

## **Planning Committee – Tuesday 25th October 2022**

### **Update Report of the Head of Service**

**The main report and this update report have been checked on behalf of Legal Services by Sherrie Grant**

#### **Item 5.1**

**Application No: P/2021/00999**

**Land West of Ellastone Village Hall Wootton Road Ellastone Staffordshire**

**Change of use of agricultural land to facilitate the siting of five holiday cabins and associated formation of access track**

#### **Additional Submissions by the Applicant**

The applicant states that they are disappointed with the officer recommendation and have provided further submissions to seek to substantiate why the application should be approved. The following are the points they make summarised below :-

- There is a full awareness of the heritage impacts and it was not the intention of the applicant as a long standing resident to have a huge impact on the village or fellow neighbours
- It is considered that it has not been made clear that the application site is the only piece of land in terms of their farming that is owned and not rented.
- The scheme meets the Borough Council's criteria for tourism and the development plan in East Staffordshire and it is understood that consultees, including the first conservation officer, have not raised any concern/issues. It is wished that there could have been engagement with the second conservation officer.
- It is hard to believe that there were some 30 people whom objected in the first place and it is pointed out there are a number of private supporters.
- The scheme could bring great things to Ellastone as a village and a community and is essential financial support for the applicants livestock farming business as diversification. There is no living to be made out of agriculture on the scale of the lands being farmed otherwise.
- The application process has taken a long time with additional submissions being required by the Planning Authority. The money and time that has been invested into the project can not be recovered and could have been utilised into something else on the farm if the outcome is negative.

The applicant has also submitted a series of photos which they contend show how scheme would be compatible with its heritage environs given the screening provided by existing features (and it is of course the case that Members will have the opportunity to view the site and its environs before the the committee meeting itself).

## **Additional Submissions by Interested Parties**

There have been submissions by two parties in support of the application.

One party “*as a local resident and business owner*” supports the scheme for the reasons summarised below

- The scheme compliments the current topography and has good access which does not impact on current residents.
- The holiday cabins will bring benefits to the local area which leaving the field as agricultural land would not; with these being (1) generating footfall for local businesses which gives business owners confidence to invest in their staff and employ good local people; (2) bringing life back into the heart of the community and (3) utilising a parcel of ground that has become agriculturally, unproductive due to historic developments.
- It would be great to see a young population of Ellastone thriving again, using the local park, tennis courts and local facilities.
- If there are continued dismissals of sound planning applications in conservation areas, then there runs the risk of the area becoming stagnant and deteriorating over time, both ecologically and culturally.

The other (second) party - who is both a local resident and a relative of the applicant - makes a number of points summarised below (with any relevant committee report paragraph referenced alongside where cited) :-

- The applicant does not own other land, it is all rented from other parties, therefore no other sites are acceptable to propose this development on due to ownership.
- There is no land around the application site that will come onto the market (due to large land ownership interests), so the site due to its size has no agricultural future as it will simply never be able to grow bigger. However, as the “*remainder of the applicants holding*” is less than 5 minutes away from the application site, there is a very local connection; a distance approx. 2 miles in fact.
- The diversification aspect of this application has not been explored in detail with the applicant.
- The stone boundary wall referred to in Section 2 of the committee report is the boundary to the tennis court and not the application site and there are no stone walls to the application site.
- The old school (property) has a hedge to its boundary so it is contended the cabins are not that visible at all (para 15.14).
- The use of timber is not at odds in the locality as brick and timber and metal sheeting are evident in the surrounding area to the site (para 15.14). Specifically, it is pointed out that the old school masters house is of brick as is

Aldersea Cottage (and therefore not stone), the village hall is also brick, the bowls club timber and the barn next to the church timber boarded.

- In relation to the reference to views from Wootton Road “*which cannot be seen due to the hedge to the boundary would be lost for ever by simply planting trees*” it is questioned whether this really a valid point? (para 15.15)
- It is questioned as to how this can be a (planning) balance when the opportunity does not exist to develop other sites. The application site was purchased as it came onto the market and one cannot buy land unless it is for sale (paragraph 16.4)
- The application site is not divorced from the applicants farming lands as it forms part of the farming business (para 16.10)
- Trees could be planted at anytime at the site hence the entire landscape would disappear and the loose knit form lost (para 16.15)
- The village has amenities that will be lost if extracurricular and visitor use is not encouraged, and it is pointed out the parish church is close to closing as it is unable to meet its annual financial contributions to the diocese.
- The application referred to as being in hand elsewhere in the village for a change of holiday accommodation to residential use has been submitted for personal reasons and not lack of demand.
- Despite there being a significant number of objections which have been actively sought by the parish council there is also significant private support for the scheme.

The submissions also contend conflicts of interests by members of the Parish Council and also alleges a unauthorised change of use (to garden) and erection of greenhouse and shed in relation to a nearby area of the field by the occupants (and requests what is ESBC’s position on this).

