

Agenda Item:	5.1
Site:	Land West of Ellastone Village Hall Wootton Road Ellastone Staffordshire
Proposal:	Change of use of agricultural land to facilitate the siting of five holiday cabins and associated formation of access track

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by Sherrie Grant

Hyperlink to Application Details

Application Number:	P/2021/00999
Planning Officer:	Alan Harvey
Type of Application:	Detailed Planning Application
Applicant:	Mr Will Tomkinson
Ward:	Weaver
Ward Member (s):	Councillor Edward Barker
Date Registered:	7 th September 2021
Date Expires:	1 st November 2021 (with the determination date extended to 28 th October 2022 provide for the submission of additional information/revised plans and reporting the application to Planning Committee)
Reason for being on Agenda	Cllr Barker called the application to Committee in terms of <i>“the principle of the development, the impact on the character and appearance of the area and an adjudication as to whether (Local Plan Policies) SP8 and SP22 are sufficient to allow this particular development.”</i>
Officer Recommendation	Refusal on the basis of negative impact on heritage assets and the rural environs.

1. Executive Summary

- 1.1 The application site of some 0.32 ha comprises a paddock area located to the northern side of Wootton Road at the western entrance to the village of Ellastone. The site lies within the village conservation area and is adjoined to the east by a bowling green, the parish hall and tennis court and to the west

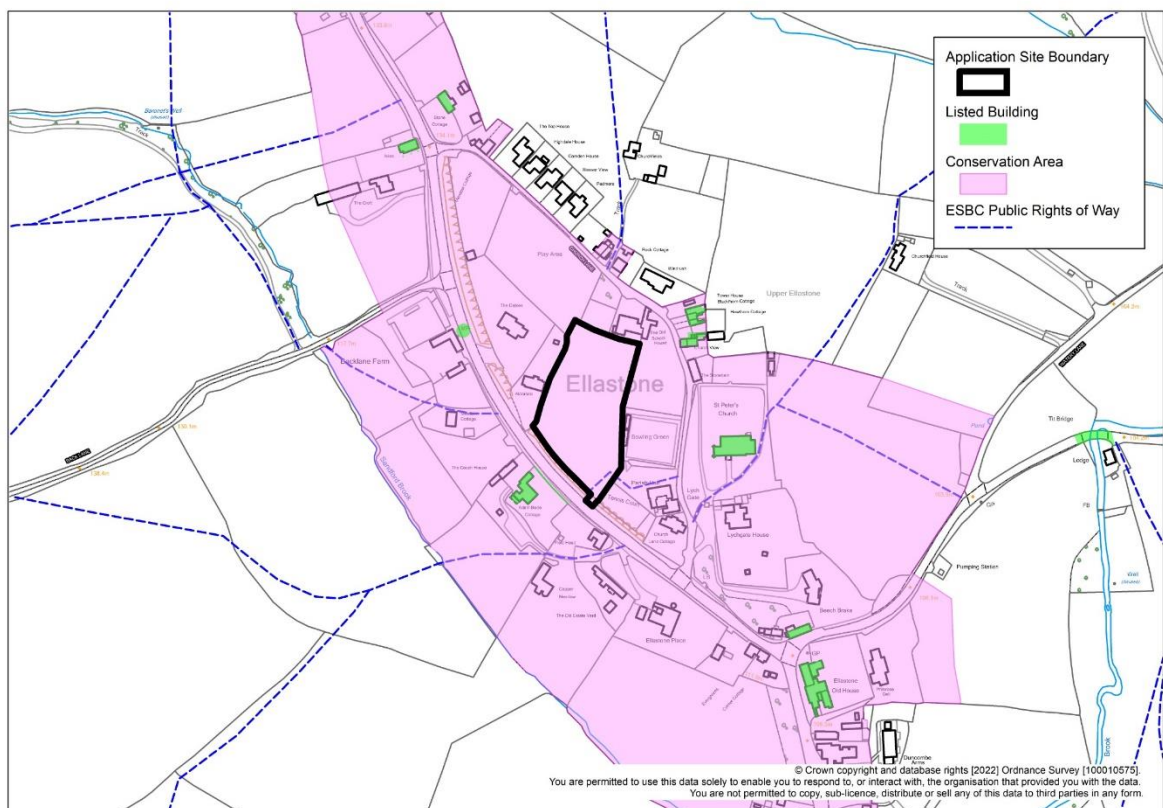
by a residential property at Aldersea Cottage. The Old School House is situated to the north at a higher land level and the Grade II* listed Parish Church also occupies a position at a higher level to the east; beyond the parish hall/bowling green/tennis courts. The Grade II listed Adam Bedes Cottage lies to south on the opposite side of Wootton Road; at a lower land level. A public footpath crosses south-eastern corner of the site.

- 1.2 The application scheme is a full submission which proposes the change of use of the agricultural land to facilitate the siting of five holiday cabins and associated formation of an access track and parking area. The scheme will be served off the existing vehicular access onto Wootton Road (subject to alteration works). The scheme will also necessitate some earthworks to provide level platforms for the holiday cabins, patio areas and for pedestrian paths.
- 1.3 Statutory consultees have raised no objections that cannot be addressed by the imposition of planning conditions.
- 1.4 Ellastone Parish Council have raised substantive objections to the scheme on the three public consultation exercises (as per appendices 1, 2 and 3 to this report). Representations have been received from 34 No. individual local residents/interested parties; a number of which have responded to all three public consultations. There has been one party supporting the application whereas all other correspondences raise objections and concerns to the proposals. The main points of objection being raised by local residents - and the Parish Council - are that the scheme is contrary to sustainability planning policies, that it is detrimental to heritage assets/visual amenities, would have negative impacts on residential amenities, would harm biodiversity/ecology interests and would be to the detriment of highway safety. The Parish Council and local residents also contend that there is sufficient holiday accommodation in Ellastone and surrounding villages already and the scheme does not represent genuine agricultural diversification.
- 1.5 In terms of sustainability, and having regard to the sites bus service linkages to Ashbourne and Uttoxeter, and to local cycle and footpath networks, it is considered that the scheme in principle does in locational terms represent sustainable development having regard to the overarching aims of the Development Plan Policies SP1, SP8 and SP15 and having regard to the advice set out in the Councils Tourism Technical Guide: Overnight Visitor Accommodation (Planning Technical Advice Note).
- 1.6 It is also considered that having regard to the position of the Environmental Protection section that the proposal will not sufficiently adversely affect the amenities of occupiers of existing nearby dwellings to warrant a refusal of planning permission. It has also been sufficiently demonstrated that the scheme will not impact negatively on the biodiversity of its environs (subject to mitigation) and that appropriate foul and surface water drainage facilities could be provided.
- 1.7 Furthermore, the County Highway Authority have concluded that the proposal will not have an unacceptably adverse impact on vehicular and pedestrian safety and that adequate turning and parking facilities will be provided to serve

the development. The scheme is also unlikely to affect the use of the public right of way which crosses the site.

