appearance

### 3. Ecology, including the Cannock Chase Special Area of Conservation (SAC)

### 4. Residential Amenity

### 5. Highway safety/parking

### 6. Human Rights

#### 1. Principle of the development

1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made, in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan for South Staffordshire District comprises the Core Strategy (2012-2028) and the Site Allocations Document (2012-2028).

### *Green Belt*

1.2 Paragraph 152 of the NPPF states that, 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraph 155 provides a list of certain forms of development that are not considered inappropriate provided they preserve its openness and do not conflict with the purposes including land within it. This includes e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds). Core Strategy policy GB1 states, 'development acceptable within the terms of national planning policy set out in the NPPF will normally be permitted where the proposed development is for '...C. Changes of Use of Land: f) the carrying out of engineering or other operations, or the making of a material change of use of land, where the works or use proposed would have no material effect on the openness of the Green Belt, or the fulfilment of its purposes'.

1.3 The proposal here is for a change of use from agricultural to a holiday let. The proposed shepherds hut is not classed as a building or an engineering operation so the other exceptions under NPPF para 154 and 155 do not apply here. Therefore, NPPF Paragraph 155(e) and Core Strategy Policy GB1C(f) are the relevant policies.

1.4 The shepherds hut would measure 9m in length, 3.3m in width, 4m in height to the top of the curved roof and 3m to the eaves. This exceeds the size and height of the existing agricultural building on the site which measures 7.3m x 3m and 3m in height. Whilst the increase in size is modest, the GB1 test is that the use proposed must have no material effect on the openness of the Green Belt. There would clearly be a material effect as the hut would be 1m greater in height and therefore the proposal does not meet the requirements of Core Strategy Policy GB1.

### *Impact on the openness of the Green Belt*

1.5 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.

1.6 The proposed shepherds hut would be slightly greater in length than the existing building, however it would measure 1 metre greater in height. The topmost part of the hut would likely be visible from Common Lane. However, the proposed hut is modest in its overall size and would be of timber construction. As a result, it is considered that the proposal would blend in with the surrounding natural environment and agricultural buildings to the west, preserving the openness of the Green Belt spatially and visually. As the proposals would blend into the rural environment and would not appear urban in character, it would not conflict with the purposes of the Green Belt. In conclusion, the proposed shepherds hut would have a very limited impact on the openness of the Green Belt.

### *Very Special Circumstances*

1.7 Paragraph 153 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.

1.8 Policy EV2 of the Core Strategy seeks to support the growth of tourism in South Staffordshire consistent with the heritage and cultural associations of the District. In accordance with the Council's Tourism Strategy, the aim of Policy EV2 is to raise the profile of South Staffordshire as a visitor destination. This policy confirms that outside development boundaries it will be necessary for a business case to be made, which identifies how the development will support and make a sustainable contribution to the local economy, with priority given to reuse and conversion of redundant buildings rather than new build. The provision of tourist accommodation, including the location of static and touring caravans, will only be permitted if 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.

1.9 Spring paddock is now established as a destination for visitors following the permission for touring caravans and motor homes (planning ref 22/00071/COU). The submitted Planning Statement sets out the success of the business over the last year with high occupancy rates. Due to the favourable location close to a number of attractions there is no reason to doubt that this proposal, adjacent to the existing touring caravan site, would be popular and make a sustainable contribution to the local economy in accordance with policy EV2.

1.10 Given its discreet location, the proposal would not affect the character and appearance of the area, it would serve to complement an existing tourist facility at this site, and would not lead to additional demands on the local highway infrastructure.

1.11 To ensure that the unit is not occupied as an independent dwelling in the Green Belt, a condition can be imposed ensuring that they are only occupied for the stated purpose and for a maximum period of 4 weeks at any one time.

1.12 With regard to the principle of the proposals, the level of conflict with Policy GB1 should be weighed against the benefits of the scheme with regards to tourism. The conflict with Policy GB1 and impact on openness is considered to be very limited as the proposal is modest in size, would be seen as part of the existing extent of tourist accommodation within the wider site, and would blend in with the surrounding environment. No permanent foundations are required. Compliance with NPPF Green Belt policy is also a material consideration here which weighs in its favour. The benefits of the scheme in relation Policy EV2 add to this and therefore, on balance, it is considered that the scale is tipped in favour and a case to clearly outweigh the harm to the Green Belt has been demonstrated.

### 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 shepherds hut would predominately be screened by the surrounding vegetation and would occupy a small portion of the wider site and given the benefit of the existing vegetation, and the wooden materials used the hut would be a discreet feature within the local landscape.

2.3 As a result, the proposal is considered compliant with policy EQ4 and EQ11 of the Core Strategy.

### 3. Ecology, including the Cannock Chase Special Area of Conservation (SAC)

3.1 Whilst this application does not provide new dwellinghouses, tourist development could potentially contribute towards increased visitor pressure to the SAC. The units would provide holiday let accommodation which would increase visitor pressure to the SAC. As a result, a contribution will need to be secured via a Unilateral Undertaking prior to a decision notice being issued.

3.2 The council's ecology officer does not object to the proposals subject to conditions to ensure the mitigation measures set out in the submitted documents are implemented and that lighting criteria is met in accordance with Core Strategy Policy EQ1 and NPPF paragraphs 180 and 186.

### 4. Residential Amenity

4.1 In accordance with Core Strategy 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 nearest dwelling is Spring Cottage to the south but is separated from the site by Common Lane and hedgerows with a gap between the proposed hut and the dwelling of approximately 45m. As a result, Spring Cottage is unlikely to be impacted by the proposal. The adjacent area for touring caravans would complement the proposed use and are sited with a sufficient distance to avoid overcrowding. As a result, the proposal does not adversely impact on the amenities of nearby occupiers and therefore accords with Policy EQ9 of the Core Strategy and paragraph 135 of the Framework which, amongst other things, seeks to provide a high standard of amenity for existing and future users.

### 5. Highway safety/parking

5.1 There is sufficient space within the site for on-site parking for a one-bedroom holiday let where only 1 vehicle is likely to be needed. The proposals would utilise an existing access and therefore there are unlikely to be highway safety implications here.

### 6. Human Rights

6.1 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.

## 7. CONCLUSIONS

7.1 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 subject to conditions, 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 and completion of a unilateral undertaking to mitigate its recreational impacts on the SAC

**8. RECOMMENDATION** - APPROVE Subject to Section 106 Agreement to mitigate its recreational impacts on the SAC

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. Prior to occupation All works shall be carried out in accordance with the details contained in the method of working section of the bat and bird survey report by S. Christopher Smith MRICS MSc CEnv dated 11th October 2023 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
5. Any external lighting at the site must comply fully throughout the life of the development with the specifications detailed below:

All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.

- LED luminaires should be used due to their sharp cut-off, lower intensity, good colour rendition and dimming capability.
- A warm white light source (2700 Kelvin or lower) should be adopted to reduce blue light component.
- Column heights should be carefully considered to minimise light spill and glare visibility. This should be balanced with the potential for increased numbers of columns and upward light reflectance as with bollards.
- Only luminaires with a negligible or zero Upward Light Ratio, and with good optical control, should be considered - See ILP GN01
- Luminaires should always be mounted horizontally, with no light output above 90 degrees and/or no upward tilt.
- All external lighting shall be installed in accordance with the above specifications, and shall be maintained thereafter in accordance with the specifications.

