

PLANNING / DESIGN AND ACCESS STATEMENT



**PROPOSAL : CHANGE OF USE OF LAND TO PROVIDE FOR 14
TOURING CARAVANS PITCHES WITH SEPARATE
CAMPING / OPEN SPACE; FACILITIES BUILDING &
RECEPTION AND ASSOCIATED WORKS**

**ADDRESS : LAND OFF CHEADLE ROAD, ALTON, STAFFORDSHIRE,
ST10 4DH**

APPLICANT : MR P FINNEY

DATE : SEPTEMBER 2021

JOB NO. : 2013-1910

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1.0 INTRODUCTION

Sammons Architectural Ltd have been retained by Mr P Finney to prepare and re-submit a planning application to Staffordshire Moorlands District Council following the refusal of previous applications (SMD/2016/0171, SMD/2017/0819 and most recently SMD/2019/0459) for a change of use of land to provide 14 Touring Caravans pitches with separate camping / open space; facilities building & reception and associated works, which is partially retrospective. The original application responded to a request from the Council following a complaint that unauthorised works has been carried out on the site. The applicant has currently carried out minor alterations to facilitate the proposal, such as some re-grading works, deposition of hard core etc.

2.0 USE

The previous use of the site would have to be classified as agricultural and the site itself is located outside any defined settlement boundary and therefore considered to be located in the open countryside. The application proposes a tourist related use in the Churnet Valley.

3.0 AMOUNT

The site measures approximately 0.82ha in area, with no permanent structures present on site.

4.0 LAYOUT

The site will still be open in appearance. There will be internal accesses and hardstanding for the tourers as well as an additional 7 car parking spaces. The only buildings will be the facilities building and the reception that will also have an adjacent compound for gas bottles and rubbish bins.

5.0 SCALE

The scale of the proposal will be relatively low as the only permanent structures will be facilities building and reception / compound. Caravans and tents will be on the site on a seasonal basis.

6.0 LANDSCAPING

The application site is well screened with mature trees and vegetation surrounding the site, therefore minimising the wider visual impacts of the development. Some re-grading works have been undertaken on the site, but this has mainly come from moving earth from the southern and western sections of the site to the northern boundary. It was perceived that there was a pond on site, but was in fact just an area of standing water that did not support any wildlife and its level fluctuated due to rainfall. In the summer months it was not uncommon for this body of water to disappear. In any event, it was confirmed in a letter dated 2nd July 2013 from the Senior Planning Enforcement Officer at SMDC that the infilling of this area of land was acceptable providing that there was no increase in levels or creation of a mound. It has always been proposed that there will be a comprehensive landscaping scheme submitted as part of this proposal, which is considered to overcome the refusal reason on the previous decision notices.

7.0 APPEARANCE

The site is a small parcel of land that had an agricultural use, albeit it had not been used for agricultural purposes for some time. The proposed use will still have a relatively low impact on the visual amenities in the locality, due to the form of tourist accommodation proposed. The only notable introduction to the site will be the two ancillary buildings proposed. However, these buildings and the overall use of the site would be complimentary to the character and appearance of the area, especially as tourism uses are not uncommon in this area.

8.0 ACCESS

The proposal will use an access onto Cheadle Road. It should be noted that the site already benefitted from an existing access onto Cheadle Road. However, the access has been slightly altered in the proposed plans in order to improve highway safety. Since the refusal on the previous application the applicant has undertaken a speed survey that has demonstrated that the traffic in this area travel at slower speeds and not at the 60mph limit. This has enabled the sufficient visibility splays to be incorporated into the proposal to alleviate any concerns with regard to Highway Safety.

9.0 PLANNING POLICY

As you will be aware Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that when determining a planning application, the decision maker must make their determination in accordance with the Development Plan unless material considerations indicate otherwise. Given this obligation, this chapter therefore considers national guidance relevant to the application as well as the Staffordshire Moorlands Local Plan (adopted September 2020) and The Churnet Valley Masterplan Supplementary Planning Document. The following is considered relevant:

Local Plan

SS1 – Development Principles
SS1a – Presumption in Favour of Sustainable Development
SS10- Other Rural Areas Strategy
SS11- Churnet Valley Strategy
E4 – Tourism and Cultural Development
DC1 – Design Considerations
DC3 – Landscape and Settlement Setting

Supplementary Planning Document

The Churnet Valley Masterplan

National Planning Policy Framework

There is considerable planning policy and guidance relevant to the planning application proposal at both local and national levels. The NPPF is significant as it sets out the Government's commitment for a positive response to planning proposals that would deliver sustainable development in order to assist growth to the economy. It has been made clear that the planning system has a key role in facilitating growth and development should be supported with a presumption in favour of granting planning permission. This change of emphasis provides an important background to the application proposal.