- 1.8 It is, however, considered that the development would be to the detriment of heritage assets in this locality. Specifically, the proposed holiday cabins would have detrimental impact on the setting of listed buildings – namely the Parish Church and Adam Bedes Cottage - and upon the character or appearance of the village Conservation Area designation. It is also considered that the scheme has a negative impact on the wider rural environs. Furthermore, and having regard to the *planning balance* - as set out in the NPPF - it is considered that any local economic and tourism benefits that may be potentially derived from the scheme would not outweigh the material harm that would be caused to the historic environment by the development.
- 1.9 In the light of the above conclusions on the planning merits of the case the application is recommended for **refusal**.
- 1.10 **Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

Map of site



2. The site description

- 2.1 The application site comprises a paddock area of some 0.32 ha which is located to the northern side of Wootton Road at the western entrance to Ellastone. There is a stone boundary wall to the grassed verge along street frontage with a hedgerow behind. There is no footway to the frontage of the site. There is a footway along the southern side of Wootton Road opposite the site which links to Main Street.
- 2.2 There is a vehicular access directly off Wootton Road into the south-eastern area of the site. A public footpath (Ellastone 19) also crosses in a north-eastwards direction across this area of the site. In terms of its topography the application site generally rises up northwards away from Wootton Road towards Church Lane.
- 2.3 The site is within the village conservation area and is adjoined to the east by the bowling green, the parish hall and a tennis court. To the west of the site and at a lower level is the post War built residential property at Aldersea Cottage. The Old School House on Church Lane is situated to the north at a higher land level and the Grade II* listed Parish Church also occupies a position at a higher level to the east; beyond the parish hall. The Grade II listed Adam Bedes Cottage lies to south on the opposite side of Wootton Road; at a lower land level. The dwelling at Field Head lies to the south-east of the application site.
- 2.4 The application site has mature hedges to its western side boundary and the eastern and northern boundaries are a mix of mature hedgerows and post and rail fencing.
- 2.5 The application site lies outside settlement boundaries as defined in the adopted Local Plan; as does the whole of the village of Ellastone. In the Local Plan the village is designated a Tier 3 Settlement.

3. Planning history

- 3.1 The application site has previously been subject of a series of residential development applications.
- 3.2 In 1990, two outline applications for residential development with vehicular access were submitted to the Borough Council in relation to lands within the current application site. One application (ref: OU/18398/002) related to a 0.3 ha site and the other (ref: OU/18398/003) was in respect of a 0.165 ha site. The applications were refused by the Borough Council on the grounds that the site did not meet the development plan criteria for the siting of housing, that they would detract from the character and appearance of the conservation area, that the foul and drainage facilities would be inadequate and that there would be insufficient visibility to any site entrance.
- 3.3 Appeals were submitted against the refusal of the applications which were dealt with concurrently in a joint appeal decision letter of January 1991. The Appeal Inspector dismissed both appeals with the overall view being stated that *“I have come to the conclusion that therefore that the*

proposals would not preserve or enhance the character and appearance of the conservation area but would cause unacceptable harm to it.”

- 3.4 In coming to that overall conclusion the Appeal Inspector had commented that :-

“It appeared to me that the loose knit form of development which exist in the village is an essential part of its character. Its character depends, in my opinion, as much on the spaces between buildings as the buildings themselves. I think that this is particularly so in Upper Ellastone where the larger scale buildings owe much to their spacious setting. In this context the church and the former school play a significant role in the character and appearance of the area. In views from the main road this role is further emphasised by the elevated position of those buildings.

In my opinion the development of either the appeal sites with dwellings, however well designed, would seriously erode the loose knit character of the conservation area. I think also that such development because of its elevation position, would detract from the setting and appearance of the church and would erode the visual presence of the school in views from the main road and the lower part of Church Lane. In coming to that view I have borne in mind that the dwellings could be single storey and that the site could be landscaped. I have also had regard to the intension that part of the site would be retained as open space. I do not believe however that any of these ideas would overcome the objections to the proposals which I have identified.”

- 3.5 On 7th January 1991, outline application ref: OU/18398/004 for residential development on the site was refused permission and on 17th July 1995, a full application ref: FUL/18398/005 for the proposed erection of a detached house and garage, construction of vehicular access and installation of a septic tank on the site was refused. With the exception of reference to drainage issues, these refusals reflected the reasons for refusal attached to the 1990 applications; namely being contrary to housing allocation policies, having negative impacts on the character and appearance of the conservation area and there being insufficient visibility to any site entrance.

4. The Proposal

- 4.1 The application which is a full submission proposes the change of use of the agricultural land to facilitate the siting of five holiday cabins and the associated formation of an access track and car parking area.
- 4.2 The scheme will be served off the existing vehicular access onto Wootton Road. This would lead into a car parking area of 7 No. spaces (including 2 No. spaces for visitors). A bin store would also be located in this area.
- 4.3 The proposed cabins would be accessed by way of pedestrian path leading from the car parking area. The formation of this pathway, and the provision of platforms and patios for the cabins would necessitate earthworks. Low level lighting structures would be provided along the paths.

- 4.4 The proposed cabins are essentially roughly arranged in two north to south alignments to the eastern and western areas of the site. To the western side, the nearest cabin is a minimum distance of 7.4 metres away from the common boundary with the garden area to the dwelling at Aldersea Cottage, whereas to the eastern boundary the distance is some 4.4 metres. In terms of the relationship with the Old School House, the nearest cabin would be some 45 metres from the common boundary.
- 4.5 The proposed holiday cabins each measure some 3.4 metres in width x 7.15 metres in depth and have overall height of some 3.4 metres. Each lodge has a bedroom, bathroom and kitchen/lounge area. The proposed cabins would be clad in natural finished timber, with a rounded roof.
- 4.6 The foul drainage would connect to a proposed package treatment plant to the south of the proposed cabins.
- 4.7 During the application process officers provided the applicants/applicants agents with the opportunity make submissions in response to the Councils (then) recently published ESBC Tourism Technical Guide: Overnight Visitor Accommodation (Planning Technical Advice Note) and to address to the original comments of statutory consultees/interested parties. Furthermore, it was also necessary in due course to secure a more detailed ecology report. As set out in the report below these additional submissions were in turn the subject of additional consultation exercises.

List of supporting documentation

- 4.8 The following documents now comprise part of the application:
- Location Plan
 - Topographical Survey
 - Proposed Layout Plan (including ground/cabin floor levels)
 - Footpath details
 - Proposed Holiday Elevations and Floor plans (original and revised)
 - Proposed Levels Plan/Site Cross Sections
 - Package treatment plant and drainage details
 - Details of lighting
 - Details of bin store
 - Details of drainage tank
 - Preliminary Ecological Appraisal (original submission)
 - Preliminary Ecological Appraisal (Updated document of June 2022)
 - Planning and Heritage Statement
 - Planning Statement Addendum (and supplementary submissions)
 - Artists Impression of scheme
- 4.9 The relevant findings of all the application documents are dealt with in section 8 onwards below. The main points the applicants agent advances in support of the application in the submissions are as follows :-
- The scheme complies with National and Local Development Plan policies and supplementary planning guidance in terms of the

location of the scheme being sustainable; being within a settlement with access to a bus service and local facilities/services

- The scheme will deliver overnight tourist accommodation to help address the shortfall that has been identified in the County.
- The scheme represents appropriate agricultural diversification and will create the equivalent of one full time job.
- The position of the holiday cabins and the use of the site by visitors will be compatible with the amenities of the surrounding residential properties.
- They will not impact negatively on highway safety or biodiversity interests.
- The tourism and local economic benefits of the scheme will outweigh the impacts on the heritage assets given that the development will have “*less than substantial harm*” on those assets.