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

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, 2023.

## INFORMATIVE

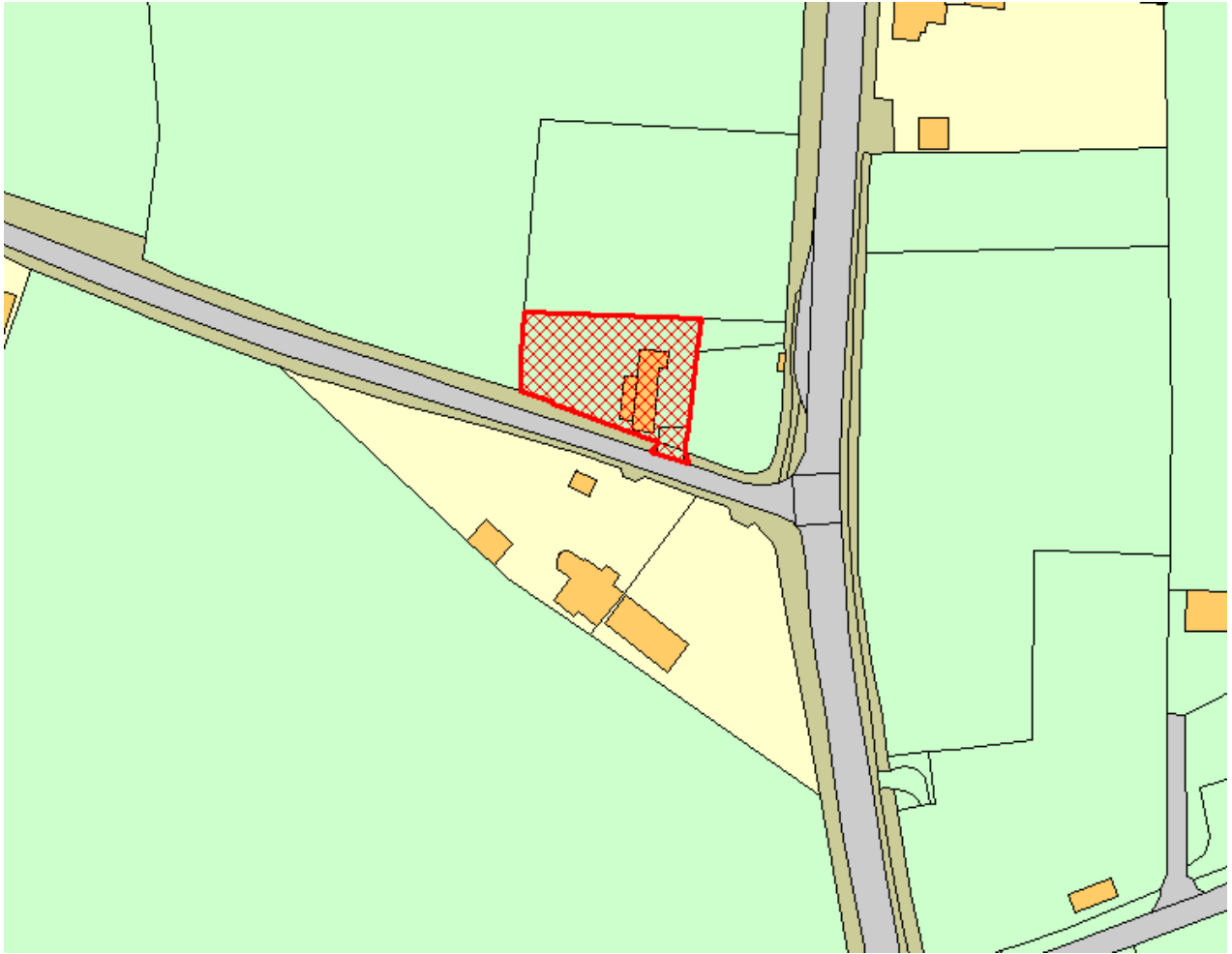
### Ecology

The applicant is reminded that under the Wildlife and Countryside Act 1981, as amended (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. The nesting bird season is considered to be between 1 March and 31 August inclusive, however some species can nest outside of this period. Suitable habitat for nesting birds 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 it is certain that nesting birds are not present.

Please note that planning permission does not override or preclude the requirement to comply with protected species legislation. Bats and their roosts are fully protected by law. Should bats, or evidence of bats be found (or be suspected to be present) at any time during demolition or construction, work must cease immediately and Natural England and/or a suitably qualified professional ecologist must be contacted for advice.

### Plans on which this Assessment is based:

Plan Type	Reference	Version	Received
Existing Site Plan	800 01		18 October 2023
Existing Plans and Elevations	800 02		18 October 2023
Proposed Plans and Elevations	800 03A		18 October 2023
Proposed Site Plan	800 04A		18 October 2023
Location Plan	800 05		18 October 2023



Spring Paddock Common Lane Bednall STAFFORD ST17 0SF



**23/01060/FUL**  
**NON MAJOR**

**MR ASHLEY IBBS-GEORGE**

**SWINDON**  
Councillor Roger Lees

**Outdoor Creations Limited Hinksford Garden Centre Hinksford Lane Swindon KINGSWINFORD DY6 0BH**

**Erection of a warehouse building for woodworking and timber fence panel production, including groundworks and a retaining wall.**

<b>Pre-commencement conditions required: N/A</b>	<b>Pre-commencement conditions Agreed: N/A</b>	<b>Agreed Extension of Time until: N/A</b>
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## **SITE DESCRIPTION AND APPLICATION DETAILS**

### **1.1 Site Description**

1.1.1 The application site is 0.67ha and is occupied by the builders/DIY merchant OCL Ltd. The site is within the Green Belt amongst a semi-rural location approximately 160m outside of Swindon Development Boundary.

1.1.2 The site comprises warehouse buildings for storage of materials with substantial open areas of hardstanding for the storage and sale building materials. There is also an independent hot food takeaway within the west corner of the site adjacent to the landscape display area. There is parking space for approximately 30-35 vehicles.

1.1.3 The street scene comprises of surrounding fields and there is a residential dwelling 100m to the north west and the edge of Swindon 250m to the north west of the site. To the south of the site is the Staffordshire and Worcester Canal, which is approximately 30m away. This canal is part of a conservation area.

### **1.2 The Proposal**

1.2.1 The application proposes the erection of a warehouse building for woodworking and timber fence panel production. Groundworks are also proposed along with a retaining wall.

1.2.1 The proposed building measures 10m by 6m by 4.6m high (eaves 4m) and will be positioned adjacent to the warehouse building on the front of the site. It would be placed in an area used for open storage of materials and will be coloured olive green.

