



Appeal Decision

Site visit made on 17 February 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2022

Appeal Ref: APP/L3245/W/21/3273383

Land adjacent Links Green, Hinstock Church to Ellerton Junction, Church Street, Hinstock TF9 2NH

- 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 Dan and David Culligan against the decision of Shropshire Council.
 - The application Ref 20/03330/FUL, dated 17 August 2020, was refused by notice dated 24 February 2021.
 - The development proposed is for 10 static caravans with layout, modified road access, amenity land, play area and office building.
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Decision

1. The appeal is allowed and planning permission is granted for 10 static caravans with layout, modified road access, amenity land, play area and office building at Land adjacent Links Green, Hinstock Church to Ellerton Junction, Church Street, Hinstock TF9 2NH in accordance with the terms of the application Ref 20/03330/FUL, dated 17 August 2020 and subject to the Schedule of Conditions attached to this decision.

Application for costs

2. An application for costs was made by Dan and David Culligan against Shropshire Council. This application is the subject of a separate Decision.

Preliminary Matter

3. Although the application was made in the name of Dan and David Gulligan, the appellants' recent submissions refer to Dan and David Culligan. The appellants' agent has confirmed that this was due to an administrative error and that the latter version is correct, this is reflected in my decision.

Main Issues

4. The main issues are: i) the effect of the proposal on the character and appearance of the area; and, ii) the effect of the proposal on highway safety.

Reasons

Character and appearance

5. The appeal site ('the site') is located in the countryside and comprises two fields of mainly semi-improved grassland pasture which together occupy a

- broadly triangular plot. The gated access to the site is off The Yelves and is just north of the junction with Ellerton Road.
6. The site is bound by hedgerows with semi mature trees along its north-eastern and southern boundaries and a wooden fence along the western boundary. A hedgerow divides the two fields running from the southern boundary to the north-eastern boundary. The site is surrounded by fields with the exception of small clusters of residential development to the west, east and north.
 7. Part of the site has planning permission for the siting of five log cabins to provide holiday accommodation. Phase 1 of that permission has been implemented with the siting of two log cabins. Therefore, the broad location of the appeal site has already been accepted for holiday accommodation and can support a further three log cabins under the extant planning permission.
 8. The proposal is for the removal of the two log cabins and the siting of 10 static caravans, an office building, associated infrastructure and planting.
 9. The site is not part of any formal landscape designations. However, at a local level it is within the Sandstone Estates landscape type and because it comprises two fields defined by hedgerows, it exhibits features characteristic of this landscape type. Gaps in the site's boundaries adjacent with the highway network allow views through the site from the public realm. The installed log cabins are close to the eastern boundary. Therefore, the site supports the open, rural character of the area.
 10. The proposal would result in the loss of a single field of semi-improved grassland and its replacement with static caravans. Despite this, the 'Illustrative Site Layout' shows that part of this field would be a grassed communal amenity area incorporating some semi-natural tree planting, which overtime would develop a dense landscape buffer along the boundaries of this part of the site. Also, new tree and hedge planting is proposed along the western boundary of this field and site.
 11. Therefore, the loss of the semi-improved grassland would be localised to the site and its immediate context. Any 'slight negative' impact on the landscape character as a consequence of the proposal in a western direction would be limited to adjacent fields and as the new planting matures this would create a natural field boundary which would enhance the landscape characteristic and visual quality of the site and area.
 12. A modest section of the existing internal hedge is to be removed to provide access to the western part of the site, the visual effects of this would be negligible because of its extent and location. However, a more substantial section of hedgerow and a single Ash tree on the site boundary with The Yelves, to accommodate the improvements to the site's access are to be removed. Nonetheless, the 'Illustrative site layout' shows new woodland and hedge planting near the access to compensate for this.
 13. The static caravans would be located along the southern and western boundaries of the site and arranged off a single driveway. The layout and orientation of the plots for these would facilitate generous spacing and visual gaps through the site. This arrangement would also allow for planting between the plots and along the boundaries of the site. The office building is of a modest scale and would occupy a similar location to the existing log cabins.

The appellants are also agreeable to a condition controlling the external colour of the static caravans. An appropriate colour would enable these to better assimilate with the landscaping.

