

**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 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.

2.2 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

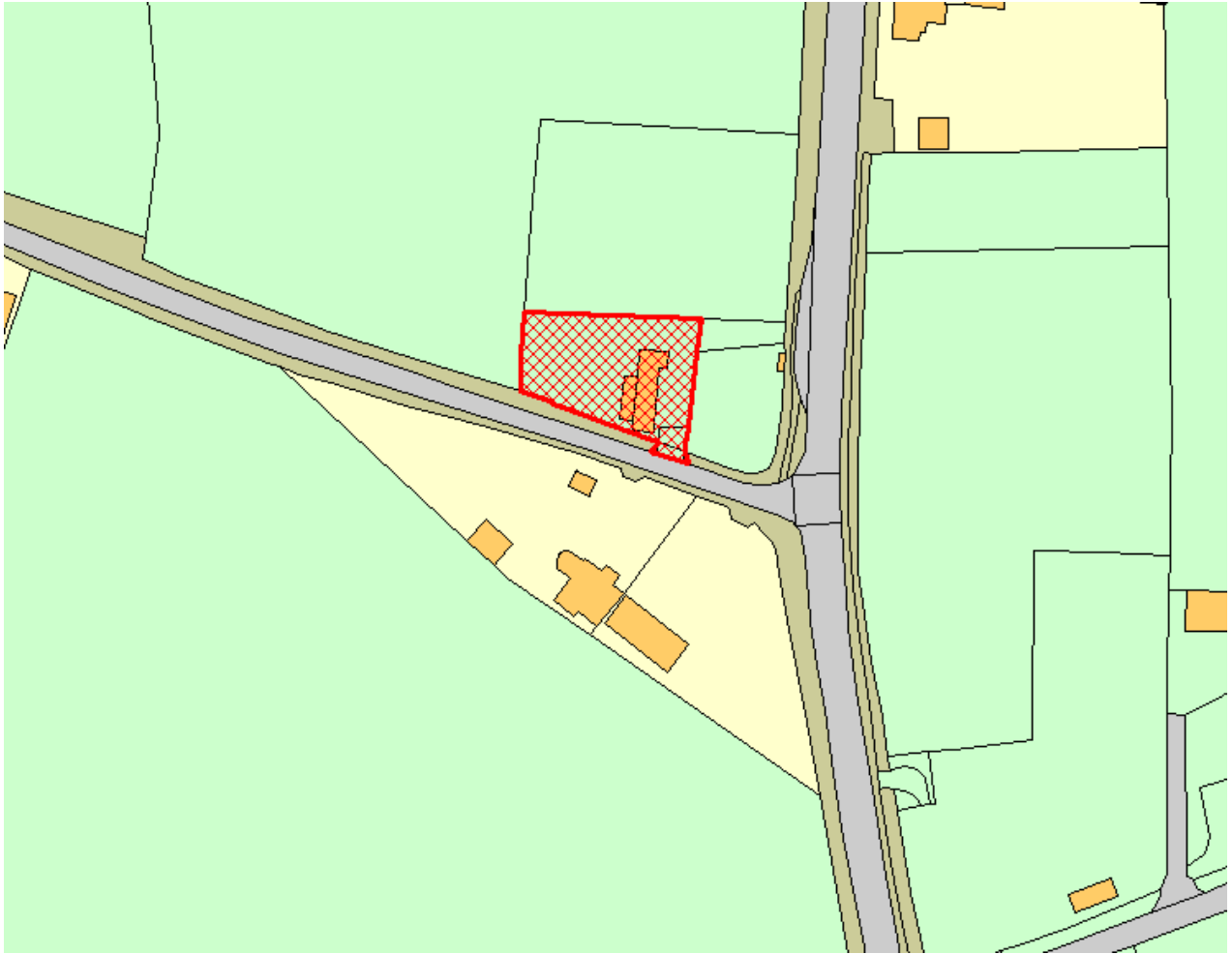
### Ecology

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



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