### **1.3 Applicant's Submission**

1.3.1 The application is accompanied by a planning statement.

Date of site visit - 15 January 2024

## **SITE HISTORY**

Planning Applications

93/00321 Laying Down A Rubble Surface **Approve** 25th May 1993  
98/00664 Agricultural Building **Refuse** 29th September 1998  
99/00716/FUL Replacement building and to continue use as garden centre **Approve Subject to Conditions** 21st October 1999  
14/00754/FUL Demolition of existing administration block and erection of new power tools trade outlet with ancillary office, sale counter and cafe use. **Withdrawn** 15th April 2015  
15/00444/FUL Demolition of existing administration block and erection of new power tools trade outlet with ancillary sales office, sale counter and cafe use(resubmission). **Approve Subject to Conditions** 21st August 2015  
16/00038/FUL Demolition of existing sheds and outbuildings and replacement with single storage building for small power and engineering tooling. **Approve Subject to Conditions** 20th April 2016  
20/00076/VAR Variation of Condition 2 (Approved Plans) of 16/00038/FUL - Revised site layout **Approve Subject to Conditions** 3rd April 2020  
22/00353/FUL Retrospective application for the placement of an independent food pod within the landscaping display area of OCL. **Approve Subject to Conditions** 12th July 2022  
23/00865/OUT We are looking to build a 6m (wide) x 10m (long) portal framed warehouse. This warehouse is to be used for woodworking and timber fence panel production. The proposed building matches aesthetically with existing site buildings. The development will require groundworks (including a retaining wall) and the erection of the building itself. **Application Returned** 30th November 2023

### 3. POLICY

#### 3.1 Constraints

Green Belt  
Canal And River Trust - Minor Buffer  
Great Crested Newt Green Impact Zone:  
Newt - Impact Risk Zone White

#### 3.2 Policies

National Planning Policy Framework  
National Planning Practice Guidance

Core Strategy  
Core Policy 1: The Spatial Strategy  
Policy GB1: Development in the Green Belt  
Policy EQ3: Conservation, Preservation and Protection of Heritage Assets  
Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape  
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 7: Employment and Economic Development  
Core Policy 11: Sustainable Transport  
Policy EV11: Sustainable Travel  
Policy EV12: Parking Provision  
Appendix 5 Parking Standards

#### Supplementary Planning Documents

Green Belt and Open Countryside SPD  
Design Guide

#### 4. CONSULTATION RESPONSES

All consultation periods have expired unless noted otherwise.

Site Notice Expires	Press Notice Expires
5 February 2024	N/A

##### **Swindon Parish Council**

No Response Received

##### **Councillor Roger Lees J.P - Himley And Swindon Ward**

No Response Received

##### **County Highways**

26th January 2024

Recommendation Summary: Acceptance

Site Visit Conducted on: 25-Jan-2024

Note to Planning Officer.

The proposed development is located in a semi-rural area within the grounds of an existing business.

Vehicular access and parking is existing off a classified road subject to a speed limit of 60 mph. There are no recorded vehicular accidents within the required visibility splay of the existing access in the last 5 years. The proposed additional building and use is relatively small and vehicular movements will not impact the public highway.

##### **Environmental Health Protection**

No Response Received

##### **Canal And River Trust**

29th January 2024

No comments on the proposal to make.

##### **Contributors**

No Response Received

#### 5. APPRAISAL

The application has been referred to a planning committee meeting as the proposal represents in inappropriate development in the Green Belt, contrary to Local Plan Policy GB1 and Paragraph 154 of the NPPF.

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

1.1 The National Planning Policy Framework (NPPF) supports economic growth in rural areas and supports sustainable growth. This is reflected in local policy CP7 which supports measures to sustain and develop the local economy. This policy recognises that small and medium sized enterprises play an important role in the prosperity of the district and also recognises the importance of opportunities for these to flourish. Support will be given to existing small businesses outside of service villages, where the proposal is consistent with other policies in the Core Strategy. The planning statement provides that this building will allow for the creation of two additional full time jobs. Therefore, the principle of the proposals which support the existing business is acceptable as it is supported within local and national policy.

1.2 The application site is considered to be previously developed land as the site is used for commercial purposes. Paragraph 154 (g) of the NPPF advises that limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it, can represent development which is not inappropriate in the Green Belt. This is reinforced by the Council's Green Belt and Open Countryside SPD.

1.3 The area where the building is to be placed is used for open storage and whilst open storage will inevitably have an adverse impact on the openness of the Green Belt, the erection of a 40sqm building (4.6m high) will have a greater impact on the openness of the Green Belt than the existing situation. Whilst the impact will not be significant, given the existing use of the land and the adjacent 7m high warehouse, there would be still be a greater harm caused. Therefore, the proposal represents in inappropriate development in the Green Belt contrary to Paragraph 154(g) of the NPPF.

### *Very Special Circumstances*

1.4 Paragraph 153 of the NPPF states that 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 resulting from the proposal, is clearly outweighed by other considerations.

1.5 OCL is a well-established business and has 19 employees. The building is to be positioned within the existing site boundary and placed in a position on site where least harm will be caused, due to the setting against the backdrop of a larger building. The proposal would help sustain the existing business (allow them to diversify) and result in job creation. It will also inevitably tidy up the appearance of this part of the site which is used for open storage of materials. Given that the proposal would cause minimal harm to the openness of the Green Belt and the local benefits of the proposal, it is considered that very special circumstances have been clearly demonstrated.

### *Impact on Openness*

1.6 Paragraph 142 of the NPPF advises that openness and permanence are the essential characteristics of the Green Belt. Openness has both spatial and visual aspects. For the reasons given above, the proposal would not be considered materially harmful to the spatial or visual openness of the Green Belt.

## 2. Layout, Design and Appearance

2.1 Chapter 16 of the National Planning Policy Framework and Policy EQ3 of the adopted Core Strategy

state that care and consideration must be taken to ensure no harm is caused to the character or appearance of a heritage asset. Heritage assets are buildings, sites, monuments, places, areas or landscapes identified as significant features in the historic environment. Conservation areas are designated under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and defined as "an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance." The NPPF stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

2.2. The design of the building reflects the adjacent warehouse building and as such there are no concerns raised with its appearance. The application site is approximately 30m from the Staffordshire and Worcester Canal Conservation Area, and in past applications the site has been considered to have a neutral impact on the character and appearance of the Conservation Area. The proposed building given its scale in relation to the existing warehouse building will not cause any adverse harm upon the setting of the Staffordshire and Worcester Canal Conservation Area.

2.3 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 similarly 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.

2.4 The wider landscape to the rear of the site comprises of fields, whereas to the north west is a former sandpit that has since become overgrown with grass and to the south east is a large barn. The site does not form part of a wider undulating landscape and does not have a safeguarded status. It is considered that the proposed building would not have a material impact upon the character of the landscape, nor upon local distinctiveness, particularly as the site is already commercialised.

2.5 The proposal is compliant with policies, EQ3, EQ4 and EQ11 of the Local Plan.

### 3. Access, Parking & Highway Safety

3.1 The proposal would not affect the existing car park arrangements nor is the proposal likely to result in a material increase in users of the site. The County Councils Highway Team have raised no concerns with the proposal.

### 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 nearest residential dwelling is approximately 70m northwest of the site. This distance is considered sufficient to prevent any undue impact upon residential amenity as a result of the proposed development and its operation. In order to avoid any doubt and to protect the neighbour's amenity the site's approved operation times will be re-attached to this permission. Subject to appropriate conditions the proposal is compliant with Policy EQ9.

