

<b>Agenda Item:</b>	5.3
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<b>Site:</b>	Cock Inn, Hanbury Hill, Hanbury
<b>Proposal:</b>	Retention of land used as a camping field along with siting of toilet and shower block

### 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

<b>Application Number:</b>	P/2020/00649	
<b>Planning Officer:</b>	Alan Harvey	
<b>Type of Application:</b>	Detailed Planning Application	
<b>Impact on Heritage Assets under S66(1) and S72</b>	No material impact	
<b>Applicant:</b>	Cock Inn Ltd	
<b>Ward:</b>	Crown	
<b>Ward Member (s):</b>	Councillor Philip Hudson	
<b>Date Registered:</b>	11 August 2020	
<b>Date Expires:</b>	Original expiry date 2 October 2020; with the determination date extended to 23 February 2021 with the agreement of the applicants for the submission of revised plans and additional information - and associated re-consultation processes -and reporting the application to Planning Committee (including the deferral from the 22 December meeting due to applicant illness).	
<b>Reason for reporting application to committee</b>	Application called to Committee by the local member (Cllr Philip Hudson)	
<b>Recommendation</b>	<b>Grant permission (temporary for one year) subject to conditions</b>	

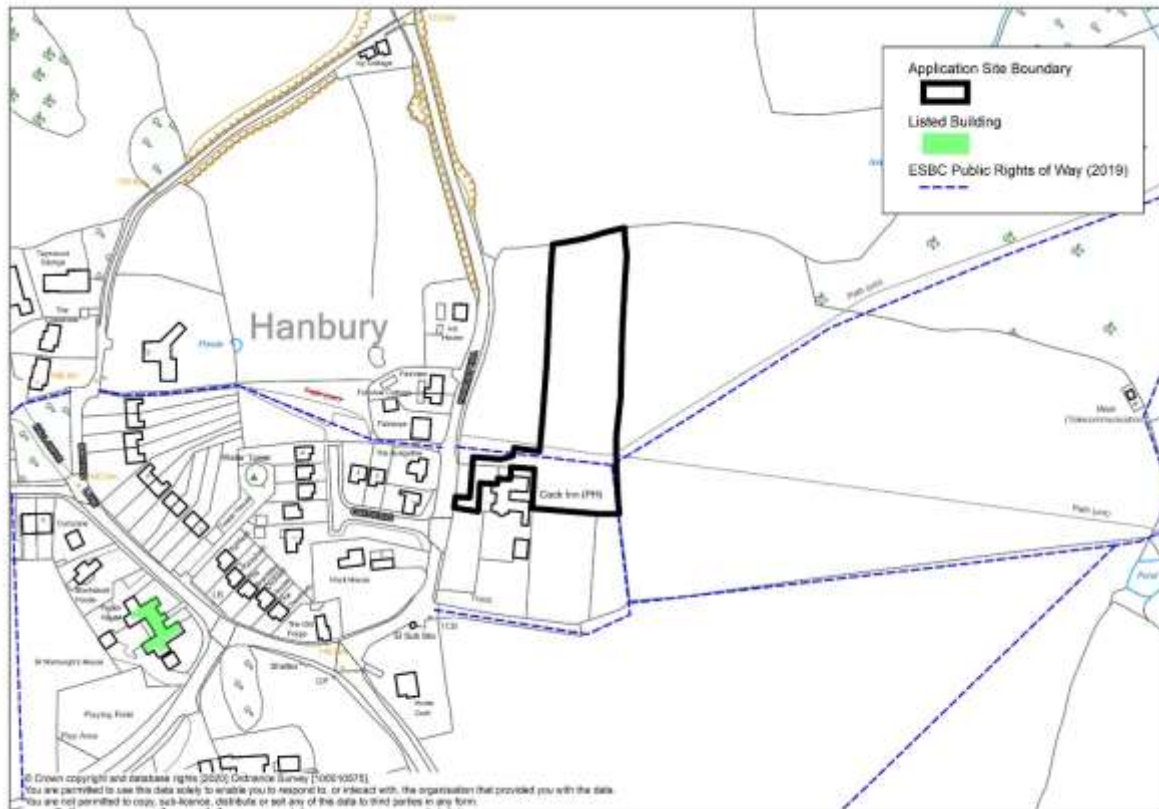
## 1. Executive Summary

- 1.1 The application site to the north of the Cock Inn public house is located on the eastern side of Hanbury Hill and would be accessed via the public house car parking area. The land is part of a larger field area and is outside settlement limits as defined in the Local Plan.
- 1.2 The site, of some 0.56 ha, is largely surrounded by agricultural lands and a public footpath crosses west to east across the site from the village towards the Fauld Crater. On the opposite side of Hanbury Hill from the site are residential properties.
- 1.3 The application is a full submission which seeks approval for the retention of the land for use as a caravan/camping field along with the siting of toilet and shower blocks. During the course of the application the scheme has been amended with the site area reduced in size and the front (westernmost) boundary set back between 25-37 metres from Hanbury Hill.
- 1.4 The scheme would provide for the siting of 5 No. caravan pitches and 20 No. 'family' tent pitches. It is intended that visitor's cars will be parked on the field area with matting to be laid in inclement weather.
- 1.5 Statutory consultees have raised no objections that cannot be addressed by the imposition of planning conditions. Hanbury Parish Council in their original comments objected to the scheme due to the lack of detail and the major impact on the village; with the key areas of concern being the volume of traffic on narrow country lanes (in particular Hanbury Hill), that a 3 acre camp site (would be) totally inappropriate in a village of 400 residents with no services and that it may give rise to anti-social behaviour. In relation to the first revised scheme (and the reduced site area), the Parish Council again raised objections to the scheme re-iterating their original concerns as well as pointing out the access across the existing pub car park will cause potential parking problems, the proximity to residential properties and potential loss of privacy and the legacy for future generations of changing agricultural land into a permanent campsite.
- 1.6 Representations have been received during the application process (as a result of three consultation processes) from a total of 7 No. local residents/interested parties; all raising objections/concerns. The objections relate to noise, disturbance and pollution, likely anti-social behaviour concerns, lack of on-site supervision, overlooking and loss of privacy and highway safety concerns. The residents also contend that the applicants are unlikely to adhere to the management plan that has recently been submitted to accompany the application. In support of that view the residents point out that the applicants have recently allowed a camper van to park in the public house car parking area (between 13-17 December 2020 Inc.)
- 1.7 Correspondences were also received questioning the validity of the ownership certificate and this was amended during the application process. The application as originally submitted incorrectly indicated the site was owned by the applicants themselves. The later Certificate B submission confirms that the site is owned by another party and the correction of such ownership certificates during the application process is a legitimate procedure provided more than 21

days have elapsed since the serving of the requisite notice. In this case, with the notice having been served in mid-October 2020 due processes have been followed.