5. Consultation responses and representations

5.1 As noted above the submissions were supplemented during the application process, with this being in part in response to further information/clarity being sought by statutory consultees. A summary of the consultation responses in relation to the scheme as now submitted is set out below:

Statutory and non statutory consultee		Response
5.2	Ellastone Parish Council	<p>The Parish Council have raised objections in making 3 No. submissions; being to the original and revised details and to the updated ecology report. These submissions are attached at Appendices 1, 2 and 3 to this report and run to a number of pages. The principal objections the Parish Council have made to the scheme are summarised as follows :-</p> <ul style="list-style-type: none"> • Whilst the application submissions themselves are considered misleading/vague it is clear that the scheme will not preserve the heritage environment given the visual loss of the open field, on raised ground, in the village conservation area surrounded by listed buildings and other historic properties. • The application does not comply with the policies of the Local Plan in terms of development in the countryside and tourism. • Applications have been turned down for residential development in the past on the application site and it is considered that the appeal inspector’s comments in dismissing an appeal in 1991 on the negative visual impact on the conservation area remain relevant to the present scheme.

		<ul style="list-style-type: none">• There is landscaping proposed, however, this will not provide a total screen as the site would remain visible in some views and from surrounding properties. The site can also be clearly viewed from public footpath routes surrounding the village (illustrated by photographs) and thus the negative impact of the loss of the paddock area to development will be seen from the wider rural area.• The development will necessarily require lighting which would result in light pollution and again impact negatively on the conservation area and the setting of listed buildings. It will also impact on local residents.• Ellastone, with its population of 320, already supports the tourism industry by offering a wide range of tourist accommodation for all budgets and there is no need for another campsite.• The access to and from the site onto Wootton Road is hazardous as the road is heavily trafficked (including lorries) and has limited visibility due to road curvature. Traffic speeds are regularly above the 30mph speed limit; with speeds recorded up to 60 mph.• The submissions are not clear in terms of the number of visitors that could be accommodated in each cabin and as such the car parking provision is likely to be insufficient to serve the development. This could lead to increased highway safety issues, parking on surrounding roads and damage to highway verges.• There is not enough space to accommodate service vehicles coming to and from the site.• There are no shops in the village to support the tourism use and limited other services and infrastructure. The village pub house (Duncombe Arms) is a gastro pub and meals may not be affordable to all visitors.• The paddock has no infrastructure and it is questioned whether mobile phone and TV signals could be achieved and as to how water supplies, electricity, heating and foul and surface water could be successfully accommodated. It is contended that these provisions could all have increased negative impacts on the conservation area with their being a need to provide additional infrastructure.• The scheme would bring with it limited employment benefits as the applicants only intend to have the equivalent of one full time person in employment.• There are no bus services to the village after 6pm so visitors to the glamping site would have to use their cars in the evening which is unsustainable.• The walk to the bus stop in Main Road would be hazardous as it involves crossing Wootton Road to
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		<p>access the footway of the opposite side of the road to the application site.</p> <ul style="list-style-type: none"> • It is unlikely given the expected profile of the visitors and the site's proximity to Alton Towers that many people want to use the bowling green, the tennis court or the Church. In any event the tennis courts are run as a private club and would not be available for visitors and the same applies to the bowls club. • In terms of the use of the playground the proposal would put local children at a disadvantage, having to compete for the small number of attractions. Visitors would be greatly increasing the wear and tear and maintenance costs. • The development will impact negatively on local residents in terms of noise and disturbance from visitors (including vehicle movements), from lighting and smoke from BBQs. • The proximity of the busy local pub is likely to increase noise and disruption levels late into the evening. • The scheme would have negative impacts on the ecology of the site. • Having regard to the dismissed appeal cases referenced in the ESBC Tourism Technical Guide: Overnight Visitor Accommodation (Planning Technical Advice Note) many of the negative impacts identified equally apply to this application site; namely it is unnecessary, unsustainable and visually unacceptable with these negative matters not being outweighed by any economic benefit. <p>The Parish Council's first submission included an appendix of noise readings taken on Church Lane which the Parish Council state <i>"demonstrate that Church Lane is a very quiet part of central Ellastone."</i></p> <p>The Parish Council pointed out in their second submission that <i>"when this proposal was discussed at their meeting on the 16 September 2021 representatives from 12 households in the village attended because of their objections to this proposed development, and 34 people wrote to the Borough Council to object to it. It is unusual for a proposal to attract such widespread objections and to be so unwelcome in the community."</i> The Parish Council's second submissions specifically provided 'counter arguments' to the applicants Planning Statement Addendum.</p> <p>In their third submissions the Parish Council set out that they consider the updated ecology report itself fails to address noise implications of the scheme and appears to be incomplete in terms of the survey work undertaken, however, in any event it fundamentally fails to the address the objections already set out by the Parish Council in its previous two submissions.</p>
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5.3	SCC Highways	No objections in principle subject to conditions including the undertaking of highway works.
5.4	SCC Public Rights Way of Officer	Requires that the Public Rights Way is shown on the application submission in its accurate position and advises that any planning permission should ensure that the use of the public footpath is not impeded at any time.
5.5	Peak & Northern Footpaths Society	Point out that the Footpath (Ellastone 19) is close to the proposed site and therefore request that the use of the Footpath, and the safety of users must not be affected by the development, nor during the work taking place.
5.6	Severn Trent Water Ltd	Comments that as the proposal has minimal impact on the public sewerage system there are no objections to the proposals and they do not require a drainage condition to be applied
5.7	Historic England	Advise that they do not wish to offer any comments and suggest the views of the Council's specialist conservation and archaeological advisers are sought
5.8	SCC Archaeologist	Comments that they have reviewed the proposals against the Staffordshire Historic Environment Record (HER), and whilst there is some historic environment interest in the wider area, given the location, nature, and scale of the proposals, they do not wish to raise any archaeological issues with the application. SCC Archaeologist also commented that the proposals have the potential to impact upon the Ellastone Conservation Area and a number of nearby listed buildings, such as the Grade II* listed St Peter's Church, although they would defer to the ESBC Conservation Officer on such matters.
5.9	SCC Ecologist	Raises no objections in principle subject to mitigation.

Internal Consultees		Response
5.10	Conservation Officer (1)	<p>Commented on the original submission as follows :-</p> <p><i>“Part of the justification for the proposal is the 'diversification of a landholding' due to increased volatility in agricultural income. The location plan suggests that the applicant owns no other land in the immediate vicinity (no blue lined land) and the proposal would leave little of this site available for continued agricultural use. As such it's not entirely clear what holding the proposal would diversify. There is mention of a 'small locally rented farm' but this is somewhat vague, the relevance of this issue is something I will turn to later.</i></p> <p><i>The policy upon which the proposal rests requires structures and developments to be of 'high design quality', what is proposed is standard, pre-fabricated structures</i></p>