## 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). To comply with the guidance contained within Paragraphs 9, 112 and 122 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.

5.2 There are no ecological constraints. It is noted that the site is located within a Green Impact Risk Zone for Great Crested Newts and whilst the presence of newts are site are highly unlikely given the proximity of any ponds, an informative will be added to the decision notice.

## 6. Arboriculture

6.1 Paragraph 186 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 approved site plan for application 20/00076/VAR showed two trees within proximity of the large warehouse building to be retained and these are no longer in situ. These trees appeared to be in a poor condition before their removal and their critical rooting zone would have been almost certainly heavily compromised and contaminated, with a lot of stem damage occurring from the general site activity. There is therefore no conflict 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 The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the application.

8.2 The proposal is considered to be inappropriate development in the Green Belt, however very special circumstances exist that clearly outweigh the potential harm. There would be no material harm to neighbouring amenity and there would be no adverse effect on the street scene; or on any long term views. The development also raises no material concerns in relation to parking or highway safety. The proposal is therefore considered compliant with both national and local planning policy and associated guidance. Approval is recommended.

9. 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 premises shall be limited to the following opening hours:  
1st of April until 1st October: Monday-Friday 06.00-18.00 Saturdays 08.00-16.00  
Remainder of calendar year: Monday - Friday 08.00-17.00 Saturdays 09.00-16.00  
The premises shall remain closed on Sundays and public holidays. No deliveries to the site shall take place outside of these hours.
4. Deliveries to the site shall only be made during opening hours with no overnight parking.

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. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.
4. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.

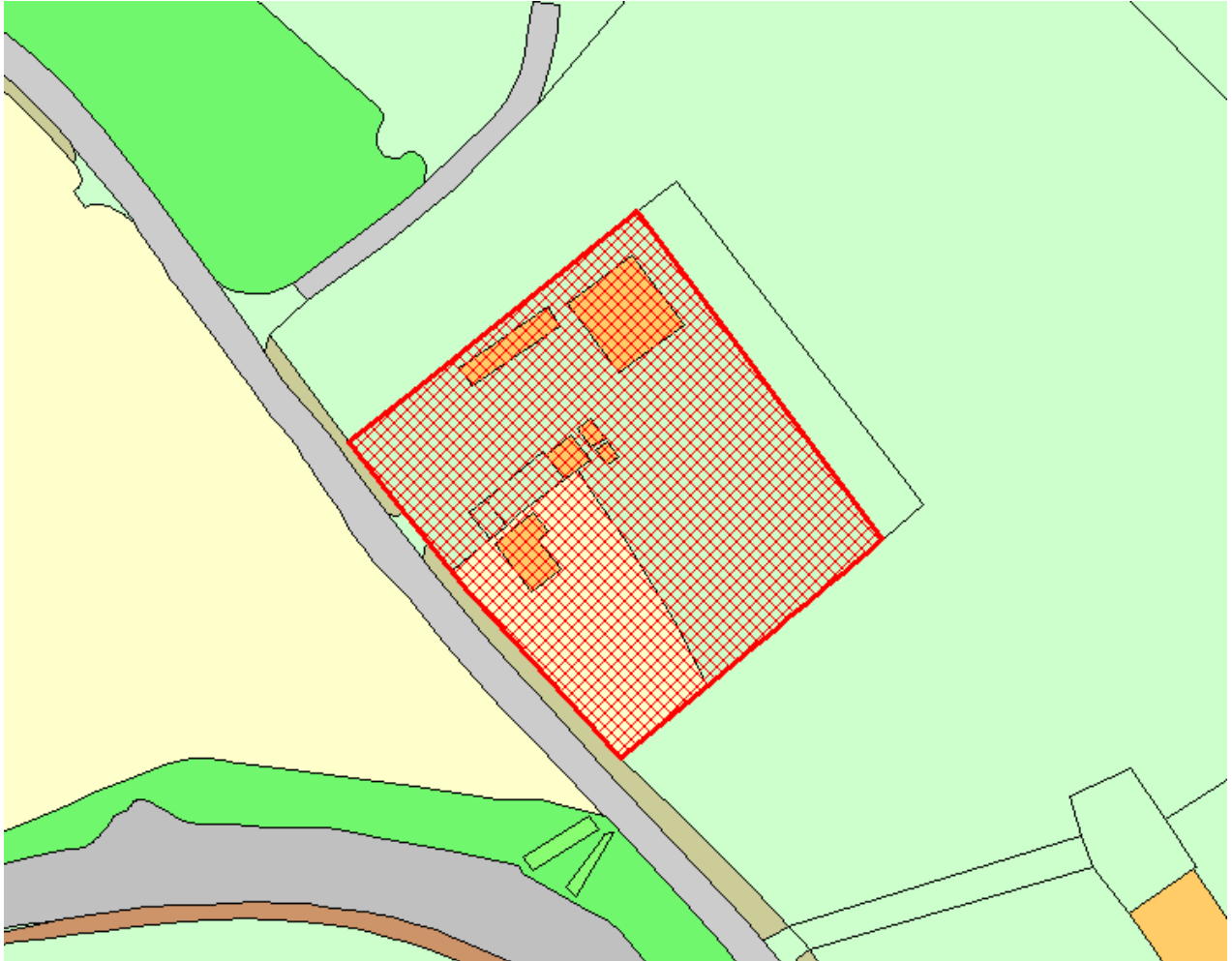
Informative

Please note that the application site is within a Green Impact Risk Zone for Great Crested Newts. Whilst the proposal is considered to be low risk, there is the possibility that those species may be encountered once work has commenced. The gaining of planning approval does not permit a developer to act in a manner which would otherwise result in a criminal offence to be caused. Where such species are encountered it is recommended the developer cease work and seek further advice (either from Natural England or NatureSpace) as to how to proceed.

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, 2023.

**Plans on which this Assessment is based**

Plan Type	Reference	Version	Received
Proposed Block Plan			05 January 2024
Proposed Plans and Elevations			20 December 2023



Outdoor Creations Limited, Hinksford Garden Centre, Hinksford Lane, Swindon DY6 0BH



**SOUTH STAFFORDSHIRE COUNCIL**

**PLANNING COMMITTEE – 27<sup>th</sup> February 2024**

**Planning Performance report**

**REPORT OF THE DEVELOPMENT MANAGEMENT TEAM MANAGER**

**PART A – SUMMARY REPORT**

**1. SUMMARY OF PROPOSALS**

1.1 This report has been updated to be reflective of the current and most relevant issues.

1.2 A monthly report to ensure that the Committee is kept informed on key matters including:

1.3 Monthly Updates on:

- Procedural updates/changes
- Proposed member training
- Monthly application update
- Update on matters relating to Department for Levelling Up, Housing and Communities (DLUHC)
- Any recent Planning Appeal Decisions

1.4 Quarterly Updates on:

- The latest data produced by the Department for Levelling Up, Housing and Communities (DLUHC)

**2. RECOMMENDATION**

2.1 That Committee notes the content of the update report.

**3. SUMMARY IMPACT ASSESSMENT**

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	
SCRUTINY POWERS APPLICABLE	Report to Planning Committee	
KEY DECISION	No	

TARGET COMPLETION/ DELIVERY DATE	15 <sup>th</sup> February 2024	
FINANCIAL IMPACT	No	There are no direct financial implications arising from this report.
LEGAL ISSUES	No	Any legal issues are covered in the report.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	No other significant impacts, risks or opportunities have been identified.
IMPACT ON SPECIFIC WARDS	No	District-wide application.