- 1.8 With regard to the planning merits of the case it is considered that on balance the scheme in principle fits the overall aims of national and local planning policies in terms of balancing economic, social and environmental impacts with regard to supporting an existing business in a rural locality subject to other material planning impacts being successfully addressed.
- 1.9 In terms of their physical impacts, it is considered that neither the toilet and shower block are of a scale that would not be significantly detrimental to residential amenities in terms of having any significant overbearing or overshadowing impacts. Nor, given the separation distances involved, it is considered that the use of the site and the associated structures would give rise to any significant overlooking impacts and associated loss of privacy to nearby dwellings.
- 1.10 The proposal as revised will also not have an unacceptably adverse impact on the existing highway network and would subject to necessary controls provide appropriate access, parking and turning facilities to serve the development by way of the shared use of the public house access/car parking arrangements. The scheme would not significantly detract from the visual amenities of the locality given the siting, scale and (proposed) appearance of the proposed permanent buildings and the screening provided to the caravans and tents - when in situ on the site - by existing landscape features. The scheme would not impact on any heritage assets and will not impact negatively on the long term biodiversity interests of its environs
- 1.11 With regard to the use of the camp site and the associated activities being undertaken at the site, including traffic and people movements, it is considered that subject to the provision of necessary and commensurate mitigation measures as proposed by the applicants – and to be secured by conditions - that the development would not have a sufficiently adverse impact on the amenities of surrounding and nearby residents to warrant a refusal of planning permission. Concerns in relation to anti-social behaviour are recognised; but these need not necessarily be a consequence of a camping site use and if they do arise can be addressed under other legislation. It is also pointed out that the use would require a caravan site licence under the Caravan Sites and Control of Development Act 1960 and Mobile Homes Act 2013.
- 1.12 In light of the above conclusions on the planning merits of the case the application is recommended for approval subject to conditions; one of which will be to initially suggest a temporary period of use for one year (effectively the whole of 2021) for the operation of the site to be assessed and reviewed.
- 1.13 **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 of some 0.56 ha comprises the eastern part of a field area to the north of the Cock Inn. The site lies on the eastern side of Hanbury Hill, from which it will take its access via the car parking area to the public house. There are mature hedgerows to the frontage of the (larger) field alongside Hanbury Hill, although the western boundary of the application site itself is presently open. The northern and eastern boundaries are of mature hedgerows.
- 2.2 The ground levels of the application site are relatively flat to the southern area, although there is a downward slope in the northern area. The adjoining agricultural lands fall away (steeper) to the north and east of the site. A public footpath crosses west to east through the site from Hanbury and leads towards Fauld Crater.
- 2.3 Residential properties are located opposite the site on the western side of Hanbury Hill. To the north and east of the site are agricultural lands and to the south-east are allotments.
- 2.4 The application site as originally proposed extended further westwards to encompass the whole field area up to road frontage boundary onto Hanbury Hill. The westernmost boundary is now set back between 25-37 metres from Hanbury Hill.
- 2.5 The application site is situated within Flood Zone 1.

- 2.6 The application site lies outside settlement boundaries as defined in the adopted Local Plan; as does the whole village of Hanbury which is considered to be countryside for the purposes of Local Plan policies.

### **3. Relevant planning history**

- 3.1 There is no relevant planning history to this application site.

### **4. The Proposal**

- 4.1 The application is a full submission which seeks approval for the retention of the land in use as a 'camping field' along with the siting of toilet and shower blocks. The scheme would provide for the siting of 5 No. caravans pitches (each measuring some 10m x 10m) and 20 No. family tent pitches.
- 4.2 The toilet and shower blocks are located in the south-eastern area of the site (to the rear of the public house) and are proposed to be re-clad in timber with a stained finish. The structures both have flat roofs with the toilet block measuring approx. 3.5 m in width x 2.5 m in depth and the shower block being some 6.9 m in width x 3.1 m in depth. The buildings have a maximum height of some 2.8 metres above ground level.
- 4.3 The application site will be accessed through the existing car parking area serving the Cock Inn off Hanbury Hill. The area within the car parking next to the gated access through to the site is to be hatched in yellow markings and marked as a 'no parking zone' to ensure the gate is reasonably accessible at all times. This will result in the loss of one car parking space.
- 4.4 The applicants propose that visitor's vehicles are parked on the camping field and in the months where the weather is less favourable rubber matting, such as Heavy Duty Grass Protection Mesh, would be laid to enable vehicles to access the field. The applicant's agent points out that "a more permanent road access was considered using gravel or hard-core, however the client (the applicant) felt that this would have a detrimental impact upon the field. The rubber mat will be able to be removed with limited impact upon the field, and when it is installed it won't have a limited visible impact."
- 4.5 The application submissions indicates that bins will be provided and emptied on a regular basis by a licenced provider and confirms that there will be no lighting on the site except low level lighting outside the toilet blocks.

#### **List of supporting documentation**

- 4.6 The following documents have been provided as part of the application:
- Application Forms - including Ownership Certificate A at point of validation - and in turn 'Certificate B' and associated documentation once it was established the site was owned by another party.
  - Location Plan (Original and first and second revised versions to reflect site area reduction/changes)
  - Proposed Site Layout Plan (Original, first and second revised versions)
  - Proposed Building Elevations and Floor plans of toilet and shower block
  - Supporting Planning Statement (and supplementary documentation prepared for the parish council meeting)