National Planning Policy Framework places a strong emphasis on promoting economic growth

and sets out policies for the control of development. The Development Plan represents the starting point for the determination of this application, which in this instance is the Local Plan. The guidance contained within the National Planning Policy Framework is also relevant, in particular the following Chapters:

1. Building a strong, competitive economy
3. Supporting a prosperous rural economy
7. Requiring good design
11. Conserving and enhancing the natural environment

Within the NPPF it is also worth noting the following relevant paragraphs:

- Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, (para 2).
- The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs (para 7)
- *The NPPF determines that sustainable development includes three dimensions: - economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles (para 8):*

Environmental role – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution and mitigating and adapting to climate change, including moving to a low carbon economy

Economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and improved productivity and by identifying and coordinating development requirements, including the provision of infrastructure;

Social role – supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well designed beautiful and safe places with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;

- At the heart of the NPPF is a presumption in favour of sustainable development. LPA's should approve proposals which accord with the development plan without delay (para 11).
- 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 (para 81)
- 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 business (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 (para 84)

- 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 (para 85)
- The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (para 126)
- Planning policies and decisions should ensure that developments (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, (d) establish or maintain a strong sense of place, (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development, (f) create places that are safe, inclusive and accessible and which promote health and well being, with a high standard of amenity for existing and future users (para 130)
- Planning policies and decisions should contribute to and enhance the natural and local environment by (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value (b) recognising the intrinsic character and beauty of the countryside (d) minimising impacts on and providing net gains for biodiversity (para 174)
- When determining planning applications, local planning authorities should apply the following principles (a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort compensated for then planning permission should be refused and (d) development whose primary objective is to conserve or enhance biodiversity should be supported, while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate (para 180)

10.0 PLANNING CASE

The most recent application SMD/2019/0459) was refused on 1st October 2019 for the following five reasons:-

1. By introducing on an exposed and prominent roadside site, structures and works that would appear alien, incongruous and urbanising, the development would lead to prominent intrusion into the countryside and have an adverse impact of significance on the special quality and unique character of this part of the countryside and the landscape's inherent amenity value. Attempts to screen the site with hedgerow planting would take many years of growth and careful maintenance to be meaningful, and in any event, as a negative consequence screen planting would also hide and close open views of the landscape beyond. In these respects the proposal would contravene Core Strategy policies DC1 'Design Considerations' and DC3 'Landscape and Settlement Setting' and would be at odds with the strategies and approach to rural areas and tourism within the District that are set out at SS6c 'Other Rural Areas, SS7 'Churnet Valley Area', E3 'Tourism and Cultural Development' and R1 'Rural Diversification'. In turn the proposed development would fail to comply with NPPF sections 12 'Achieving Well Designed Places', and 15 'Conserving and

enhancing the natural environment'. The harms in these regards would be significant and demonstrable.

2. The ecological appraisal that was submitted with the application does not provide sufficient ecological information to assess the full impact of the development that has already been carried out (alteration of levels with imported material) and the development that is proposed on important habitat and species within the locality. The proposed development therefore, could potentially lead to harm to the ecological value of the adjacent 'Moss Bank' Semi-Natural Ancient Woodland and the 'Dimmings Dale & The Ranger' Site of Special Scientific Interest (SSSI) and such harm would be contrary to policy NE1 'Biodiversity and Geological Resources' of the Core Strategy and Section 15 'Conserving and Enhancing the Natural Environment' of the NPPF.

3. The current access and visibility arrangements are substandard and the frequent use of the access by site users, particularly those towing a caravan, would present a significant highway danger. Proposed improvements to the access width and visibility along the highway verge would in themselves be undesirable and harmful because they would increase the exposure of the site and introduce additional hardstandings in the countryside. Moreover, it is not clear that the access width could be increased to the extent shown on the proposed site plan without moving or removing the adjacent telegraph pole, it has not been demonstrated that in those circumstances relocation and rerouting of the pole and wires are achievable and that the impacts of doing so would not in themselves cause material harm.

4. Waste material from an unknown source has already been imported and deposited on the site to alter levels as preparatory work for the development. It is not apparent that a site specific contaminated land assessment has been undertaken to determine the pollution risks posed by this material and the suitability of the site for the proposed use and whether any appropriate land remediation would be necessary. The material could potentially pose a risk to human health if the development were to be carried out and could have already caused damage to the ecology of the area. Core Strategy Policy SD4 and section 15 of the NPPF have been contravened.