There has also been one submission made by a local resident whom objected to the scheme and who advises that they had originally arranged to attend the Planning Committee but can no longer do so for personal reasons. The local resident goes on to state that “*I can only strongly reiterate all of my previous objections, I do not feel that they have been addressed either at all, or satisfactorily. I actually strongly question the assumption that trying to attract more tourism to the area is a good thing in the first place. I won’t repeat my previous objections, they still stand.*”

### **Officer Comment**

#### **Processing of the Application**

In terms of the progression of the application to the Committee, officers are content that the applicants have been updated on matters via their appointed Agent. As set out in the Committee report (at paragraph 4.7) during the application process officers

provided the applicants/applicants agents with the opportunity make submissions in response to the Councils (then) recently published ESBC Tourism Technical Guide: Overnight Visitor Accommodation (Planning Technical Advice Note) and to address to the original comments of statutory consultees/interested parties. Furthermore, it was also necessary in due course to secure a more detailed ecology report. These actions in turn have resulted in a total of three consultation exercises with statutory undertakers and local residents/interested parties. The application process is considered to have been thorough having regard to the issues raised by the scheme. The position of both conservation officers on the merits of the case is dealt with below.

## **Factual Content**

In terms of the issue of factual content it is necessary to correct the reference at paragraph 2.1 of the report to there being a stone boundary wall to the frontage of the application site. The stone boundary wall actually ends at the tennis court boundary, and the boundary to the application site as it runs along Wootton Road is wholly of a mature hedgerow. This error is not considered to be material to the overall assessment set out in the officer report (in sections 15 and 16).

Having regard to land ownership/holding location issues, it is noted that it is stated all other lands that are farmed by the applicants at Calwich and Onecote are rented (albeit the information in the report was produced in good faith cf paragraph 16.3). The reference in the report to the application site being 'divorced' (paragraph 16.10) is a reference to the application site being physically divorced from other lands farmed by the applicant. The distance to the applicants lands at Calwich is 2 miles as stated in the submissions of the interested party referenced above.

In terms of the numbers of residents who have written in to support/object to the application that is recorded in the committee report (paragraphs 1.4 and 6.1). There are now two parties in support of the application as referenced in this Update Sheet (as one of the parties had already written in support of the submissions).

## **Other Matters**

The conduct of Parish Councillors is a matter separate from the determination of this application (and has already been investigated independently and concluded) and the alleged unauthorised planning breaches on other lands that have been raised will be necessarily investigated as a separate matter. It is stressed that the officer report relates solely to material planning matters as they relate to the submitted application.

## **Planning Considerations.**

As the officer report makes clear at paragraph 16.4 the availability (or otherwise) of other lands to the applicant to use for holiday cabins is not given any weight for or against the application scheme the subject of this committee report. The application therefore falls to be determined on its own merits (see again paragraph 16.4).

In terms of those planning merits in relation to heritage impacts, both conservation officers (see paragraphs 5.10 and 5.11), the case officer and the applicants agent (see paragraph 4.9) essentially share the common professional opinion - based on NPPF

guidance - that the development would have *less than substantial harm* on heritage assets, although it is acknowledged that the applicants agent believes that harm to be at the lower end of the scale of harm. It thus properly follows - where there are no other technical objections as this is the case here (see Section 16) - that the '*Planning Balance*' assessment is undertaken to weigh any advantages of the scheme against the negative impacts on heritage assets. In this respect the additional points made by the applicant/local residents in support of the scheme are acknowledged, however, for the following reasons these still are not considered to outweigh the material harm that would be caused to the historic environment by the scheme that is already set out in the officer report :-

- The potential benefits for other local businesses and local facilities was an integral part of the assessment made in relation to the officer report (see Section 16)
- The site has been visited and thoroughly assessed by officers who are content with the conclusions set out in the report in terms of the likely visual impacts of the scheme on the present locality. Members will of course similarly be in a position to make their own such assessments at the site visit ahead of the Committee meeting.
- The provision of new planting and its potential to provide screening into the future is acknowledged, however, in terms of any assessment firstly it is necessary to assess the scheme as per its impact at the present time, secondly it is considered no such screening can ever be complete in terms of views from the surrounding roads/properties (as there will always be views into the site; through the site entrance for example) and thirdly the development on the site will always be seen by users of the public footpath that crosses the site and from footpaths with more distant views to the west/south-west of Wootton Road (with the latter being referenced in the report at paragraph 15.19)

As such for the specific reasoning set out in the reason for refusal on the application report, it is considered that the proposed development would be contrary to Policies SP1, SP8, SP15, SP24, SP25, DP1 and DP5 of the East Staffordshire Local Plan and the National Planning Policy Framework.

**Recommendation:**

**No change to recommendation in main report.**

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