- Site Management Plan (setting out the proposed operation of the business)
- 4.7 The first and second revised plans and the supporting planning statement – and in turn the site management plan - were submitted by the applicants in response to the comments of the Parish Council, County Highway Authority and local residents in the consultation processes. The site management plan included some changes in the proposed operation of the site in comparison to that previously set out in the supporting planning statement.
- 4.8 The management plan sets out the proposed operation of the camp site and provides amongst other things for the following :-
- Campers must not arrive before 9am and no later than 8pm.
  - The site gates will be locked between the hours of 10pm and 8am; with emergency access through the gate during the ‘locked hours’ to be provided by emergency contact.
  - There is to be a 10pm curfew with applicants also stating that they are not going to accept bookings from hen or stag parties
  - Each pitch can be occupied by the same person(s) for a maximum of 14 days.
  - Where the public footpath runs through the site, this will be fenced off to ensure that access for walkers can remain through the site.
  - Occupiers of the site will be able to access and use the pub for food/drinks.
  - An emergency telephone number is to be available to all campers but someone will be onsite at all times
- 4.9 The supporting statement (with the first revision) points out that *“the (proposed) pitches are to be located at the far end boundary away from the houses and pub” and concludes in stating that “the applicant is aware of the impact that a full camping site could have on the village, which is why careful consideration has gone into the numbers and the layout of the site. Their intention is to not detract from the views of the pub, or to cause a detrimental impact to the village but to diversify their offerings of the pub to help ensure its survival.”*
- 4.10 The applicant also pointed out - in response to the original comments of the Parish Council - and for the consideration at the parish meeting in relation to the first revised plans - that;
- “We are not looking to spoil the peace and tranquillity of the village, we value this too.
  - We are looking to have a family campsite, no groups of young people.
  - A noise curfew will be in place and someone will be on site to enforce. During the day someone will also be on call/on site to deal with any problems at all times.
  - We are only looking to use the side of the field, away from the houses, as not to spoil the views. The toilet block will also be cladded for this reason.
  - We are only looking to have 20 campers and 5 caravans, as not to affect traffic flow as it was known this was of concern.
  - The campsite will not block or alter any footpaths.
  - The campsite will be kept clean and tidy at all times.

- We are looking to create more jobs for local people. As well as give our business a boost in challenging times.”

4.11 The assessment findings of all the application documents are dealt with in section 8 onwards below.

4.12 Also during the application process, and in response to concerns being raised in the initial public consultation exercise that the applicants were not the actual owners of the application site, the applicants served a Certificate B which indicated that the land was actually owned by another party. Given that more than 21 days will have elapsed since the service of the revised certificate (in mid-October 2020) officers are content that the application represents a valid submission to be determined by this Authority under the Planning Acts.

4.13 With regard to the issue raised by local residents (as per paragraph 1.6 above) of the parking of the camper van on the public house car park from 13 -17 December 2020, the applicants advised that the campervan, belonged to a family friend who was attending an employment related course locally. The applicants also pointed out that the person concerned was originally going to stay at the public house but was unable to do so because of Covid restrictions and thus the solution was to use the car parking area rather than the field so as not to jeopardise their planning application. The applicants also advised that given that the campervan is self-sufficient for 7 days with its own water supply and toilet, there was no breach of Covid 19 restrictions by using the pub or any its facilities.

4.14 The applicants concluded by stating that they were not trying to antagonise the local people by having the camper van park on the carpark, but rather helping a friend as there was no financial gain, and that they *“did not follow through with our proposed management plan as it has not been passed and does not cover the carpark as this will not be used for camping, we fully intend to adhere to the management plan if the application is passed.”*

## 5. Consultation responses and representations

5.1 A summary of the consultation responses on the original submissions and the first and second revised/additional submissions are set out below:

ORIGINAL SUBMISSIONS		
Statutory and non statutory consultee		Response
5.2	Hanbury Parish Council	<p>The Parish Clerk commented that</p> <p><i>“A vote was held on the application and all seven Parish Councillors objected to the application. Due to the lack of detail and major impact on the village of Hanbury.</i></p> <p><i>Key areas of concern are :-</i></p> <p><i>Volume of traffic on narrow country lanes (in particular Hanbury Hill)</i></p>

		<p><i>3 acre camp site totally inappropriate in a village of 400 residents with no services.</i></p> <p><i>Anti-social behaviour</i></p> <p><i>Eight parishioners attended the meeting, primarily to make their feelings known and ensure their views were heard - all were very disappointed with the application. They have all made contact with ESBC planners and have also objected to this application.”</i></p>
5.3	SCC Highways	Requested that the applicants provide additional information on the proposed number of pitches on the site and historical data on occupancy (if available) to inform assessment of the impact on the local highway network.
5.4	SCC PROW Officer	Commented that the application documents did not recognise the existence of Public Footpath which runs through the application site and thus sought clarification as to whether (or not) this public right of way will be affected.
5.5	Peak and Northern Footpaths Society	Point out that the Public rights of ways (PROWs) Hanbury 7, 11a, & 11b are close to the proposed site and seek that the use of the PROW, and the safety of users should not be affected by the development, or the work taking place.
5.6	Police Architectural Liaison Officer	Raises no objections to this application.
5.7	Councillor Philip Hudson	<p>The local member commented in ‘calling in’ the application to Committee that :-</p> <p><i>“I attended the Parish Council meeting tonight and there were a considerable amount of residents in attendance who spoke on this matter and raised several reasonable objections to the planning application.</i></p> <p><i>The Parish Council voted to raise objections too.</i></p> <p><i>Due to this being an important issue that will affect a lot of residents I feel that it should be brought before the Planning Committee for consideration.</i></p> <p><i>The land is unsuitable for a camp site due to the access roads are not adequate to carry the amount of extra traffic and type of vehicles that a campsite would attract, for example, cars towing caravans and motorhomes. The local residents feel that it would cause a danger to local road users.</i></p> <p><i>There would be an increase in noise from users of the campsite which would adversely affect the use and enjoyment of properties of local residents.</i></p> <p><i>Evidence of this has been where a rally has been held adjacent to the public house and noise went into the early hours of the morning with people drinking at their units and shouting and swearing. Also early morning noise from children playing in the fields.</i></p> <p><i>Residents complain of an increase in the amount of litter caused through lack of bins.</i></p>



		<i>They also feel that the toilet facilities are not adequate and that this will cause people to urinate in the hedgerows.”</i>
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FIRST REVISED SUBMISSIONS		
Statutory and non statutory consultee		Response
5.8	Hanbury Parish Council	<p>The Parish Clerk comments that</p> <p><i>“A vote was held on the application and all six councillors present objected to the application. This also reflected the views of parishioners expressed through the Public Forum. Councillors and parishioners did however also stress the importance of the Cock Inn to the village and of its long term sustainability.</i></p> <p><i>The general opinion was that a permanent Caravanning and Camping site close to residential property in the heart of a small village is not an appropriate development.</i></p> <p><i>Specific areas of concern are as follows:</i></p> <p><i>Hours of opening with the potential for 'anti-social behaviour' in particular increased noise levels early in the morning and late at night.</i></p> <p><i>Access across the existing pub car park with potential parking problems.</i></p> <p><i>Volume of traffic on narrow country lanes ,in particular Hanbury Hill which is steep, single track in places and already has to accommodate farm vehicles</i></p> <p><i>Proximity to residential properties and potential loss of privacy.</i></p> <p><i>The legacy for future generations of changing agricultural land into a permanent campsite.”</i></p>
5.9	SCC Highways	<p>Raised no objections in principle subject to conditions in concluding that the overall impact on the road network and safety in the locality would not be sufficiently detrimental to warrant recommending a reason for refusal.</p>
5.10	SCC PROW Officer	<p>Notes that the revised scheme recognizes the public right of way that passes through the site and that allowance has been made for this. It is nevertheless requested that it is ensured that the development does not present any obstruction to the public footpath.</p>
5.11	Peak and Northern	<p>Re-iterate that need to ensure that the use of the PROW, and the safety of users, are not be affected by the development, or the work taking place.</p>