14. The density of the proposed scheme is similar to that which has already been approved on part of the site. Also, a large part of the site incorporating the play and communal amenity areas would be free of any significant development and landscaped. Together, the extent of the new development, the layout of this and landscaping would ensure that overtime, the site would retain a largely open and verdant character and would continue to complement the rural character and appearance of the area.
15. Based on my visit and the appellants' Landscape and Visual Appraisal Report (LVAR) because of the vegetation around the boundary of the site, which is largely to be retained and intervening landscaping, when viewed from the wider landscape, the extent to which the site is visible is limited to localised views.
16. As such, only glimpsed and transient views of the proposed development from the adjacent highway network would be available. From along here there would be a 'slight negative' visual effect on completion of the development as a result of the removal of some existing landscaping near the access. Nevertheless, overtime the new hedgerow and woodland planting would restore and enhance these views.
17. Due to intervening boundary treatments and the degree of separation, only glimpsed, oblique views of the site from upper floor windows over mature hedgerows on the site boundaries would be available from dwellings close to the site on Ellerton Road and The Yelves. Detached properties to the north of the site would have a more distant view of the site, and the location of the communal amenity area and associated semi natural woodland planting adjacent to the north-east boundary would reduce the visual effects of the proposed static caravans. Therefore, the visual effect of the proposed development on the residents of these properties would be slight at completion and would reduce as the new landscaping matures.
18. For the above reasons, whilst the proposed development would change the character of the site and to a lesser extent the area, overtime the landscape and visual qualities of the site and area would be enhanced, along with the biodiversity of the site. Nonetheless, although proportional, the landscaping scheme is illustrative. Therefore, it important that the detailed design, phasing, implementation and maintenance of the landscaping of the site is undertaken to the highest standards, which could be secured by a robust condition if the appeal were to succeed.
19. Together, the siting, landscaping and provision of communal areas would contribute to high-quality visitor accommodation which has already been found to be acceptable in this location.
20. Consequently, the proposal is consistent with Policy CS16 of the Shropshire Local Development Framework: Adopted Core Strategy. March 2011 ('CS'). which aims to deliver high quality, sustainable tourism and leisure development which enhances the vital role that these sectors play for the local economy, benefits local communities and visitors and is sensitive to Shropshire's intrinsic natural qualities. The proposal also accords with Policy CS6 of the CS which

amongst other things requires that proposals are appropriate in scale and density with appropriate landscaping taking into account the local context and character, and those features which contribute to local character.

Highway Safety

21. The proposal would utilise the existing access to the appeal site but with some improvements to its visibility splays. Though this access is close to a junction, this is located on a tight bend. Therefore, vehicles approaching or turning out of this junction do so at relatively low speeds.
22. Visitors using the site would primarily arrive and leave via the Class III road which runs along the southern boundary of the site, this is generally of a single vehicle width and incorporates some bends with reduced visibility and limited passing places. However, this is as an existing arrangement and on the evidence before me, this road is used by local residents for accessing the facilities within Hinstock and the main highway network. This includes use by pedestrians and cyclists. Notwithstanding this, the appellant's Transport Statement ('TS') indicates that there have been no injury car accidents on the local highway network in the vicinity of the site or between the site and Hinstock.
23. Using the Trip Rate Information Computer System database, the TS predicts that the proposal would generate a total of 25 trips during a day and would therefore not be a significant generator of traffic. The TS also advises that because the proposal is for holiday accommodation, users would avoid peak morning and evening weekday commuting periods and therefore tend not to impact the local highway at its busiest periods. The proposal also includes a bicycle storage facility to encourage use of bicycles and provide an alternative to private car use for local and short journeys.
24. Drawing on the above reasons and in the absence of any technical evidence to the contrary, the increase in traffic arising from the proposal would have a negligible effect on the operation of the local highway network. Therefore, the proposal accords with Policy CS6 of the CS which amongst other things requires that all developments are safe and accessible.

Other Matters

25. The proposal would generate additional activity and noise and I have considered this in light of the representations made during the application and the additional evidence submitted during the appeal, including the use of a nearby property for home schooling. However, as I have already found, the traffic movements associated with the proposal would be modest. The proposed play area is relatively small and the communal amenity area would be located on the furthest part of the site from the nearest dwelling and its garden. Moreover, the recreational activities arising from this type of use would be similar to those associated with outdoor areas for dwellings.
26. Therefore, the activity associated with the proposal would not unacceptably affect the living conditions of neighbours. In reaching this conclusion, I am mindful that part of the appeal site already has consent for use as holiday accommodation. Consequently, the degree of interference that would be caused would be insufficient to give rise to a violation of rights under Human Rights Act 1998, Article 8 and Article 1 of the First Protocol.

27. Along with the above matters, third parties have raised concerns about matters relating to the effects of the proposal on horses in the adjoining field, along with issues in respect of waste management, drainage and flooding. These were addressed in the Council's report to the Northern Planning Committee, and I have also considered these and have no reason to disagree with the Council's findings.
28. I have determined this appeal as holiday accommodation. Therefore, concerns about this being used for permanent residential use are not relevant to this appeal and any such proposal would be the subject of a separate application.
29. A planning application ref 19/03205/FUL for the siting of 10 static caravans was refused by the Council and a subsequent appeal was also dismissed under appeal ref APP/L3245/W/19/3243795. On the evidence before me, that scheme was for a smaller site and a different layout. As such, that proposal is not directly comparable and therefore I attach limited weight to it. In any event, I have determined the proposal before me on its planning merits.
30. The appellant has advised that the caravans can be disabled access compliant by means of a ramp and such details could be secured by way of a condition.
31. I have also had regard to other policies of the development plan which have been referred to me by third parties and where the details of these are before me. Nonetheless, these do not alter my findings on the main issues.