	<p><i>which have been in no way designed to respond to their setting or context, although the way in which they are positions and cut into the site does seek to minimise their prominence.</i></p> <p><i>The site is roughly central in both the conservation area and Ellastone as a settlement. The Heritage Statement quotes from the conservation area appraisal which states "Features which contribute positively to the character include the use of dry-stone walls which are a common boundary treatment, and the uniformity of materials, especially in Upper Ellastone where the major unifying factor is the predominance of local stone in buildings and garden walls and the particular building style resulting from the use of this material.". There is no exploration within the statement as to how the proposed timber cabins align with this statement about uniformity of materials being part of the character of the conservation area. No part of the application mentions roofing material, however I have seen similar cabins with cedar shingle, or felt shingle roofs, again neither material is characteristic of the Ellastone Conservation Area.</i></p> <p><i>Beyond this point about materials not in keeping with local character the proposed siting and use of topography does minimise visual impact, at least from the south looking north and less so from the opposite direction, I would agree with the conclusions of the heritage statement that the proposal does result in less than substantial harm to heritage assets and their settings. It is legitimate, under these circumstances, to consider whether the proposals could be better delivered, including on alternative sites, which reducing or avoiding that harm (as set out in legal decisions on the Forge Field and, to a lesser extent Barnwell Manor cases), unfortunately as mentioned above we have no information about where the remainder of the applicants holding is located making any such consideration difficult.</i></p> <p><i>Only if alternative sites are not available would it be reasonable to go on to consider whether the benefits of the proposal would sufficiently outweigh harm so as to overcome the statutory presumption against granting planning permission which would arise from section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</i></p> <p><i>It may well be that the benefits of the proposals could outweigh the less than substantial harm via application of the test under paragraph 202 of the NPPF, however if causing that harm can be avoided entirely by utilising alternative sites, particularly sites which could accommodate future expansion, then there can be no</i></p>
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		<i>‘clear and convincing’ justification for allowing avoidable harm as is required under paragraph 200 of the NPPF.”</i>
5.11	Conservation Officer (2)	<p>The Officer comments on the revised submissions that :- <i>“In terms of the application submissions it is considered that there ought have been a clearer indication as to why the holiday cabins are sited where there are proposed to be, and there are concerns that domestificaion in the form of associated clutter will come with the cabins as well as likely pressures for further cabins in the future (if any scheme was approved).</i></p> <p><i>Fundamentally, however, at this stage the development would introduce built form on the paddock area which an appeal inspector (in dismissing appeals for residential development in 1991) held formed an important element to the loose knit form of development which exists as an essential part of the character of this part of the conservation area. The Inspector considered in that context the church and former school play a significant role in the character and appearance of the area. In views from the main road this role is further emphasised by the elevation position of those buildings.</i></p> <p><i>The Inspector concluded in 1991 that the development of the site would erode the loose knit character of the conservation area and that because of its position, development would detract from the setting and appearance of the church and would erode the visual presence of the school in views from the main road and the lower part of Church Lane. There has been no real change in the streetscape from the time of the Inspectors decision and thus there is no reason to come to any other conclusion than share the Inspectors view.</i></p> <p><i>The conclusion therefore is that the proposals would neither preserve nor enhance the character of the conservation area.”</i></p>
5.12	Environmental Health Officer	<p>Comments in terms of residential amenity impacts there are no in principle concerns from a noise perspective, but would recommend limiting the number of pods to the 5 No. requested and a condition (of any approval) securing, a Guest Behaviour Policy to be implemented for the duration of the permitted use.</p> <p>Environmental Health Officer also comments there are no pollution concerns in principle subject to mitigation and requests that the applicants attention be drawn to radon in the locality by way of an informative (as is standard for such a site)</p>

		Environmental Health Officer also points out that the proposed site would require a caravan site licence under the Caravan Sites and Control of Development Act 1960 and Mobile Homes Act 2013.
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6. Neighbour/Interested party responses

- 6.1 The application has been the subject of three consultation exercises reflecting the amended and additional submissions that have submitted during the application process. 34 No parties were represented in total in terms of the comments received; with a number of parties commenting on all three occasions the application was subject to consultation.
- 6.2 One party has written in support of the application on the basis that it reasonable for a hard working local farmer to seek to diversify their activities and points out that the applicants have been custodians of the application site for some years and that it has been used for farming activities (the keeping of sheep). The correspondence also considers that the scheme can be accommodated successfully - and appropriate services provided - without being to the detriment of the conservation area/listed buildings, road safety and the amenities of local residents.
- 6.3 The remaining parties all raise objections/concerns and these are summarised under subject headings in the table below :-

6.4 Neighbour/interested party responses	
6.5 Principle	<ul style="list-style-type: none"> • The development is not sustainable and therefore clearly contrary to Development Plan policies as it fails to meet any the necessary criteria. It is not <i>'other appropriate development'</i> in the countryside. • It is contended that the scheme does not represent a genuine example of farm diversification as the land until recently did not form part of the applicants agricultural land ownership. The lands were not used much since the purchase and ahead of the application submission. • Sustainability initiatives and preservation of the countryside and green spaces, and the importance of agriculture and farming in challenging times, means this proposal actually works against those values. • The land is 'green belt' land and should not be built upon. • There are no shops/facilities in the village other than the Duncombe Arms and the meals there may be too expensive for most visitors to the glamping site. There can also be waiting lists to dine there of up to two weeks.

	<p>The drinking area for non-dining customers has recently been reduced.</p> <ul style="list-style-type: none"> • The local bus service is not adequate; with there being no evening bus services on weekdays, a limited service on Saturdays and no service on Sundays and bank holidays. Any visitors will be reliant on their cars to visit local tourist attractions, particularly in the evenings. • Whilst it may be the case that there is shortage of overnight accommodation in Staffordshire there is already sufficient holiday accommodation within Ellastone and surrounding villages. Even with the ‘staycation’ boom there were vacancies in the existing accommodations. • There is already an application to change 3 No. holiday homes in the village into dwellings which suggests there is too much holiday accommodation. There has been a downturn in the staycation sector since the application was submitted. • There have been previous proposals to develop the land which have been turned down by the Council and upheld at appeal. The current scheme should be refused too as there has been no change in circumstances. • The applicants cite there being tennis courts and bowling green as facilities in the village but these are private and would not accessible to the visitors to the glamping site.
6.6 Impacts on Residential Amenity	<ul style="list-style-type: none"> • The area is presently tranquil. The pods will be close to existing residential properties who will have their amenities impacted upon by noise and disturbance in terms of outdoor activities, including BBQs and drinking. There will be a clear opportunity for the pods to be used for stag/hen parties. • There will be overlooking of the adjoining properties with resultant loss of privacy to the residents concerned. • There is likely to be noise generated in the evening with occupants of the pods coming back from the village pub. • The movement of cars will generate noise and disturbance to the detriment of nearby residents. • Light pollution from cars and on site lighting will impact negatively on surrounding residents. Car headlights

	<p>would shine directly into the windows of any facing properties.</p> <ul style="list-style-type: none"> • The use of fire(s) on the site has the potential to be health and safety hazard, including the potential to ignite oil/gas tanks on adjoining properties. • There will be no on site presence to the monitor the behaviour of the visitors to the site. • There appears to be no management plan in place for the site. • The applicants have stated there will be no parties and that there will only be two people and one car to each Pod. It is questioned as to how they propose to manage this in this type of leisure industry. • Refuse collection is a concern as between collection days refuse will be left hanging around encouraging vermin into the area. • The scheme will result in increasing levels of litter in the locality. • The occupants of the proposed cabins are likely to be disturbed by the heavy traffic that travels along Wootton Road.
<p>6.7 Impacts on Visual Amenities and Heritage Assets</p>	<ul style="list-style-type: none"> • The site will be clearly visible from the surrounding rural area given the local topography • The land is an important visual element in the streetscape of the conservation area and its loss would be detrimental to the village. • The pods and infrastructure, along with the parked cars, would be out of keeping with character of the village and would be detrimental to the setting of the nearby listed buildings. • The timber pods are constructed of materials which would not be keeping with surrounding stone buildings. • The pods would occupy raised land which will compound their visual impacts on the locality. • Five camping pods in this size field seems very excessive for the area. • There will be the loss of established and historic views from existing properties across and to the application site.