	Footpaths Society	
5.12	ESBC Environmental Protection	Raise no objections in principle and point out that the site would require a caravan site licence which would need to be granted under the Caravan Sites and Control of Development Act 1960 and Mobile Homes Act 2013.
5.13	Severn Trent Water Ltd	Have no objections to the proposals subject to the inclusion of a condition providing for the agreement of foul and surface water disposal.

SECOND REVISED SUBMISSIONS		
Consultee		Response
5.14	Hanbury Parish Council	<p>The Parish Clerk advises as follows :-</p> <p><i>“The third version of the planning application P/2020/00649, The Cock Inn, Hanbury was circulated to all parish councillors for their comments and all seven councillors confirmed their objection in writing.</i></p> <p><i>The application was also discussed at the Parish Council Meeting via Zoom on Tuesday 8th November 2020. This meeting only served to confirm the strength of feelings already expressed that a permanent Caravanning and Camping site close to residential property in the heart of a small village with no local shopping amenities is not an appropriate development. This was reflected in the views of parishioners expressed through the Public Forum. Parishioners also expressed their disappointment that, apart from the applicant addressing the November parish meeting, there has been no direct consultation with them throughout the whole application process.</i></p> <p><i>The latest application does not provide any appeasement of the parish council or the parishioner’s ongoing concerns regarding antisocial behaviour, noise levels, traffic impact on narrow lanes surrounding the site and the absence of details relating to the sanitation and plumbing of the toilet/shower block. The only additional information relates to the access onto the field in winter and the installation of heavy duty grass protection mesh. This will not be satisfactory for 4x4 and caravans accessing the field in winter when the ground is exceptionally wet and muddy. All of these objections would be plainly apparent by a site visit. Please could you confirm that a site visit has taken place and if not, why not ?</i></p> <p><i>A vote was held on the application and all five councillors present objected to the application.”</i></p>

## 6. Neighbour responses

- 6.1 The residents of the adjoining properties have been formally notified and a site notice posted.
- 6.2 During the application process, which as noted above has involved three separate consultation exercises, and 7 No. local residents/interested parties have submitted objections/concerns in respect of the application scheme. The objections to the scheme raised by the local residents in relation to the original and first revised application schemes are summarised below:

<b>Summary Table of Objections to the Scheme (across the neighbour consultations exercises on the original and first revised plans)</b>	
<b>Highways</b>	<ul style="list-style-type: none"> <li>• The local road network is not sufficiently adequate to accommodate the level of traffic the scheme would bring to the site.</li> <li>• The additional traffic would be a danger to horse riders, walkers and cyclists going up and down Hanbury Hill.</li> <li>• There is no indication of where campers would park and it is pointed that if this is intended to be in the pub car park (which is often full) this will mean further instances of vehicles being parked on the adjoining highway</li> <li>• It is questioned as to what will happen if a caravan arrives and the car park is full and thus preventing access.</li> <li>• Parking on the field is likely to be impractical during the winter.</li> </ul>
<b>Residential amenities</b>	<ul style="list-style-type: none"> <li>• There would potentially be one hundred or more people present on the site, many of whom would want to access the pub's facilities. Noise and disturbance from users of the site would be detrimental to nearby residents.</li> <li>• There is no-one staying in the public house premises overnight and as such there is no one at the site to ensure appropriate behaviour on the site. As such it is unlikely that arrivals will be controlled from 9pm until 7am.</li> <li>• It is important to have a warden on-site at all times when the campsite is in occupation.</li> <li>• There must be a curfew at pub-closing to ensure no camp-fire parties etc very late at night.</li> <li>• There must be no floodlights etc. All on-site lights should be extinguished at pub closing other than torches and low-level pitch lanterns etc.</li> <li>• The siting of the caravans and tent pitches would result in the overlooking of dwellings on Hanbury Hill with a loss of privacy to the residents concerned.</li> <li>• The '<i>massive slope</i>' of the lands comprising the northern area of the camping area means that</li> </ul>

	<p>campers are unlikely to want to pitch their tent on a slope and will likely try to use areas not on the plan (i.e. outside the application site). This will bring them nearer to neighbouring properties.</p> <ul style="list-style-type: none"> <li>• As the western edge of the application site has no actual physical boundary there are concerns that campers would encroach on the wrong part of the field.</li> <li>• Presently when the pub's side garden area is busy, there is a significant level of noise audible from across the road which becomes louder as the alcohol consumed takes effect. This is particularly troubling during the summer months when neighbouring house windows need to be open for ventilation.</li> <li>• It is pointed out that on several occasions there have been disturbances in the pub garden which have gone unnoticed and unchecked by the pub staff. This problem is likely to increase significantly under the proposed development.</li> <li>• The supporting document says the campsite will be only accessed '7am - 9pm' however it is questioned as to how access will be restricted outside of these times.</li> </ul>
<p><b>Visual Amenities</b></p>	<ul style="list-style-type: none"> <li>• The scheme would detract from the visual amenities of the locality</li> <li>• the campsite will present an unwarranted visual intrusion to the detriment of the character and appearance of the countryside.</li> <li>• Loss of view for the residents of dwellings on Hanbury Hill who would look at caravans/tents rather than open countryside</li> </ul>
<p><b>Other Matters</b></p>	<ul style="list-style-type: none"> <li>• There would be a loss of view to diners within the public house as customers would see camp site users going to and from the facilities.</li> <li>• The location of the toilet block in relation to the south-western corner of the camp site, and in particular the difficulties of accessing it in the dark, is likely to result in people urinating in the field</li> <li>• There will be increased litter/rubbish and this would be a constant issue.</li> <li>• There is no mention of as how the toilets/showers would be plumbed into the local sewage system.</li> <li>• Any lack of precautions being applied to the campsite is likely to increase the possibility of the pub / campsite being responsible for an outbreak of Covid 19.</li> <li>• The scheme would devalue local properties.</li> <li>• The applicant has mentioned the use is required for the sustainability of the pub however it is pointed out that there are many other things the applicants could do to increase the sustainability of the pub. I.e. make the pub garden more attractive to visitors by replacing run down / broken garden furniture. The applicants</li> </ul>