Conditions

32. In imposing conditions, I have had regard to the National Planning Policy Framework and the Planning Practice Guidance. I have imposed the standard timescale condition for the implementation of the permission. A condition specifying the relevant plans and documents defines the permission and provides certainty.
33. I have also imposed conditions relating to the site access, visibility splays, the internal driveway, parking and turning areas. These, along with a requirement that no access gates or other means of closure are located within 12m of the highway boundary are necessary to ensure accessibility and safety of highway users.
34. Conditions requiring details of external materials, the retention of existing landscaping and details of proposed landscaping are necessary to ensure the satisfactory appearance of the development, the character and appearance of the area and securing biodiversity enhancements.
35. I have also imposed a condition requiring the removal of the two existing log cabins, as my determination of the appeal is based on the proposed layout and landscaping arrangement.
36. A condition requiring the specification, design and access arrangements for the static caravans is necessary in the interests of the appearance of the development and area and to ensure that the static caravans are accessible for all.
37. Conditions imposed requiring that the approved static caravans are as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended) and that the site accommodates no more than 10

static caravans in accordance with the approved layout, which are only occupied as holiday accommodation are reasonable and necessary to ensure that the use of the site is consistent with the proposal and development plan.

38. The Council has suggested a condition requiring a further badger inspection. However, in light of the recommendations set out under paragraph 6.4 of the Phase 1 Habitat Survey by Astute Ecology (Report Reference: AE19.152) such a requirement is not necessary or proportionate. Accordingly, I have imposed a condition requiring that the development is undertaken in accordance with the recommendations, mitigation and enhancements set out in that report. This, along with conditions relating to the provision of bird and bat boxes and the details of any external lighting are necessary in the interests of safeguarding species and enhancing biodiversity. The external lighting condition is also required in the interests of the amenities of neighbours and the character and appearance of the area.
39. Conditions 3 -10 (inclusive) which prevent the approved use from commencing until they have been complied with, are considered fundamental to the development hereby approved. It is necessary for them to take the form of 'pre-commencement' conditions in order to have their intended effect. Where necessary and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusion

40. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal
INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan – Drawing HN/2/20p, Block Plan 1:1250, Illustrative Site layout Ref: 214.3.01, Visibility Plan Drawing No. 2019/1919/001 in Appendix 4 of the Transport Statement Report and Phase 1 Habitat Survey by Astute Ecology (Report Reference: AE19.152).
3. No development shall take place (including, ground works and vegetation clearance) until a landscaping plan and a timetable for its implementation has been submitted to and approved in writing by the local planning authority. The plan shall include: a) Planting plans, creation of wildlife habitats and features and ecological enhancements; b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment); c) Access layout and visibility splay in line with Highways requirements in order to demonstrate their compatibility with the retention of existing trees and hedges, or measures to replant or translocate hedges behind the visibility splay if required; d) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate; e) Native species of local provenance (Shropshire or surrounding counties); f) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works; g) details for the management and maintenance of the retained and proposed landscaping; h) Phasing and implementation timetables. Thereafter, the landscaping plan shall be carried out as approved in accordance with the approved timetables. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species.
4. No development shall take place (including, ground works and vegetation clearance) until a timetable for the removal of the two log cabins on the site has been submitted to and approved in writing by the local planning authority. Thereafter, the removal of the existing log cabins shall be undertaken in accordance with the approved timetable.
5. Prior to any above ground works commencing, details of all external materials, surfaces and finishes used in the construction of the approved development shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details.
6. Prior to the first occupation of any static caravan in accordance with this approval, the visibility splays shown on Visibility Plan Drawing No. 2019/1919/001 in Appendix 4 of the Transport Statement Report, shall be provided. Thereafter, the visibility splays shall be maintained at all times free from any obstruction in accordance with Visibility Plan Drawing No. 2019/1919/001.

7. Prior to the first occupation of any static caravan in accordance with this approval, the access, internal driveway, parking and turning areas shall be completed and laid out in accordance with approved Block Plan-1:250. Thereafter, the internal driveway, parking and turning areas shall be maintained at all times for those purposes.
8. Prior to the first occupation of any static caravan in accordance with this approval, the access to the site shall be constructed to specifications agreed in writing with the local planning authority.
9. Prior to the first occupation of any static caravan in accordance with this approval the design, external colour and access arrangements for the static caravans shall be submitted to and agreed in writing by the local planning authority. Thereafter, the static caravans shall be sited in accordance with the approved details.
10. Prior to the first occupation of any static caravan in accordance with this approval, the following shall be erected on the site: A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species and a minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design) and/or small birds (32mm hole, standard design). These shall be sited in positions that have first been submitted to and approved in writing by the local planning authority.
11. There shall be no more than 10 static caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended) on the site at any time. Any caravans on the site shall be sited in accordance with approved Block Plan 1:250.
12. The static caravans hereby permitted shall only be used to provide holiday accommodation and shall not be occupied as a person's sole, or main place of residence, and the site owner/operator shall maintain an up-to-date register of the names of all owners/occupiers of the holiday lodges on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.
13. Any external lighting shall be in a location and of a design that has first been submitted to and approved in writing by the local planning authority.
14. The development hereby approved shall be carried out in accordance with the recommendations, mitigation and enhancements as set out under section 6 of the Phase 1 Habitat Survey by Astute Ecology (Report Reference: AE19.152).
15. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected within 12.0 metres of the highway boundary.