	<ul style="list-style-type: none"> • The proposed tree planting would take time to be established and even then should the trees grow they will not fully screen the development. • The planting of trees will themselves change historic views.
6.8 Highways Impacts	<ul style="list-style-type: none"> • Wootton Road is not safe to access from or enter onto given speeding traffic (over the 30mph limit and up to 60mph) and its use by lorries. • The application site entrance is not wide enough to allow two cars to pass which will result in queuing traffic on Wootton Road. • Due the alignment/curvature of the road there is inadequate visibility along Wootton Road from the application site entrance with this being to the detriment of drivers, cyclists and pedestrians. • The proposal will not provide sufficient car parking given that it is not clear how many occupants there may be in each of the pods. • The lack of car parking on site will encourage parking on Wootton Road to the further detriment of road safety. Parking on grassed verges would be damaging and unsightly. • The traffic using the site will be in conflict with the users of the public footpath that crosses the site. • There is no pavement on the side of Wootton Road where the application site is located. As such all pedestrians would need to cross the road to access the existing pavement. This would be hazardous to pedestrians. • The additional traffic would bring increased occurrences of speeding and lead to increasing traffic on local roads which are narrow and unsafe.
6.9 Services impacts	<ul style="list-style-type: none"> • The drainage and sewage facilities in the locality are inadequate to serve the development. The proposals are vague as to how that could be addressed and there may need to be additional sewage works built. • There is no gas to serve the development and the submissions are not clear as to how heating to the pods will be achieved. The provision of wood burners etc in the future are likely to cause even more detriment to the environment.

	<ul style="list-style-type: none"> • There is poor internet connection in the locality which may mean future pressures for structures on the site to improve connectivity. This will be to the further detriment of the historic locality/visual amenities. • The use of surfacing on the land will increase the likelihood of surface water run off from the site which may cause flooding on Wootton Road. • The development fails to demonstrate it is carbon neutral.
6.10 Ecology	<ul style="list-style-type: none"> • The scheme will be detrimental to wildlife on the site and in the surrounding area. • Both the original and subsequent ecology reports are inadequate to make a full assessment of the impacts of the development. Any mitigation measures proposed would be insufficient and would not make up for the loss of the paddock use. • The use of the land for glamping by reason of the noise and disturbance is likely to scare existing wildlife away from the area; such as the bats which currently use the trees.
6.11 Other Matters	<ul style="list-style-type: none"> • It is contended that the price paid for the paddock area by the applicant was clearly above market value for agricultural land so it was clear from the outset that they intended to seek to develop the site. • The applicants should consider other sites within their landownership which are away from residential properties and not harmful to the historic environs if they wish to pursue their glamping scheme proposals. Such sites are typically positioned away from residential properties. • The development will lead to a devaluation of properties in the locality. • The scheme will be likely a stepping stone to a future residential development of the site.

7. Policy Framework

National Policy

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

Legislation

- Section 72 and Section 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP8 Development Outside Settlement Boundaries
- SP15 Tourism, culture and leisure development
- SP24 High Quality Design
- SP25 Historic Environment
- SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity
- SP30 Locally Significant Landscape
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology
- DP7 Pollution and Contamination
- DP8 Tree Protection

Supplementary Guidance and Other Advice

- Car Parking Standards SPD
- Tourism Technical Guide: Overnight Visitor Accommodation (Planning Technical Advice Note)

8. Assessment

8.1 The main issues in the determination of this application are considered to be as follows :-

- Principle of the development;
- Impacts on residential amenities;
- Highway safety;
- Flooding and Drainage implications;
- Impact on biodiversity;
- Impacts on heritage assets/visual amenities; and
- The ‘planning balance’ and conclusion(s).

9. Principle of the Development

- 9.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.
- 9.2 Annex 1 of the NPPF states that ‘existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according their degree of consistency with the NPPF (the closer the

policies in the plan to policies in the framework, the greater the weight that may be given).’

9.3 The National Planning Policy Framework (NPPF) sets out that the purpose of the planning system is to contribute to the achievement of sustainable development of which there are three dimensions (economic, social and environmental).

9.4 Paragraph 81 of the NPPF states that *“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”*

9.5 Paragraph 83 of the NPPF indicates that planning policies and decisions should recognise and address the specific locational requirements of different sectors.

9.6 Paragraph 84 and 85 of the NPPF specifically relate to *‘supporting a prosperous rural economy.’*

9.7 Paragraph 84 states that :-

“Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

b) the development and diversification of agricultural and other land-based rural businesses;

c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”

9.8 Paragraph 85 states that :-

“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”

10. Local Plan Policies

10.1 The policies in the Local Plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government's presumption in favour of sustainable development.

10.2 Strategic Policy 1 sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and economic considerations to be taken into account in all decision making where relevant. The principles are:

- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
- it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
- retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
- re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting
- integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and enhances buildings of heritage importance, setting and historic landscape character;
- designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
- high quality design which incorporates energy efficient considerations and renewable energy technologies;
- developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;
- does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
- creates well designed and located publicly accessible open space;
- would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;
- would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
- uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;
- safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
- would result in the removal of contamination and other environmental problems associated with the site.

10.3 Strategic Policy 8 provides guidance and criteria on how to deal with development in the countryside and is relevant in this case. This policy states that outside development boundaries planning permission will not be granted unless:

- essential to the support and viability of an existing lawful business or the relation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location; or
- providing facilities for the use of the general public or local community close to an existing settlement which is reasonably accessible on foot, by bicycles or by public transport; or
- in accordance with a ‘made’ Neighbourhood Plan; or
- development under the Rural Exception Sites policy
- Appropriate re-use of Rural Buildings following guidance set out in the Rural Buildings SPD; or
- Infrastructure development where an overriding need for the development to be located in the countryside can be demonstrated; or
- Development necessary to secure a significant improvement to the landscape or the conservation of a feature of acknowledged importance; or
- Provision for renewable energy generation, of a scale and design appropriate to its location
- Otherwise appropriate in the countryside

10.4 The Local Plan contains a vision which states ‘*Well managed, sustainable tourism will be a major driver in regenerating the rural areas and enhancing their character and quality.*’

10.5 The Local Plan recognises that protecting the countryside needs to be balanced with the recognition that the rural economy, including tourism, is a vital part of the Borough’s total economy and that it faces continuing change and pressure over the Plan period. It is national and local policy to support appropriate rural enterprise and this is reflected in a suitably flexible policy approach to necessary development that is of a suitable scale and designed to fit into its landscape.

10.6 Although East Staffordshire is not a major visitor destination, the tourism industry is a significant employer in the area, employing over 4,000 people in a range of businesses. The Borough Council supports tourism growth and it wishes to promote and enhance its environmental, historic and natural assets which contribute to the Borough’s attractiveness.

10.7 Strategic Policy 15, Tourism, culture and leisure development relates specifically to tourism, culture and leisure development and states the following :-

“New tourism and cultural developments, including the improvement of existing and development of facilities, will be assessed according to the extent to which they support the local economy and promote the distinctive character and quality of the Borough. The Borough Council will maximise

opportunities to develop and promote tourism by approving in principle proposals which:

- *respect the character and quality of the landscape and built form of the Borough’s towns and villages, including heritage assets;*
- *champion exemplar design, environmental credentials and sustainable construction appropriate to their context;*
- *make positive use of the natural assets of the Borough such as The National Forest, without harming their intrinsic qualities or adversely affecting the natural environment and designated features of the built environment, including their settings, biodiversity, geodiversity or visual amenity; and*
- *do not adversely affect the local transport infrastructure or residential amenity, or mitigate such effects where they are likely to arise.*

Those activities attracting large numbers of people should be directed towards the accessible locations of the Borough’s towns, unless the tourism initiative requires a countryside location or setting or is directly related to a specific tourist destination. Development of tourist facilities in the countryside will be limited to those that make use of the natural environment in a sustainable manner.