	<p>could also provide basic meals for customers as no food is provided at present.</p> <ul style="list-style-type: none"> <li>• The applicant is a tenant of the pub and not the landowner of the field and it may be that under the tenancy agreement that they are not entitled to apply for the right of change of use.</li> <li>• The 14 day maximum stay must be rigorously monitored and enforced. There must be no "living on site." no workers living on site and no seasonal pitches.</li> </ul>
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- 6.3 Correspondences were also received in relation to the original submissions questioning the validity of the ownership certificate and this was also amended during the application process. The application as originally submitted incorrectly indicated the site was owned by the applicants themselves. The later submitted Certificate B confirms that the site is owned by another party.
- 6.4 The second revised plans - and the site management scheme that was submitted with it - were the subject of an additional consultation with local residents in early December 2020.
- 6.5 Further individual representations have been received from 4 No. residents whom have also commented on the application in relation to the LPA's previous consultations (and therefore whose comments are already summarised in the table above following paragraph 6.2). The residents emphasise in some detail that the applicants most recent submissions do not allay the residents objections and fears about the impacts of the development on residential or visual amenities, and road safety in the locality; nor is it considered likely that the applicant will adhere to, and enact, their management plans should planning permission be granted and as such the development is only going to result in anti-social behaviour on the site in terms of noise and disturbance, the failure to comply with enforcement curfews and a disregarding of the existing residents. The correspondences therefore request that either the applicants withdraw the application and engage with the Parish Council and residents in terms of seeking other alternative ways of enhancing the viability/offer of the public house or that the officer recommendation for approval (as was set out in the report on the December 2020 agenda) be changed to one of refusal to the committee meeting to reflect the objections of the Parish Council and local residents to the scheme.
- 6.6 Three residents of the parties concerned also wrote in separately to complain to the Council that a camper van had been parked on the public house car park on 13 December 2020 (and which remained there until the morning of 17 December 2020). Concerns were raised that the occupant of the camper van was using the public house and the outside toilet/shower facilities (which also broke Covid 19 regulations). The residents also contend that the action demonstrates that the applicants have no intention of complying with the management plan they have submitted for the caravan/camping site should they secure planning permission.

## 7. Policy Framework

### National Policy

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

### Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP8 Development Outside Settlement Boundaries
- SP14 Rural Economy
- SP15 Tourism
- SP24 High Quality Design
- SP25 Protecting the Historic Environment: All Heritage Assets
- SP29 Biodiversity and Geodiversity
- SP30 Locally Significant Landscape
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP5 Historic Environment
- DP7 Pollution and Contamination

## 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 visual amenities;
- Impacts on residential amenities;
- Impacts on heritage assets
- Highway safety implications;
- Flooding and Drainage implications; and
- Impacts on biodiversity.

## 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, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 11 of the NPPF states that for decision-taking this means:

- approving development proposals that accord with an up to date development plan without delay; and
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
- the application of policies in the Framework that protect areas of assets of particular importance provides a clear reasons for refusing the development proposed; or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 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 Paragraph 83 of the NPPF sets out the need to promote and support the sustainable growth and expansion of all types of business and enterprise in rural areas, including well designed new buildings, the diversification of agricultural and other land-based rural businesses, and sustainable rural tourism and leisure developments which respect the character and appearance of the countryside, and also the retention and development of accessible local services and community facilities.
- 9.4 Paragraph 84 of the NPPF sets out that to meet local business and community needs in rural areas, planning policies and decisions should recognise that sites 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



(Where a scheme meets these criteria Policy SP8 goes on to list a number of other impact criteria which addressed further below in this assessment).

10.4 Strategic Policy 15 of the Local Plan deals with tourism and states that :-

*“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.”*

### **Assessment**

10.5 National and local planning policies in locational terms, therefore, indicate that new tourist accommodation outside settlements will only be likely acceptable where it will have good accessibility to existing infrastructure.

- 10.6 In locational terms this proposal seeks the approval for new tourism related development in a countryside location at the periphery of Hanbury; a village where there are no local services other than the adjoining public house itself. Further, the village does not enjoy a regular bus service; with the nearest bus route being that running along Stubby Lane between Draycott in the Clay and Marchington (Bus services 401/401/402/403 between Uttoxeter to Burton Upon Trent). As such the caravan/camping site would occupy a site outside any settlement boundary where the absence of any immediate local facilities other than the public house would necessitate the use of private motor vehicles as the predominant mode of transport. Consequently, the proposal in itself would not meet the criteria of Policy SP15 of the Local Plan in relation to the sustainable location of tourism related development.
- 10.7 It is nevertheless also recognised that Strategic Policy 8 of the Local Plan and the NPPF (in particular paragraphs 83 and 84) indicates that development in the open countryside can be supported where it is 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. In respect of this proposed development, there is a direct relationship to the public house premises as the tenants have indicated that one of the aims of the application is to give their business a “boost in challenging times.” The proposed camping/caravan site would therefore be of benefit in economic terms to the landlords by providing an income stream (with site fees) as well as potential additional customers for the public house.
- 10.8 In respect of the identified economic benefits, and provided that the camping/caravan site remains wholly related to the operation of an open public house facility by the applicants - which could be secured by planning condition in terms of a *personal permission* - it is therefore considered that the supporting of this existing established business in a rural locality would mean that the application scheme could in principle meet the overall aims of the Development Plan in terms of balancing economic, social and environmental impacts. It is nevertheless also necessary to take into account all other salient planning issues as outlined in relevant policies and this detailed evaluation is set out below.

## **11. Impact on Visual Amenities**

- 11.1 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.
- 11.2 Strategic Policies 1 and 24, along with the supplementary paragraphs to Policy SP8, indicate that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction. Strategic Policy 30 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

- 11.3 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.
- 11.4 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.
- 11.5 Local Plan Policy SP8 of the East Staffordshire Local Plan seeks amongst other things 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).