## **PART B ADDITIONAL INFORMATION**

### **Monthly Updates**

#### **4. Procedure updates/changes**

- 4.1 The Service has appointed two senior planning officers to replace vacant posts created by internal promotion. One post sits within Strategic Planning and the other within Development Management. Both new starters will be in post from the 1<sup>st</sup> April 2024.

#### **5. Training Update**

- 5.1 The schedule of both mandatory and optional training has now been completed. It is the intention to undertake training for members on bespoke topics going forward before alternate planning committees (5-6pm) in the Council chamber.
- 5.2 The following training sessions have now been scheduled:
- March 19<sup>th</sup> 2024 Trees and Arboriculture – Delivered by Gavin Pearce
  - May 21<sup>st</sup> 2024 Conservation and Heritage – Delivered by Ed Higgins (Senior Conservation Officer)
- 5.3 Any area of planning and/or topics members would like guidance on then do let the author of this report know.

#### **6. Monthly Planning Statistics**

	Decided	In Time	%	With agreed EoT or PPA
<b>Major</b>	4	4	100%	2
<b>Minor</b>	12	11	91.6%	5
<b>Householder</b>	28	28	100%	13
<b>Other</b>	4	3	75%	1

7. Update on matters relating to Department for Levelling Up, Housing and Communities (DLUHC)

7.3 A application for “Digital Planning Improvement” funding was submitted in December. Outcome expected imminently.

8. Appeals

8.1 This section provides a summary of appeals decision received since the last report. Appeal decision letters are contained within the relevant appendix.

8.2 **Planning Reference:** 21/00561/OUT

**Site Address:** Seisdon Landfill Site, Ebstree Road, Seisdon, Wolverhampton, Staffordshire, WV5 7ES

**Date of Inspectors Decision:** 5th February 2024

**Decision:** Dismissed (Appendix 1)

The development proposed was restoration of landfill site to provide up to 49 lodges with associated parking and landscaping

The main issue were:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the policies in the NPPF;
- The effect of the proposal on the openness of the Green Belt;
- Whether the proposal contributes to meeting identified affordable housing needs within the area of the local planning authority;
- The effect of the proposal on the character and appearance of the local countryside;
- Any other harm;
- Other considerations;
- Other matters;
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development within the Green Belt.

The inspector dismissed the appeal noting that the development would be inappropriate in the Green Belt despite the site being considered as brownfield. The inspector apportioned significant weight to the substantial harm to the Green Belt’s openness. Further, moderate weight was afforded to the negative impact of the development in the character and appearance of the local countryside and flooding. The inspector concluded that “the other considerations are not, in my view, the very special circumstances required to counter the harm to the Green Belt and the other matters that I have identified. I find that they fall far short of clearly outweighing that harm”.

### 8.3 Planning Reference: 22/00727/FUL

**Site Address:** Saunders Brothers Salvage, Prestwood Drive, Stourton DY7 5QT

**Date of Inspectors Decision:** 07 February 2024

**Decision:** Allowed (Appendix 2)

The development is the siting of 31 containers for self-storage

The main issue were:

- whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and development plan policies; and
- the effect on the setting of the Stourbridge Canal Conservation Area

This application was discussed at planning committee on the 24<sup>th</sup> January 2023. Officers recommended refusal and committee members voted in favour of refusal. The inspector allowed the appeal noting that the development was not inappropriate development in the Green Belt and that there would be no detrimental impact in the character and appearance of the area, including the adjacent canal Conservation Area.

## 9. Quarterly Updates

### 9.1 Planning Statistics from DLUHC

Description	Target	Q1	Q2	Q3	Q4	Cumulative
23 Major	60%	100%	100%	100%		100%
22 Major		75%	100%	100%	89%	91%
21 Major		100%	100%	100%	85%	93%
23 Minor	70%	92%	89%	94%		91%
22 Minor		89%	90%	86%	100%	91%
21 Minor		82%	84%	81%	89%	84%
23 Other	70%	93%	93%	93%		93%
22 Other		93%	96%	96%	96%	95%
21 Other		88%	87%	83%	87%	86%

#### Stats for the rolling 24 month to September 2023

Total (overall) - 92%

Major - 91%

Minor - 91%

Other - 93%

This category includes Adverts/Change of Use/Householder/Listed Buildings.

Position in National Performance Tables (24 months to June 2023)

Majors	134 <sup>th</sup> from 329 authorities
Non-Major	85 <sup>th</sup> from 329 authorities

Report prepared by:

Helen Benbow

Development Management Team Manager





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## Appeal Decision

Site visit made on 12 December 2023

**by Melvyn Middleton BA(Econ), Dip Mgmt, DipTP, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5<sup>th</sup> February 2024**

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**Appeal Ref: APP/C3430/W/22/3311458**

**Seisdon Landfill Site, Ebstree Road, Seisdon, Wolverhampton, Staffordshire, WV5 7ES**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Seisdon UK Limited against the decision of South Staffordshire District Council.
  - The application Ref 21/00561/OUT, dated 19 May 2021, was refused by notice dated 18 May 2022.
  - The development proposed is restoration of landfill site to provide up to 49 lodges with associated parking and landscaping.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application is in outline with all matters, apart from the means of access, layout and scale reserved for subsequent approval. Whilst the application was being processed by the Council, the Applicant amended the proposal to "restoration of landfill site to provide up to 49 affordable and self-build lodges with associated parking and landscaping". The application was determined on that basis, as is this appeal.
3. The proposal is accompanied by a layout plan that shows how the site would be developed with 49 lodges, associated incidental landscaping and public open space, including a lake. It also shows land to the south that is owned by the Appellant, planted as woodland and containing a network of walkways. This land is edged blue on the site plan. The suggested layout and other design considerations are informed by the proposed access to Ebstree Road and demonstrate that the site could be satisfactorily developed from a layout and access perspective. The woodland planting could be secured by condition.
4. The Appellant points out that the wider site remains an operational landfill site with no conditional requirement for cessation of this land use or associated restoration and/or aftercare. The landfill operations are therefore in perpetuity. Nevertheless, tipping on the appeal site appears to have ceased (if only temporarily) and most of the land that is the subject of the appeal, is covered in grass, such that from a distance it has the appearance of an agricultural field.