Tourist accommodation should be provided within existing settlements where it can make use of existing infrastructure and facilities. New tourist accommodation outside settlements will only be acceptable where it will have good accessibility to existing infrastructure, and will not have an adverse impact on the character and appearance of the countryside, features of historic or landscape value, biodiversity, or the amenities of nearby residents.

Leisure, cultural and tourism development which supports the existing rail and canal network will also be encouraged.”

10.8 The Borough Council has also - in September 2021 - produced a Tourism Technical Guide: Overnight Visitor Accommodation (Planning Technical Advice Note) which in its introduction states that :-

“1.1 East Staffordshire Borough has a number of advantages and attractions as a place for overnight stays. Visitors can get away to the countryside, use good road links to local attractions, and enjoy shopping, culture and a thriving night time economy in our towns and villages

1.2 Most applications associated with tourism over the last few years have been for overnight accommodation. Planning decisions should direct new overnight visitor accommodation (whether conversions or new build) to locations within existing settlement boundaries in line with policy SP1 of the Local Plan. This is to ensure that accommodation supports the economy of East Staffordshire’s towns and villages, and is in walking, cycling and public transport distance of amenities. Lighting and footpaths are important to keep visitors safe when exploring the area.

1.3 Despite this, there are some instances when development outside settlement boundaries for overnight visitor accommodation could be compliant with the Development Plan. It is important that these decisions remain consistent, and that applicants are given as much information beforehand as possible. Therefore the Planning Policy team has created this Technical Advice Note on Overnight Visitor Accommodation.”

10.9 The Guide then lists recent ESBC application decisions and appeal decisions before reaching a series of conclusions including that at paragraph 1.11 that *“from these appeal decisions it is clear that whether they are for a re-use of an existing building or for a new development, they should primarily be assessed against and comply with Policy SP15.”*

10.10 The Guide also concludes that:-

“Key considerations for planning applications

All overnight visitor accommodation should be assessed against and compliant with Policy SP15. If the proposal is outside of the settlement, the following issues should be addressed:

Access to existing infrastructure

- *What are the roads like? (Narrow, obscured etc.) • Is there sufficient lighting to accommodating walking and cycling to and from the site?*
- The land is narrow with no lighting. No direct link to the public footpath network.*
- *Does the site have access to public transport, and does the application encourage its use?*
- *How far is the nearest settlement and what facilities does the settlement have?*
- *What is the speed limit along the route?*
- *Where else are the visitors likely to be travelling to and how are they likely to get there?*

Impact on the countryside

- *What are the local characteristics of the immediate and wider area?*
- *How will the proposal impact on the area’s appearance and setting?*
- *Will increased car parking in the area or the likely use of residential trappings such as outside benches, gazebos, play equipment etc. alter the character of the countryside in this location?*
- *Is the proposal of an appropriate scale to the nature of the location?*
- *Will features of historic or landscape value be impacted upon?*
- *How will it impact on local biodiversity?*
- *How will the proposal impact on the amenity of local residents?*

Other considerations

- *Is there an existing tourist or visitor use of the site?*
- *Is the proposal linked to an existing business e.g. farm or business diversification?*

10.11 The guidance concludes (at para 1.16) that *“the economic benefit of the application should be considered against the above considerations as a material consideration. Strong evidence will be required to support the argument that the benefit outweighs the reliance on private motor vehicles and other elements of potential harm detailed above.”*

- 10.12 Having regard to criteria set out in Policy SP15 of the Local Plan it is not considered that the proposal will attract large numbers of people given that there 5 No. holiday cabins proposed on the site. It is also acknowledged that the proposal is a type of visitor accommodation which is usually associated with a more rural location. The proposal, whilst not directly related to nearby tourist destinations, can also secure access to Uttoxeter and Ashbourne - and potentially destinations beyond - by way of the bus service which runs through Ellastone along Main Road.
- 10.13 Policy SP15 states that development of tourist facilities, such as this, in the countryside will be limited to those that make use of the natural environment in a sustainable manner. The applicant has submitted information to demonstrate how mitigation measures could ensure that there will be no significant adverse impact on the natural environment. This information is assessed in detail in other sections of this report.
- 10.14 Policy SP15 makes specific reference to tourist accommodation and states that this should be provided within existing settlements where it can make use of existing infrastructure and facilities. New tourist accommodation outside settlements will only be acceptable where it will have good accessibility to existing infrastructure, and will not have an adverse impact on the character and appearance of the countryside, features of historic or landscape value, biodiversity, or the amenities of nearby residents.
- 10.15 In relation to accessibility, as noted above the proposal can be reasonably accessed by a daytime bus service (except on Sundays) as well as by private motor vehicle. Therefore, whilst there are limited services available within the village itself – essentially being the public house and a childrens play area available to visitors - Ashbourne and Uttoxeter provide a range of retail and service facilities for the occupants of the lodges that can be reached by sustainable transport means. The site also has direct links into the local footpath network and a recommended cycle route passes through the village.
- 10.16 The applicant has submitted information seeking to address impacts on the character and appearance of the historic environment, biodiversity and amenity of residents. These are assessed in detail in the following sections of this report.
- 10.17 In light of the above overview and assessment it is considered that the proposal could in its locational terms be considered as acceptable in principle having regard to the sustainability aims of the relevant Policies of the Local Plan subject to evaluating the detailed material considerations relating to the proposal. This evaluation – which also regard to all elements of Policies SP1, SP8 and SP15 - is set out below.

11. Impacts on Residential Amenities

- 11.1 The National Planning Policy Framework and Policy DP1 the Local Plan seeks to ensure new development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing. Policy DP7 of the Local Plan seeks to ensure that there not

unacceptable pollution impacts for example in relation to unacceptable levels of noise or disturbance.

- 11.2 The site is located adjacent to residential properties to the north and to the west and there are residential properties opposite the site on the southern side of Wootton Road.
- 11.3 With regard to their physical impacts it is considered that by reason of their siting and scale, the boundary treatments to the site and the separation distances involved that the proposed holiday cabins would not give rise to any significant overbearing, overshadowing or overlooking impacts to any adjoining dwellings. It is also considered that the existing or additional planting or boundary treatments could provide sufficient screening to ensure that the occupants of adjoining dwellings do not suffer a material loss of privacy.
- 11.4 With regard to potential noise and disturbance the concerns of the local residents are recognised, however, it is also noted the Council's Environmental Protection Officer comments in terms of residential amenity impacts there are no in principle concerns from a noise perspective, but that they would recommend limiting the number of cabins to the 5 No. requested and would request that a condition of any approval provides for a Guest Behaviour Policy to be implemented. In the light of the comments of the Environmental Protection Officer it is considered that there would be insufficient grounds to recommend any reason for refusal on residential impact grounds. The number of occupants to any holiday cabin could reasonably be controlled by condition if any approval was forthcoming. The provision of appropriate waste disposal facilities (which could be secured by planning conditions) could mitigate against concerns in relation to litter and vermin.
- 11.5 With regard to on site lighting is considered that it is unlikely to give rise to negative impacts on any residential amenities subject to controls. Further, it is not considered given the alignment of the vehicular access to the site that there would be significant impacts to properties in terms of glare from car headlights using the proposed car parking facilities.
- 11.6 In terms of the amenities of the occupants of the holiday cabins, the Environmental Health Officer comments there are no pollution concerns in principle subject to mitigation and requests that the applicants attention be drawn to radon in the locality by way of an informative attached to any decision notice (as is standard for such a site). The issue of any fires on the site falls to be controlled under other regulations (to planning). It is not considered that the level of noise generated by traffic on surrounding roads would be to the detriment of the occupants of the holiday cabins.