### **Assessment**

- 11.6 The application site comprises part of an existing agricultural field and objections have been made by the Parish Council and local residents that the scheme would detract from the visual amenities of the locality.
- 11.7 In terms of the associated permanent structures, the toilet and shower blocks, are in their scale, relatively modest structures – with maximum heights of some 2.8 metres – and are proposed to be clad in timber (with stain finish). The structures are positioned to the rear of the public house and thus set back some 39 metres back from the road frontage. Having regard to this visual context it is not considered that this element of the development would significantly detract from the character of this locality.
- 11.8 In terms of the siting of caravans and tents, clearly the numbers of pitches to be occupied will vary throughout the year with the maximum occupancy likely to be in the summer's months. At any one time, however, there will be a maximum of 5 No. caravans and 20 No. tents pitched on the lands. (which could be controlled by way of a condition of any approval). It is recognised that whilst these are in situ that these will represent a change to the locality, and in particular will be noticeable to the users of the public right of way that crosses the site. Such caravans and tents are, however, not an unusual feature to be seen in association with public house venues in relation to tourism and given their temporary nature and the fact that the mature hedgerows to the field boundaries (of the larger field) will afford some screening to the site, it is not considered that the proposals would not be significantly detrimental to the character of the locality. In terms of the residential properties facing across the field area, there is no right to a view under the planning acts.
- 11.9 With regard to concerns about litter, it is considered that this can necessarily be addressed by way of a planning condition to any permission to provide for the provision and retention of bin/recycling facilities at the site.
- 11.10 It is also considered that the use would not necessarily cause long term change to the locality as the toilet and shower block would be subject to a

condition for removal should the use cease and there would be no permanent changes that would materially negatively impact upon the area. Any fencing would also be readily removal and in terms of ground coverings, it is noted that the applicants intend to use rubber matter in inclement weather and not to lay hard-core or gravelled areas for vehicle access and parking on the site. The field could thus readily be returned to an agricultural use a later date.

11.11 As such it is therefore considered that the scheme complies with the provisions of Local Plan Policies SP1, SP8, SP24, SP30 and DP1.

## **12. Impact on Heritage Assets**

12.1 Paragraph 184 of 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, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

12.2 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.

12.3 Strategic Policy 25 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. Detailed Policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology.

### **Assessment**

12.4 The nearest listed building is the Grade II listed (former) St Werburgh's School on Martins Lane which is not visible from the application site given intervening buildings and mature trees on Martin Lane and Hanbury Hill. The proposed development would therefore not materially impact on the setting of any listed buildings. There is no conservation area designation in Hanbury; nor is the site seen in the context or setting of any other conservation area designation.

12.5 As such Sections 66 (1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 would not be engaged by this scheme. The scheme would also not materially impact on any archaeological interests.

## **13. Impacts on Residential Amenities**

13.1 The National Planning Policy Framework and Policies DP1, DP3 and DP7 of the Local Plan seek 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, or by unacceptable levels of noise or disturbance. Local Plan Policy SP8 also seeks inter alia to ensure that development would

not have an adverse impact upon the amenities enjoyed by the occupiers of nearby properties.

### **Assessment**

- 13.2 The toilet and shower block buildings, are, in their scale, modest structures and given their siting and the separation distances to surrounding properties the buildings will not have any overbearing and overshadowing impacts on any adjoining properties. The use of the land and the buildings within the site are also not considered to have any likely significant overlooking impacts that would give rise to a loss of privacy to surrounding residents given that there is a minimum separation distance of some 38 metres between the nearest point of the application site and the front elevation of any dwelling on Hanbury Hill.
- 13.3 With regard to the impact of the use on surrounding residents, the main objections raised are in relation to noise and disturbance and the potential for anti-social behaviour. Concern has been expressed that any lack of site management would be likely to exacerbate the situation.
- 13.4 The concerns of local residents are recognised, however, it is considered that the given the separation distances from dwellings, the control on the number of pitches (at a maximum of 5 No. caravans and 20 No. tent pitches) and the operation of the proposed management measures for the site - which can be controlled by condition - it is considered that the development would not have significantly detrimental impacts on the amenities of the nearby residents. In particular, the site management plan – in turn the condition of any approval – would require that no visitors shall arrive at the site outside the hours of 9am to 8pm and the gates to the site shall be locked between the hours of 10pm and 8am (other than of the purpose of emergency access/egress).
- 13.5 The management plan also sets out that there is to be a 10pm curfew on the caravan/camping site with applicants stating that they are not going to accept bookings from hen or stag parties. It is also pointed out the Council's Environmental Health Officers raise no objections and advise that the site will require a licence. This licencing requirement - under separate legislation to the Planning Acts - will also provide the additional mitigation to any concerns about anti-social behaviour. Environmental Health legislation also provides for noise nuisance mitigation.

### **14. Highway Matters (including impacts on users of the public footpath)**

- 14.1 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.
- 14.2 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.

- 14.3 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.

### **Assessment**

- 14.4 The Parish Council and local residents have raised objections that the local highway network is inadequate to accommodate the likely traffic levels for the proposed use and that such traffic would be detrimental to other highway users including horse riders, cyclists and pedestrians.

- 14.5 The County Highway Authority initially requested additional information and have been re-consulted further to the provision of the revised schemes and supporting information. Further to the submission of that information (as set out in section 4 above), the Highway Authority raise no objections in principle in commenting on road capacity that :-

*“Traffic associated with this level of operation will be comparatively low and is unlikely to have a severe impact on the capacity of the local network as required by NPPF. If the site is fully occupied it could be anticipated that each pitch might result in one or possibly two trips out per day which, when coupled with the return journey, could result in 100 trips per day. These movements are likely to be spread throughout the day rather than in the network peaks and in this sort of area the peaks are unlikely to be significant in terms of network capacity.”*

- 14.6 The County Highway then go on to address safety hazards as follows:

*“The other issue to be considered is that of highway safety. This level of traffic on the network would not in itself be so far beyond the daily variation to impact noticeably on highway safety. The additional caravans on the network, being larger than might be expected on some of the narrow roads in the vicinity, may be considered to be detrimental to highway safety but as there are no restrictions on the surrounding roads and these are unlikely to move more than once a week this is not considered to have an impact that could justify an objection.”*

- 14.7 The proposed development will be accessed via the existing car parking area serving the public house and the Parish Council have raised concerns that this will give rise to potential parking conflicts; for example customers parking prohibiting access to the camping site. Local residents also raised objection on the basis that there was no indication of where campers would park and point out that if this is intended to be in the pub car park (which is often full) this will mean further instances of vehicles being parked on the adjoining highway.
- 14.8 With regard to the car parking arrangements at the site, with the submission of the management plan the applicants have confirmed it is proposed that the visitors vehicles are parked on the camping field and in the months where the weather is less favourable rubber matting, such as Heavy Duty Grass Protection Mesh, would be laid to enable vehicles to access the field.