5. While the development, might bring some additional tourists to the area it would be at the expense of the special qualities of the area, which are valuable visitor attractions in their own right. Any benefits from the development to local and rural economy would be limited because the use would have restricted employment opportunity; provide what is often only a self catering experience for campers and caravaners; and would not be within obvious proximity or linkage to a recognised hub of shops, services or attractions. It is clear therefore, that any benefit would be significantly and demonstrably outweighed by the adverse impacts on the character and appearance of the countryside landscape identified above and that potentially the, yet to be fully quantified, impacts on ecology and risk to human health through land pollution, could weigh even further against the benefits. with the harm that it imposes. In these respects it is clear that the proposed development in this location would not be the sensitive, sustainable form of tourism development that is meant and provided for in the strategies that are set out SS6c 'Other Rural Areas Area Strategy', SS7 'Churnet Valley Area Strategy', E3 'Tourism and Cultural Development' and R1 'Rural Diversification' and, as such, the development would be contrary to the Development Plan and not comply with the NPPF.

A subsequent planning appeal (copy attached at Appendix 1), which was determined on 13th August 2020 considered the main issues to be the effect of the proposal on the natural environment and protected species and the effect on the character and appearance of the area.

Whilst the appeal was subsequently dismissed it considered the proposal to have an acceptable effect upon the character and appearance of the area, supporting sustainable rural tourism and

having an economic benefit. It also concluded that there would also be no harm to road uses, nor the end users from contamination if suitable conditions were imposed.

The sole reason why the appeal failed however related to the application of the precautionary principle and that there would be harm to protected species and the natural environment that significantly conflicts with the development plan and framework. Substantial weight was attached to this harm and this was considered to outweigh the various benefits of the scheme.

This application is a direct response to the appeal and the sole outstanding reason for refusal. It should be noted that whilst the appeal decision predates the adoption of the current Local Plan it was, at the time in an advanced state having been found sound by the Examining Inspector and the policies contained therein were given substantial weight in the consideration of the appeal scheme. Furthermore, whilst it is also acknowledged that the NPPF has also been revised (most recently in July 2021) following the last refusal and subsequent appeal, it is considered that the revisions to the NPPF still align with the adopted policies of the development plan in this regard.

(a) The effect of the proposal on the natural environment and protected species.

As set out in the Inspectors decision letter the application site lies on a rural road between Alton and Cheadle, To the east is the Peakstone's Inn. Although the land is level where the development is proposed it falls away steeply at the back of the site to both an adjacent woodland, known as Moss Bank, semi-natural ancient woodland, which is included in Dimmings Dale and the Ranger Site of Special Scientific Interest (SSSI).

The PEA submitted in support of the previous application considered the on site habitat to offer suitable terrestrial habitat of great crested newts. There are 2 ponds located within 250m of the site boundary and whilst the initial PEA did consider that additional surveys would be required in relation to GCN and reptiles no such surveys were submitted in support of the previous application.

A revised PEA, which has been updated in June 2021, has been submitted with this application. In terms of great crested newts 7 ponds were identified as being within 500m of the application site, 2 of which would be within 250m. As part of the current planning application access to the identified ponds was sought. In relation to ponds 1, 2, 3, 5, 6 and 7 this was in the form of a landowner consent letter (copy attached at Appendix 2) which was hand delivered to the owners on the 11th May 2021, requesting access to the ponds for further examination and survey.

As the ownership of the land containing pond 4 could not be determined a notice was displayed on the site (copy attached at Appendix 3) also on the 11th May 2021 requesting contact to be made. As no response had been received by any of the landowners a further visit was made to all landowners on the 8th June 2021. At the time of the second visit only the occupier of Shepherd's Stand Farm was available and they confirmed verbally that they were not willing to give access to the pond. No other landowners were available and no further response was received in the following two weeks. On the basis that no access could be gained to any of the ponds the updated PEA concludes that reasonable avoidance measures should be engaged. The accompanying PEA provides further advice in section 5 for recommendations in this regard.

In addition to the above the initial PEA confirmed that both onsite and offsite habitats were considered to be suitable for reptile utilisation and reptile presence / absence surveys should be undertaken. A reptile survey was undertaken during April / May 2021 during which no reptiles were identified. As no reptiles were identified on site, no negative impact would occur towards reptiles and no further surveys are required, although a precautionary approach to the development has been recommended.

11.0 CONCLUSION

In concluding the appeal in relation to the previous scheme the Inspector held that “there would be compliance with the Framework which seeks to achieve sustainable rural tourism and leisure developments that respect the character of the countryside. Lastly the proposal would also comply with policies SS10, SS11, E4, DC1 and DC3 of the emerging (now adopted) Local Plan. The sole reason for dismissal of the appeal in relation to the previous scheme therefore related to insufficient evidence in relation to the proposal and its impact upon the natural environment and biodiversity. The current application has been submitted with an updated PEA in relation to the potential for the development to impact upon great crested newts and a detailed reptile survey has also been undertaken and submitted as part of this application. In conclusion therefore it is considered that with the additional information provided the application clearly demonstrates that there would be no harm to protected species and the natural environment and accordingly the proposal complies with local and national planning policies in this regard. In the absence of any other technical objections planning permission should therefore be granted without delay.