## Main Issues

5. The site is located within the West Midlands Green Belt. Core Policy (CP) GB1 - Development in the GB, of the South Staffordshire Core Strategy Development Plan Document defers to Section 13, Protecting Green Belt land, of the National Planning Policy Framework (NPPF). It says, at paragraph 142, that the Government attaches great importance to Green Belts and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. At paragraph 152 it also says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. The Framework goes on to say that when considering planning applications, decision makers 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 resulting from the proposal, is clearly outweighed by other considerations.
7. However, at paragraph 154, whilst saying that the construction of new buildings in the GB should be regarded as inappropriate, the NPPF sets out exceptions. The partial or complete redevelopment of previously developed land, whether redundant or in continuing use, is not inappropriate development, providing it does not cause substantial harm to the openness of the GB and it contributes to meeting an identified affordable housing need within the area of the local planning authority.
8. Being land that was last used for waste disposal and without any provision for restoration, both parties consider this site to be previously developed land. Additionally, the Appellant's revised proposals restrict the use of what are now proposed to be temporary dwellings to affordable and self-build lodges.
9. In these circumstances I consider the main issues to be
  - a) Whether the proposal would be inappropriate development in the Green Belt having regard to the policies in the NPPF;
  - b) The effect of the proposal on the openness of the Green Belt;
  - c) Whether the proposal contributes to meeting identified affordable housing needs within the area of the local planning authority;
  - d) The effect of the proposal on the character and appearance of the local countryside;
  - e) Any other harm;
  - f) Other considerations;
  - g) Other matters;
  - h) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development within the Green Belt.



## Reasons

### *Openness*

10. Para. 142 of the NPPF points out that the fundamental aim of Green Belt policy is to keep land permanently open, and that openness and permanence are the essential characteristic of Green Belts. The proposal would construct 49 temporary dwellings. When completed and its homes occupied, the development would contain parked cars and other vehicles, as well as the usual external paraphernalia that accompanies residential development, including that which is of a temporary nature. It would effectively result in the introduction of development onto land that currently has the appearance of a large open field. As a result, and although the dwellings and other structures and vehicles would be of modest height, all of this would impinge upon the spatial openness of this part of the GB to a significant degree.
11. The NPPF regards openness as an essential characteristic of Green Belts. The site is in an elevated position and although there is scrub woodland to the north-east of the site and a hedgerow above Ebstree Road to the south-east, there is limited vegetative cover on the western edges of the site and in the vicinity beyond. Consequently, whilst views of the site are limited from much of Seisdon village, largely because of topography, and also from the east, there are numerous views into and across the site from the nearby roads and public rights of way to the west and south, including the Staffordshire Way, a long-distance footpath that passes close to the site. This and other vantages currently endow users of the area's movement network with a visual appreciation of the site's openness.
12. Whilst the Appellant has indicated some tree planting within the site and on the retained land to the south, this would not fully screen the development from the long-distance footpath to the west or from the elevated parts of the A454 and other similarly located vantage points in the area. Additionally, trees would require many years of growth before they were able to contribute to the screening of this site.
13. The scale of the built development, together with its access, parking and other hard landscaped areas, would inevitably result in a permanent change to the spatial and visual openness of this site, which would additionally be visually perceived by passers-by in the form of the infrastructure and parked vehicles, as well as the dwellings. Furthermore, there would be paved roads and footpaths with lighting, which would add a nocturnal dimension to the issue. The overall perception, from some of the nearby roads and public footpaths, would be one of urban sprawl, in sharp contrast to the remaining open countryside that would surround most of the site. The checking of urban sprawl is one of the purposes of Green Belts (Purpose a, paragraph 143).
14. Whilst it can be argued that much development permitted in the GB encroaches into the countryside, the harm to the GB varies according to the circumstances of individual sites. This is especially so in the context of visual openness, which is an essential characteristic of GBs and important to a consideration of the third purpose (assisting in safeguarding the countryside from encroachment). In my judgement, whilst not as critical as some sites to the countryside safeguarding purpose, this site does play a role in maintaining the openness of the countryside for public enjoyment from the south and west of the appeal

site. There would be harm to this area of Green Belt countryside if the development occurred.

15. Overall, as well as the harm to spatial openness, there would be harm to visual openness. I conclude that there would be a considerable loss of both spatial and visual openness. The spatial and visual harm to openness would constitute substantial harm to the Green Belt such that the proposal would be inappropriate development in the Green Belt.

### ***Affordable housing***

16. Paragraph 154 of the NPPF does not consider development on previously developed land that contributes to meeting an identified affordable housing need within the area of the local planning authority, to be inappropriate, providing the development does not cause substantial harm to the openness of the Green Belt. I have already found that this development would cause substantial harm to openness and so it is inappropriate development.
17. Nevertheless, in some circumstances the provision of housing and in particular affordable housing, could contribute to the demonstration of very special circumstances. In its statement, the Appellant says that all of the proposed dwellings are now to be affordable housings. Additionally, they are to be temporary and to be considered as caravans rather than buildings. The statement also says they are to be self-build or custom-build housing.
18. The NPPF defines affordable housing as housing for sale or rent for those whose needs are not met by the market and which complies with one of four sub-definitions. There is no information to clarify how a proposal to locate 49 temporary homes on the site would meet the overall definition of affordable housing in national policy. Additionally, there is no information about discussions with affordable housing providers or others to indicate how any rented component would be managed or how the importation of temporary homes to the site would comply with the definition and regulations covering self-build and custom build housing. In such circumstances I cannot conclusively conclude that the proposal would result in the provision of affordable housing as defined in national policy.
19. In addition, Policy H3 of the South Staffordshire Core Strategy (CS) Development Plan Document (DPD) sets out the criteria that affordable housing on local exception sites should meet. The site is not immediately adjacent to a village. There is no evidence of any housing need being identified within the parish of Siesdon. Indeed, CS Policy CP1, Spatial Strategy for South Staffordshire, directs growth to the most accessible and sustainable locations in accordance with a settlement hierarchy. Seisdon only has a small local shop and a garage and has infrequent bus services. It is therefore not surprising that Seisdon has been considered to be an unsustainable location for significant new development and is outside of the settlement hierarchy.
20. Seisdon is not a large settlement, and 49 additional dwellings would represent a sizeable increase that would not reflect the existing size and scale of development within the parish. Additionally, the site is not within or adjacent to the village envelope that is inset into the Green Belt. Indeed, it is detached from the village and the circumstances suggest that most residents of the site, even when using the limited facilities in the village itself, would drive rather than walk. Most people using the necessary facilities that are located in other

villages would inevitably drive to them. The proposal is therefore not particularly sustainable and contrary to CS Policies CP1 and H3. In the above circumstances the proposed provision of affordable housing at the appeal site attracts only limited weight.