- 14.9 The County Highway Authority have reviewed the management plan - and the associated second revised plan submissions - and raise no objections in principle.
- 14.10 In light of the comments of the Highway Authority on the scheme set out above, therefore, it is considered that the scheme would be acceptable on highway safety grounds. Further, in line with the recommendations of the County Highway Authority the conditions of any approval would provide for appropriate management of the access arrangements to the camping site.
- 14.11 Insofar as impacts on the public footpath are concerned, the submission demonstrates that the route will not be obstructed by the development scheme; given that it will be fenced off (to be secured by condition). Further, in line with the comments of the County Councils Footpaths Officer and the Peak and Northern Footpaths Society an informative on any decision notice will remind the applicants of their duty to keep the public right of way free of obstruction at all times.

## **15. Flood Risk and Drainage**

- 15.1 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.
- 15.2 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.

### **Assessment**

- 15.3 The site lies entirely within Flood Zone 1 and as such is at a low risk from flooding. With regard to surface water and foul drainage, the toilet and shower blocks are proposed to be connected to those serving the public house and are therefore considered likely to be commensurate to the overall use of the site. Severn Trent Water Ltd have no objections to the proposals subject to the inclusion of a condition providing for the agreement of foul and surface water disposal.

## **16. Biodiversity**

- 16.1 The National Planning Policy Framework (at paragraph 175) indicates that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), be adequately mitigated, or, as a last resort, be compensated for, planning permission should be refused. East Staffordshire Local Plan Strategic Policy 29 (SP29) seeks amongst other things to ensure that development retains,

protects and enhances features of biological or geological interest, and provides for the appropriate management of these features and seeks to ensure that development produces a net gain in biodiversity in line with UK and/or Staffordshire Biodiversity Action Plan species, and biodiversity opportunities.

### **Assessment**

16.2 The scheme will provide for the retention of existing hedgerows and given that the toilet and shower block are the only permanent structures on the site it is considered that the scheme will not have any long term negative impacts on the biodiversity of the locality.

### **17. Other Matters**

17.1 Concerns have been raised by the Parish Council and local residents that the scheme would lead to a loss of property values, however, this matter is not a material planning consideration. Similarly, as set out above the right to a view is not a material planning consideration; nor is the view enjoyed by customers from the public house. The issue raised in relation to any visitors urinating in the locality is a potentially criminal act and does not fall within planning legislation. The applicants are providing toilet facilities on the site.

17.2 With regard to the Parish Council's concern about the legacy for future generations of changing agricultural land into a permanent campsite it is pointed out given largely ephemeral nature of the use means that in principle a re-instatement to agricultural land in the future would not be prohibitive in terms of the development proposal.

17.3 Insofar the tenancy agreement is concerned, any rights the tenant of the pub has in terms of the entitlement (or otherwise) to apply for the right of change of use is a private legal matter. The applicants have served the requisite certificate on the landowner insofar as the Planning Acts are concerned.

17.4 Local residents also raise concerns that the number of tents/caravans could exceed the numbers specified or that the use will extend outside the application site. There are, however, planning enforcement powers available to taken actions where there are breaches for any planning conditions. A condition of any permission will require the applicant to making available their bookings register/record to the Council at any reasonable time.

17.5 Local residents have also suggested (other) alternative means of increasing the viability and economic sustainability of the public house, but these are not matters relevant to this determination which as members are familiar with falls to be determined on its own planning merits.

17.6 In relation to the specific issue of the camper van being parked on the car parking area (from 13-17 December 2020 Inc.) that matter has been resolved with the van having now left the site. With regard to the concerns of the local residents about future compliance with the management plan (should planning permission be granted) it is again pointed out the temporary approval for one year would allow the management of the site to be monitored and should the management plan itself be breached during that time that the Council has planning and noise nuisance enforcement powers that can be actioned.



## 18. Conclusions

- 18.1 Accordingly, having assessed and weighed in the balance the applicants and objectors submissions (including those of the parish council) and having taken account the schemes overall environmental, social and economic impacts it is considered having regard to the planning merits of the case set out in detail in the Assessment section of this report - and as summarised in the Executive Summary - the application is one that should be recommended for approval subject to conditions (as was the case with the report to the 22 December Committee).
- 18.2 It is nevertheless, also acknowledged that this favourable recommendation is based on the appropriate enacting of the submitted management plan. In these circumstances it is therefore suggested that any such permission should only be operative in the first instance for a year so that an assessment can be undertaken of the effectiveness of the operation of the caravan/camping site under the submitted management plan in relation to impacts on residential amenities and highway safety.
- 18.3 It is considered that the suggested the temporary approval recommendation, and other conditions (based on detailed site visits), along with the amendment of the site boundary (to 'move' the camping use away from properites on Hanbury Hill) also signify that the comments of the Parish Council and local reidents have reasonably been taken on board by officers during the application process. It also considered the three consultation exercises and their timetables have also given local residents a fair and reasonable opportunity to make comment on the submissions as they have been revised during the application process.
- 18.4 **PERMIT subject to the following conditions**

### **Condition 1: Approved Plans/Documents**

The development hereby permitted shall be carried out in accordance with the following approved plans/documents subject to compliance with other conditions of this permission:

Drawing No. STA-053-01 Rev G (dated as received on 3 December 2020)  
ST Architecture and Design 'Management Plan: Camp Site at the Cock Inn, Hanbury' (dated as being received on 4 December 2020).

Reason: For the avoidance of doubt to ensure the development will not adversely the character and appearance of the open countryside, the amenities of neighbouring properties, drainage an biodiversity interests or the safe and efficient use of the adjoining highway(s) in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP15, SP24, SP25, SP27, SP29, SP30, SP35, DP1, DP5 and DP7, the East Staffordshire Design Guide, the East Staffordshire Parking Standards Supplementary Planning Document and the National Planning Policy Framework.

### **Condition 2: Material Finishes to the toilet/shower blocks**

The toilet and shower blocks hereby approved shall be clad/re-clad in timber with a stain finish in accordance with the details shown on the approved plans (listed at condition 1 above) within 56 days of the date of this permission.

Reason: To safeguard the character and appearance of the site and its surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP24 and DP1, the East Staffordshire Design Guide and the National Planning Policy Framework.