12. Highway Matters (including impacts on the public right of way)

- 12.1 The NPPF sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the

significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 12.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.
- 12.3 The Council's Parking Standards SPD sets out standards for different uses including space size, accessibility and the quantity of car parking spaces required for different uses.
- 12.4 The proposed development will be accessed from Wootton Road and the proposal makes provision for 7 No. parking spaces (including 2 No. spaces for visitors) along with a turning area.
- 12.5 The objections and concerns raised in relation to the standard of the vehicular access to the site and vehicle speeds and traffic levels along Wootton Road are acknowledged. The concerns about pedestrian access along Wootton Road in terms of accessing the bus stops on Main Road are also noted.
- 12.6 The Highway Authority, however, been have consulted and have raised no objections in principle to the proposed development subject to the proposed access, parking and turning facilities being secured and maintained. The County Highway Authority would also require a condition on any approval to secure a short length of footway around the access radii to provide a pedestrian refuge so that pedestrians can stand waiting to cross the road to the main footway with tactile paving on the site side of Wootton Road and the other side of the road to form a crossing point. The Highway Authority have confirmed that they would not be seeking the *full black and white zebra crossing*.
- 12.7 The County Highway Authority are also content that the levels of parking and standard of the turning facilities within the site are commensurate to serve the development.
- 12.8 In light of the above, it is considered that there will be no adverse implications for highway safety as a result of the proposal.
- 12.9 With the regard to any impact on the use of the public right of way which crosses the site, it is not considered that the levels of traffic likely to be generated by the five No. lodges would compromise the safety of the users of the public footpath. The built development itself will not directly impact on the ability of persons to access and use the route of the public right of way as it crosses the site.

13. Flood Risk and Drainage

- 13.1 The National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 13.2 Strategic Policy 27 expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques, limit surface water discharge to the greenfield run-off rate and protect and enhance wildlife habitats, heritage assets, existing open space, amenity areas and landscape value.
- 13.3 The site lies entirely within Flood Zone 1 and as such is at a low risk from flooding. The scheme provides for foul water facilities with the provision of the on-site package treatment plant. Severn Trent Water Ltd raise no objections to the scheme and there is no material evidence that surface water run off from the site would cause flooding on the adjoining highway. In any event, planning conditions could secure the necessary materials to mitigate any potential increase in surface water run off.
- 13.4 In light of the above and subject to conditions, it is considered that the development can be implemented with appropriate drainage facilities to serve the holiday units and that there will be no significant implications for flood risk in the area.

14. Biodiversity

- 14.1 The National Planning Policy Framework states that 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, planning permission should be refused.
- 14.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.
- 14.3 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits. Policy DP8 deals with impacts on trees.
- 14.4 The development site is presently a paddock area and in the light of the concerns raised in relation to the original ecology report, the applicants were requested to provide a further report. In turn, it is acknowledged that there remain objections to the proposals in terms of their likely impact on ecology and biodiversity.

- 14.5 The updated ecology report has, however, been subject to review by the County Ecologist who raises no objections in principle to the scheme subject to mitigation. The suggested mitigation would include protection measures for wildlife during the construction phase, the submission of an amended landscape scheme to maximise meadow areas and re-focus the areas of proposed tree planting, the provision of a (revised) lighting design strategy and the imposition of a habitat creation and management plan.
- 14.6 In light of the above assessment, it is considered that the impact upon protected species will be minimal and the development can be adequately mitigated through the inclusion of landscape and habitat enhancement measures.

15. Impact on Heritage Assets/Visual Amenities

- 15.1 The NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 15.2 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 15.3 The NPPF also confirms that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal including by development affecting the setting of a heritage asset. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 15.4 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for the Section 72 duty referred to above, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 15.5 Strategic Policy 25 of the Local Plan states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.

- 15.6 Detailed Policy 5 of the Local Plan goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology.
- 15.7 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 15.8 Strategic Policies 1 and 24, along with the supplementary paragraphs to Policy SP8 (and the criteria within Policy SP15), indicate that development proposals must contribute positively to the area in which they are proposed. The policies lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, and where possible minimise the production of carbon through sustainable construction. Strategic Policy 30 of the Local Plan states that development proposals will be expected to demonstrate that they have taken into account the Landscape Character Assessment for Staffordshire and consist of a scheme which reflects the landscape character and where possible enhances the landscape quality
- 15.9 Policy DP1 of the Local Plan re-iterates the design principles set by Policy SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.
- 15.10 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness.
- 15.11 Local Plan Policy SP8 of the East Staffordshire Local Plan seeks to ensure that development is appropriate in terms of scale, massing and design and would not have an adverse impact upon the character of the area (including design, materials and landscaping being appropriate and not introducing considerable urban form) or upon the amenities enjoyed by the occupiers of nearby properties.
- 15.12 With regard to archaeology, the County Archaeologist advises that given the location, nature, and scale of the proposals, they do not wish to raise any archaeological issues with the application.
- 15.13 In relation to their visual appearance the 5 No. proposed holiday cabins are constructed in natural finished timber and will be a height of some 3.4 metre above ground level. The pods will be spread over the 0.32 metre ha site and due to the raised levels of the land will, along with the associated paths and lighting, be above the level of the highway on Wootton Road from which the site is clearly visible.
- 15.14 The structures and associate works will introduce built form onto the application site which presently comprises an existing open paddock area which has a stone wall to the Wootton Road frontage and mature hedges to other boundaries. Within the site itself there are clear views across the

site towards the Grade II* listed parish church and the Grade II listed Adam Bedes Cottage can be seen to the south-west, although this is at a lower level. The holiday cabins will be particularly visible in views from the rear of The Old School (now a dwelling) which stands at a higher level. The use of the timber in their construction is at odds with the prevailing use of stone in the locality. Further the development will bring with it the visual intrusions of associated infrastructure and lighting, along with vehicle parking.

- 15.15 Fundamentally, therefore, as outlined by the current ESBC Conservation Officer (in the context of the revised submissions) the development would introduce built form on the paddock area which an appeal inspector (in dismissing appeals for residential development in 1991) held formed an important element to the loose knit form of development which exists as an essential part of the character of this part of the conservation area. The Inspector considered in that context the church and former school play a significant role in the character and appearance of the area. In views from the main road (Wootton Road) this role is further emphasised by the elevation position of those buildings.
- 15.16 The current ESBC Conservation Officer comments further that *“the Inspector concluded in 1991 that the development of the site would erode the loose knit character of the conservation area and that because of its position, development would detract from the setting and appearance of the church and would erode the visual presence of the school in views from the main road and the lower part of Church Lane. There has been no real change in the streetscape from the time of the Inspectors decision and thus there is no reason to come to any other conclusion than share the Inspectors view.”*
- 15.17 The current ESBC Conservation Officer therefore concludes that the proposals would neither preserve nor enhance the character of the conservation area. The proposals would also harm the wider setting of the Grade II* Parish Church as well as the setting of the Grade II listed Adam Bedes Cottage that lies opposite the site on Wootton Road.
- 15.18 In light of the above, it is considered that in this case, both the statutory duties under Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 have not been met as it is concluded that scheme would result in less than substantial harm to heritage assets and their settings.
- 15.19 Further, it is considered that the overall negative visual impact of the proposal will be detrimental to the wider rural locality given that there are views towards the site and its surroundings from public footpaths to the south-west and west of Wootton Road.