### ***Character and appearance of the countryside***

21. The harm to the GB's openness and the encroachment into the open countryside, discussed above, should be distinguished from other landscape and visual effects. This is an agricultural landscape containing open fields bounded by maintained hedges of mixed species that also contain numerous individual tree specimens. There are also some small copses. Nevertheless, to the west and south of the appeal site there are extensive views across the open countryside. The appeal proposal would remove an element of this landscape, replacing it with built development and hard surfaces. No amount of mitigation through planting and vegetative screening could avoid this. The proposal would represent a total change in the site's character from one of grassland to built development with some trees. The end product would in no way represent or contribute towards the positive attributes of the area's character.
22. I note the presence of the ribbon of housing to the east of Ebstree Road but this development does not relate to the appeal site, being across a depressed road and screened by vegetation. The existence of this and other nearby urban influences, nevertheless, gives added weight to the value of the appeal site as open land that contributes to the open character of this area of countryside and the rural tranquillity experienced by people travelling along the long distance footpath.
23. The site is currently a part of a landscape of good quality and the site now makes a positive contribution to this character. Its replacement with a caravan site, at least in the short term, could be nothing other than a significant change that would be alien to this character. This is despite the existing presence of development in the area.
24. Additionally, and as referred to above, the proposed planting outside of the appeal site has been largely designed to conceal the development rather than to complement the landscape and in consequence it may not be typical of the natural distribution of trees and shrubs within this landscape. I therefore consider the long-term harm to the landscape character would be adverse.
25. The proposed development would harm the character and appearance of the area, contrary to CS Policies EQ4 and EQ12, which seek to protect the character and appearance of the countryside landscape. Whilst I do not consider these negative aspects of the development to be sufficient to dismiss the appeal out right, there nevertheless would be some harm. Overall, I consider that there would be moderate harm to the local landscape as a result of the implementation of the proposal and that this should count as harm to be weighed against the proposal.

### ***Any other harm***

#### ***Resumption of tipping***

26. In a visual context, were further tipping to take place on the site<sup>1</sup>. it would be undoubtedly harmful, with the inevitable stockpiles of excavated material and imported machinery being clearly intrusive from external viewpoints. Additionally, there would be increased noise, dust and disturbance from traffic and site operations that would affect the locality. However, the site evidence suggests that the whole landfill site has not been recently used for tipping. Additionally, there is no evidence to suggest that such operations are likely to commence again but if they did, it would only be for a temporary period and subject to Environmental Permitting Regulations. In the circumstances I could only give moderate weight to the harm that the recommencement of tipping operations might cause.
27. However, on the other hand, the vast majority of any further tipping at the landfill site would not take place on the appeal site. There is no agreed proposal, accompanying the appeal, to close and restore the entire landfill site. In such circumstances and were the tipping to recommence, the disturbances discussed above would impact on any future residents of the site and reduces any benefits that might arise from a guaranteed non-resumption of tipping on the appeal site itself through its development.

### ***Other considerations***

#### ***Borehole monitoring***

28. The site contains a number of vents that are used to monitor potential gases escaping from the landfill. The Appellant has submitted a report that suggests that there is no longer any risk of harmful gases escaping from the site. However, whilst ever there is no agreement between the Appellant and the Environment Agency that the vents are now obsolete and can be removed, then there needs to be access to them for monitoring. There is no information to confirm that the submitted layout would allow unrestricted access to all of the vents. Although not having a material effect on my overall decision, the absence of a scheme, agreed with the Environment Agency, to permanently close and fully restore this site, including the removal of the vents, weighs against the proposal.

#### ***Flooding***

29. Both Policy CP3 and the NPPF in section 14 require development to have regard to the effects of climate change. The Framework says at paragraph 173 that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. It goes on to say that a site-specific flood risk assessment should be provided for all development above 1 hectare in size. This proposal extends to 3.47 hectares.
30. The proposal is accompanied by information that refers to flood risk and remediation but not a full site-specific flood risk assessment. The Lead Local Flood Authority has objected to the proposal, considering the supporting

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<sup>1</sup> A potential of 30,000 tons of inert waste has been estimated, although much of this would probably be deposited on land within the Appellant's control that is not within the appeal site.

information to be insufficient to demonstrate that there will not be a risk of additional flooding elsewhere as a result of the development. In its view the flood risk assessment is inadequate, in particular the potential flooding impacts on the wider area, have not been properly assessed. I concur with this opinion.

31. Whilst I have no doubt that a scheme could be designed to ensure that any development at this site did not increase the risk of flooding elsewhere, that is not before me and was not before the Council. Other matters being neutral and in the absence of a comprehensive site specific Flood Risk Assessment, the appeal should be dismissed on potential flood risk grounds alone.

### **Other Matters**

32. The Appellant has referred to the judgement in the case of *Samuel Smith Old Brewery (Tadcaster) & Others v North Yorkshire County Council*<sup>2</sup>. The Supreme Court when reviewing the Court of Appeal decision<sup>3</sup>, found that “in any particular case the matters relevant to openness are a matter of planning judgement, not law” (paragraph 39). Whilst it found that not taking account of the visual impact of a quarrying proposal in that particular case was not unlawful, the judgement is not universally applicable. Although, this proposal, like the Supreme Court case is for a temporary proposal, the former involves built development whereas the Supreme Court case involved a quarry where there may well have been no visual impact on the openness of the wider area. In either case the fundamental point is that the issue is a matter of planning judgement and not law. In my judgement this proposal would cause harm to the openness of the Green Belt from both the spatial and visual perspectives.

33. The Appellant has referred me to two other appeal decisions without submitting the relevant parts of the appeal decisions, including their contexts. In such circumstances I am not in a position to award much weight to them. However, it is rarely the case that the circumstances and evidence that led to other appeal decisions are so similar as to significantly influence the outcome of an appeal. That is probably the position here. I have determined this appeal on the merits of the evidence put before me by all of the parties and in the absence of more information, have given minimal weight to the overall outcome of the other appeals referred to me.

### **Conclusion**

34. National guidance in the Framework says in paragraph 147 that inappropriate development is by definition harmful to the Green Belt and that such development should not be approved, except in very special circumstances. I have found that despite the site’s agreed status as previously developed land, the proposal would cause substantial harm to the Green Belt’s openness and is inappropriate development in the Green Belt. Substantial weight attaches to the harm to the Green Belt by reason of the inappropriate nature of the development.
35. In addition to the harm by virtue of inappropriateness, substantial weight should be given to the harm caused to the openness of the Green Belt and to the proposal’s conflict with Green Belt purpose a). Consequently, the proposal would be at variance with the NPPF’s Green Belt policy.

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<sup>2</sup> United Kingdom Supreme Court [2020] 3

<sup>3</sup> England and Wales Court of Appeal [2018] Civ 489

36. I also give moderate weight to the harm to the character and appearance of the local countryside, having particular regard to the contribution this site makes to the wider landscape and the views of the appeal site from the adjacent roads and public footpaths by people using them. The proposal is contrary to CS Policies EQ4 and EQ12 and paragraph 173) of the NPPF.
37. In addition, I give moderate weight to the potential harm that the development could cause to flooding in the area, the Appellant having not demonstrated that the development would be appropriately flood resistant and resilient. It is contrary to CS Policy CP3 as well as the NPPF at paragraph 167.
38. I give limited weight to the provision of affordable housing and less than moderate weight to the prospect and ramifications of tipping resuming.
39. In the circumstances discussed above and taken together, the other considerations are not, in my view, the very special circumstances required to counter the harm to the Green Belt and the other matters that I have identified. I find that they fall far short of clearly outweighing that harm. In finding this, I have taken into account all of the other matters raised in evidence. Consequently, the very special circumstances necessary to justify the development do not exist.
40. Therefore, for the reasons given above, and having considered all other matters raised, the appeal is dismissed.