**Condition 3: Marking out of ‘no parking area’ to vehicular access from the public house car park**

The ‘no parking area’ shall be marked out to the gated access to the application site from the public house car parking area in accordance with the details shown on the approved plans (listed at condition 1 above) within 56 days of the date of this permission. Once provided the ‘no parking area’ shall be maintained and retained free of vehicles or any other obstructions at all times during the lifetime of the development.

Reason: In the interests of highway safety in accordance with Policies SP1 and SP35 of the East Staffordshire Local Plan and the National Planning Policy Framework.

**Condition 4: Boundary Treatments to the application site/Public right of way.**

Within 28 days of the date of this permission a scheme for the provision of boundary treatments to the application site and to the public right of way that crosses the site shall be submitted for the written approval of the Local Planning Authority. The boundary treatments to the application site and to the public right of way shall be implemented within 28 days of the written consent in strict accordance with the approved scheme and once provided shall be maintained and retained in situ at all times during the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the locality, to ensure that the public right of way is not obstructed and in the interests of residential amenities in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP24, SP30 and DP1 and the National Planning Policy Framework.

**Condition 5: Provision of waste bins/recycling facilities**

Within 28 days of the date of this permission a scheme for the provision of waste bins/recycling facilities on the site shall be submitted for the writing consent of the Local Planning Authority. The waste bins/recycling facilities scheme shall be implemented within 28 days of the written consent in strict accordance with the approved scheme and once provided shall be maintained and retained as being available at all times during the lifetime of the development.

Reason: To safeguard the character and appearance of the site and its surroundings and in the interests of residential amenities in accordance with

East Staffordshire Local Plan Policies SP1, SP8, SP24, SP30, DP1 and DP7 and the National Planning Policy Framework.

**Condition 6: Site only to be operated in association with the operation of the public house (by the named applicants).**

The camping/caravan use on the application site hereby permitted shall solely be operated by the applicants in association with their operation of The Cock Inn as a public house facility and not as an independent or separate use/business at any time during the lifetime of the development. The use of the lands as a caravan/camping site shall cease immediately upon any cessation of the operation by the applicants of The Cock Inn as a public house facility.

Reason: To accord with development plan policies and in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1, SP8 and SP35 and the National Planning Policy Framework.

**Condition 7 : Operation of site in line with Site Management document**

Unless otherwise required by another condition of this permission the camping/caravan site use shall be operated in accordance with the ST Architecture and Design 'Management Plan: Camp Site at the Cock Inn, Hanbury' (dated as being received on 4 December 2020) and therefore no visitors shall arrive at the site outside the hours of 9am to 8pm and the gates to the site shall be locked between the hours of 10pm and 8am (other than for the purpose of any reasonable emergency access/egress).

Reason: To safeguard the character and appearance of the site and its surroundings and in the interests of residential amenities and highway safety in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP24, SP35, DP1 and DP7 and the National Planning Policy Framework.

**Condition 8: Maximum occupation of a caravan/tent pitch**

Any tent or caravan pitch on the application site hereby permitted shall only be occupied by the same vehicle/party(s) for a maximum of 14 days in any calendar month.

Reason: To ensure the site is not used for permanent residential accommodation having regard to East Staffordshire Local Plan Policies SP1 and SP8 and the National Planning Policy Framework.

**Condition 9: Maximum No. of Caravans/Tents**

No more than 5 No caravans and 20 No. tent pitches shall be accommodated on the application site at any one time. The operator shall maintain a log of all caravan/tent pitch occupancies for the site (including the number of days any pitch is occupied by a single party) which shall be made available for inspection at 48 hours notice by the Local Planning Authority upon written request at any reasonable time.

Reason: In the interests of visual amenities, the amenity of the occupiers of the surrounding dwellings and in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP24, SP35, DP1 and DP7 and the National Planning Policy Framework.

**Condition 10: Vehicular access**

The site shall solely have vehicular access via the public house car parking area as shown on the approved plans (listed at condition 1 above) and no other access to the site shall be made/constructed at any time.

Reason: In the interests of highway safety in accordance with Policies SP1 and SP35 of the East Staffordshire Local Plan and the National Planning Policy Framework.

**Condition 11: Control of Lighting Units**

No lighting units shall be installed at the site unless details for their provision have first been submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of the surrounding dwellings, to mitigate light pollution impacts in the locality and the interests of biodiversity in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP24, SP29, DP1 and DP7 and the National Planning Policy Framework.

**Condition 12: Removal of toilet and shower block upon cessation of camping/caravan site use**

Upon any cessation of the use of the land as a caravan/camping site the toilet and shower blocks shall be removed from the land within 56 days of that cessation and the land reinstated to its original condition..

Reason: In the interest of the visual amenities of the locality in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP30 and DP1 and the National Planning Policy Framework.

**Condition 13: Temporary Permission for 12 Months**

The use of the land hereby permitted as a caravan/camping site shall cease and the toilet and shower block shall be removed from the land and the land reinstated to its original condition within 12 months of the date of this permission unless a further application for planning permission is granted by the Local Planning Authority.

Reason: It is considered that a permanent permission ought not to be given until an assessment is undertaken of the effectiveness of the operation of the caravan/camping site under the submitted management plan in relation to

impacts on residential amenities and highway safety in accordance with East Staffordshire Local Plan Policies SP1, SP35, DP1 and DP7 and the National Planning Policy Framework.

### **Condition 14 - Foul and surface water drainage**

Within 56 days of the date of this permission a scheme for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the application site is used (again) for the siting of tents and caravans.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution in accordance with Policy SP27 of the East Staffordshire Local Plan and the National Planning Policy Framework

### **Informatives**

1. During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant 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.
2. You are reminded to ensure that that public right of way that crosses the site is kept free of obstruction at all times having regard to the attached advice of the Staffordshire County Council Public Rights of Way Officer.
3. The applicant/developer is advised that the proposed site would also require a caravan site licence under the Caravan Sites and Control of Development Act 1960 and Mobile Homes Act 2013.
4. The applicant/developer is advised that this permission relates solely to approval under the Planning Acts and you are reminded that this does not override or replace any requirements under other legislation.

### **19. Background papers**

19.1 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/2020/00649

## **20. Human Rights Act 1998**

20.1 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.

## **21. Crime and Disorder Implications**

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

## **22. Equalities Act 2010**

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

For further information contact: Alan Harvey  
Telephone Number: 01283 508618  
Email: [dcsupport@eaststaffsbc.gov.uk](mailto:dcsupport@eaststaffsbc.gov.uk)