16. Conclusions (including the ‘Planning Balance’)

- 16.1 In the light of the conclusion of there being less than substantial harm to heritage assets and their settings as a result of the scheme the (then) ESBC Conservation Officer in relation to the original submissions commented *inter alia* that *“it is legitimate, under these circumstances, to consider whether the proposals could be better delivered, including on*

alternative sites, which reducing or avoiding that harm (as set out in legal decisions on the Forge Field and, to a lesser extent Barnwell Manor cases), unfortunately we have no information about where the remainder of the applicants holding is located making any such consideration difficult.”

16.2 The (then) ESBC Conservation Officer commented further that “*only if alternative sites are not available would it be reasonable to go on to consider whether the benefits of the proposal would sufficiently outweigh harm so as to overcome the statutory presumption against granting planning permission which would arise from section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*” This process being the *Planning Balance*.

16.3 In response to the issue of the use of other lands (see appendix 4), the applicants agent states *inter alia* that :-

- I’m not aware that we should have to provide any sequential test or to look at alternative sites for a holiday let scheme. Saying that however, I have spoken to the applicant and they have advised that there other farmland is located at Onecote and at Calwich.
- Both of these areas of land were considered for the holiday let accommodation, the land at Calwich was immediately discounted as this is rented land and therefore not available for the proposed holiday accommodation. In addition, the land is clearly in a less sustainable location to that at Ellastone and therefore in locational terms is less preferable.
- With regards to Onecote, this land is again isolated from any public amenities and scores incredibly low in sustainability terms, there is no bus service, no public house in walking distance and would certainly necessitate daily use of the private motor car, unlike the site at Ellastone. The land is therefore unavailable for the proposed holiday use.
- It is therefore clear that there are no other sites available to the applicant on which the development could be completed.

16.4 The comments of the (former) conservation officer and the applicant’s agent on other potential sites for the development are noted, however, irrespective of the availability of other land for such a development it is reasonable for the *Planning Balance* assessment to be undertaken in relation to this specific application site in the light of the conclusions on the sustainability in principle of this site (as outlined in Section 10 above). It equally follows that it is considered that no weight should be given in the *planning balance* to the fact that the site may be potentially more sustainable in principle for holiday lets in comparison to other lands farmed by the applicant. The site, therefore, is considered entirely on its own merits.

16.5 In relation to the heritage implications of the application scheme particular regard should be given to the following paragraphs of the NPPF (of July 2021) alongside other national and local development plan policies set out

in this report above which establish the overall policy framework against which a decision is made: -

“199. *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.*

200. *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

and;

202. *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.”*

16.6 In addition to this special attention must be paid to the statutory duties under Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

16.7 As already identified in this report the application site in its open form makes an important visual contribution to the character and appearance of the streetscape of the conservation area – and the rural environs - and to the setting of the Grade II* listed Parish Church and the Grade II listed Adam Bedes Cottage.

16.8 In giving special regard to heritage assets as required by the NPPF ‘great weight’ must be attached to the asset’s conservation. Even in circumstances where it is the view of the Local Planning Authority that ‘less than substantial’ harm has occurred (as in the case of this site) there is still a strong presumption against the granting of development. This position was made clear in cases such as *East Northamptonshire DC v Secretary of State for Communities and Local Government* [2015] 1 WLR 45 and of *Mordue v Secretary of State for Communities and Local Government* [2015] EWHC 539. Both of these cases concluded that in instances where heritage assets are involved, as is the position with this application site(s), and in such cases the Local Planning Authority cannot apply a ‘simple planning balance’ and conclude that the harm to such assets is outweighed by the benefits associated with the granting of planning permission. It is necessary that the starting point of any decision is a strong presumption against any development that causes harm to a

heritage asset(s), in this instance the setting of listed buildings and the character and appearance of the Conservation Area, and the decision maker must give 'considerable weight' to these impacts.

- 16.9 The strong presumption against planning permission being granted when harm to heritage assets is identified is however rebuttable and it can be outweighed by material considerations powerful enough to do so, and it is this balance to be considered
- 16.10 When considering the planning balance the potential positive contributions of this development include the potential to bring finance to the local economy along with the provision of the additional tourist accommodation in the Borough. The scheme also provides some financial diversification in support of the applicants agricultural business; although set against this the land in question is a relatively recent land purchase (having been previously leased by the applicants) and is divorced from the applicants other farming lands.
- 16.11 In technical terms, the highway safety impact of the scheme has been assessed by Staffordshire County Council (Highways) and it is concluded in principle that the access onto Wootton Road would be safe and that traffic generated by the proposal can be accommodated by the existing highway network.
- 16.12 The drainage issues raised by the proposals can all be mitigated by the imposition of suitably worded conditions and subject to the mitigation measures suggested by the County Ecologist, in combination with the landscaping planting (which could be secured by conditions) it is considered that the proposals will not unacceptably harm protected species or their habitat.
- 16.13 In this instance, however, notwithstanding there are no technical objections to the scheme and there being some potential economic and tourism benefits of the scheme, it is not considered that on balance that these are of sufficient benefit to outweigh the harm that would be caused to the historic environment. In coming to this conclusion it is considered this report has fully considered the requirements of the NPPF and Sections 66(1) and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, and the special attention that should be paid in relation inter alia to preserving or enhancing the setting of listed buildings and the character and appearance of Conservation Areas.
- 16.14 Accordingly, having weighed the Planning Balance it is considered that the scheme would not meet the requirements of all Development Plan Policies and the NPPF. The application is therefore recommended for refusal.
- 16.15 **REFUSE, for the following reason –**

The open paddock area the subject of this application forms an integral and visually important element to the loose knit form of development which exists as an essential part of the character and appearance of the streetscape of this part of the Ellastone Conservation Area. The introduction to the paddock area of the built form of the holiday cabins of timber

construction and the associated infrastructure and lighting, along with vehicle parking, would detract from the setting of the Grade II* Parish Church and the Grade II listed Adam Bedes Cottage and would erode the visual presence of the former school in views from Wootton Road and the lower part of Church Lane to the detriment of the character and appearance of the village conservation area and the wider rural environs. Such negative impacts would not be outweighed by any potential economic and tourism benefits that the scheme may bring to the locality. The proposed development would therefore be contrary to Policies SP1, SP8, SP15, SP24, SP25, DP1 and DP5 of the East Staffordshire Local Plan and the National Planning Policy Framework.

Informative

The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding, however, both at the pre-application and formal application stages, that it is an unsustainable form of development which conflicts with relevant development plan policies and material planning considerations including the National Planning Policy Framework. Although it has not been possible to approve this application, possible solutions were proactively considered in an attempt to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

17. Background papers

17.1 The following papers were used in the preparation of this report:

- The Local and National Planning policies outlined above in section 7
- Papers on the Planning Application file reference: P/2021/00999
- Papers on the Planning Application file reference: FUL/18398/005
- Papers on the Planning Application file reference: OU/18398/004
- Papers on the Planning Application file reference: OU/18398/003
- Papers on the Planning Application file reference: OU/18398/002

18. Human Rights Act 1998

18.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

19. Crime and Disorder Implications

19.1 It is considered that the proposal does not raise any crime and disorder implications.

20. Equalities Act 2010

20.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

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