*Melvyn Middleton*

INSPECTOR





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## Appeal Decision

Site visit made on 23 January 2024

**by A Owen MA BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 07 February 2024**

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**Appeal Ref: APP/C3430/W/23/3326541**

**Saunders Brothers Salvage, Prestwood Drive, Stourton DY7 5QT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Robert Saunders against the decision of South Staffordshire District Council.
  - The application Ref 22/00727/FUL, dated 23 July 2022, was refused by notice dated 26 January 2023.
  - The development is the siting of 31 containers for self-storage.
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### Decision

1. The appeal is allowed and planning permission is granted for the siting of 31 containers for self-storage at Saunders Brothers Salvage, Prestwood Drive, Stourton DY7 5QT in accordance with the terms of the application, Ref 22/00727/FUL, dated 23 July 2022, and plan nos. WHB-SA[20]0001 P00, WHB-SA[20]0002 P00 and WHB-MA[20]0001 P00 submitted with it, subject to the following conditions:
  - 1) Details of any external lighting at the site required in connection with the containers shall be submitted to and approved in writing by the local planning authority before it is installed. Development shall be carried out in accordance with the approved details.
  - 2) Within three months of the date of this permission, a landscaping scheme, including further treatment around the access drive, shall be submitted to and approved in writing by the local planning authority. All planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the approval of the scheme; and any trees or plants which within a period of 5 years from the first planting season die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

### Preliminary Matters

2. The application was submitted on a retrospective basis, and I saw at my site visit that there were 31 containers on site. I have therefore considered the appeal on a retrospective basis.

## Main Issues

3. The main issues are:

- whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and development plan policies; and
- the effect on the setting of the Stourbridge Canal Conservation Area (SCCA).

## Reasons

### *Green Belt*

4. Policy GB1 of the South Staffordshire Core Strategy states that development considered acceptable under national policy will normally be permitted. It then sets out a number of such types of development, including the material change of use of land where there would be no material effect on the openness of the Green Belt. This is consistent with the Framework.
5. The 31 containers are mostly positioned along the eastern boundary of the site and rest on a hardstanding base. The appellant has provided images to demonstrate that this part of the appeal site was previously used for the storage of vehicles, including lorries, to be dismantled, as currently takes place across the remainder of the site.
6. Individual vehicles, including lorries, would not have been permanently positioned in this part of the site and hence the impact on openness here would have been changeable. The containers, although not permanent structures themselves, would most likely be more stationary and so have a more consistent impact on openness. Nonetheless, taken as a whole, it is likely there would be little material difference between the scale of the vehicles that could have been sited here previously and that of the containers currently on site.
7. From Prestwood Drive, the only view of the containers is through the vehicle access, and here it is partly screened by some new tree planting and the legs of a large electric pylon. Additional planting could be secured by condition to bolster this.
8. Along the east boundary of the site there is a pallisade fence supplemented with green coloured netting. A combination of this boundary treatment, the trees and bushes on the verge between the canal towpath and the site, and the elevated nature of the site above the towpath means there are no clear views of the containers from this side of the canal.
9. There is a public footpath that flanks the opposite side of the canal, but at a higher level; similar to the level of the appeal site. From here, and from the bridge across the canal, glimpsed views above the fencing, of the top of some of the containers is possible. However it is likely that vehicles previously stored in these same areas would have been similarly visible from these positions too.
10. As such, due to the comparable scale overall of the containers with the vehicles previously stored here, I consider the use of the land for container storage has no materially greater effect on the openness of the Green Belt than that which would have occurred previously. Therefore the openness of the Green Belt is preserved.



11. Moreover, as the development involves the re-use of part of an existing industrial site, there would be no encroachment into the countryside. It has not been suggested to me that the development conflicts with any of the other purposes of the Green Belt listed in paragraph 143 of the Framework, and I have no reason to disagree.
12. Consequently the development is not inappropriate in the Green Belt. It therefore accords with policy GB1 and the Framework as set out above.

*Character and appearance*

13. The SCCA mainly includes just the canal and its verges. Although I have no conservation appraisal before me, it is likely that its significance stems from its industrial past, though its use today as a largely recreational route adds a different aspect to its significance. The land to either side of the canal is mostly rural in character with a few small commercial uses. This mix of commercial and rural land uses contributes to the setting of the SCCA and complements its significance.
14. The existing industrial use of the appeal site contributes to the character of the SCCA's setting. The continued use of the site for commercial purposes sustains this effect, so the glimpsed views of the containers from the SCCA does not detract from its setting. As such, the significance of the SCCA is preserved. The development therefore accords with Core Strategy policy EQ3 which seeks to ensure the conservation of the District's historic environment.

**Other matters**

15. Although not expressed as a reason for refusal, the committee report identifies that, to support the spatial strategy, growth should be focussed towards existing settlements. The appeal site is detached from any settlement. However as the development involves the re-use of an existing commercial property there is no spatial growth and the settlement pattern of the District is retained.
16. Similarly conflict with Core Strategy policy EV5, which relates to rural employment, is cited in the committee report but not identified as a reason for refusal. Whilst there may be conflict with some parts of policy EV5 which requires a business case to be provided; for the use to represent a re-use of an existing building; and for it to be demonstrated that the business couldn't be located within a village, I give limited weight to that conflict. This is because the development is a small scale addition to the appellant's existing salvage operation which requires no additional staff or land. Moreover, Core Policy 7 of the Core Strategy seeks to sustain, among other things, small scale employment development in rural areas.
17. Concern was raised by the Council's Flood Risk Management Team. However I agree with the conclusions of the appellant's drainage strategy that the stationing of the storage containers would be little different to the stationing of vehicles on this part of the site in terms of the impact on surface water. Additionally, the topography of the site is such that any surface water which does not infiltrate into the existing semi permeable granular surface, will run-off towards the centre of the site, away from the canal, where it discharges into a soakaway.

## **Conditions**

18. Where necessary, and in the interests of clarity and precision, I have altered the recommended conditions to more closely reflect the advice in the Framework and the national Planning Practice Guidance.
19. I have included conditions relating to any additional external lighting and the provision of a landscaping scheme in order to protect the character and appearance of the Green Belt.
20. There is no need to impose a condition specifying the number of containers given the terms of the decision precisely defines the number of containers permitted. Likewise, the approved plans are included within the terms of my decision.
21. I also consider there to be no need to withdraw permitted development rights for forms of enclosure given that those that are already in place are comprehensive and if any additional such works are necessary, it is unlikely that would be harmful to the Green Belt.
22. A condition limiting operational hours each day was suggested by a neighbouring resident. However I understand the salvage use is unrestricted in terms of its operating hours, and it is unlikely that the self-storage use would be any more disruptive in terms of causing unacceptable noise or disturbance at night, than that use. It is also material that there are no dwellings in close proximity to the development. Moreover, I noted that the sign on the gates to the appeal site states that the site is not open on Sundays and not later than 5pm on other days. As such it is unlikely, in practice, that a condition would be necessary.

## **Conclusion**

23. The development accords with the development plan as a whole and there are no other considerations that suggest a decision other than in accordance with that. For that reason, and taking account of all other considerations, the appeal is allowed.

*A Owen*

INSPECTOR