

Cannock Chase Council
Minutes of the Meeting of the
Planning Control Committee

Held on Wednesday 18 August 2021 at 3:00 pm
in the Council Chamber, Civic Centre, Cannock

Part 1

Present:
Councillors

Startin, P. (Chairman)
Muckley, A. (Vice-Chairman)

Allen, F.W.C.	Kruskonjic, P.
Buttery, M. (substitute)	Layton, A.
Cartwright, Mrs. S.M.	Smith, C.D.
Fisher, P.A.	Sutton, Mrs. H.M.
Fitzgerald, Mrs. A.A.	Wilson, Mrs. L.J.
Hoare, M.W.A.	Witton, P.T.
Jones, Mrs. V.	

Prior to commencement of the meeting, the Development Control Manager updated the Committee about the Planning Portal.

34. Apologies

An apology for absence was received from Councillor Mrs. S.L. Thompson.

Councillor M. Buttery was in attendance as substitute for Councillor Thompson.

35. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

None declared.

36. Disclosure of Lobbying of Members

Nothing declared.

37. Minutes

Resolved:

That the Minutes of the meeting held on 28 July 2021 be approved as a correct record.

38. Members requests for Site Visits

No site visits were requested.

39. Application CH/21/0055, Silvertrees Caravan and Chalet Park, Stafford Brook Road, Rugeley, WS15 2TX - the change of use of two areas within Silver Trees Holiday Park to accommodate static caravans in lieu of touring caravans (retrospective) and an extension to the park limits to accommodate a further 12 static holiday caravans

Following a site visit consideration was given to the report of the Development Control Manager (Item 6.1 – 6.28 of the Official Minutes of the Council).

The Development Control Manager advised the Committee that an update had been circulated in advance of the meeting. He read the update out, as follows:

“Following compilation of the report for the Committee agenda, the following additional information has been received:

Additional Statement from Applicant’s Agent (received 17.8.21):

With regards to the above, you will be aware that the subject planning application comprises 2 parts - the first being to regularise the layout of the main holiday park and relinquish 40 extant touring caravan pitches, and the second, to allow for 12 static caravans to be sited on a paddock to the south.

As you will see on your site visit, this paddock is enclosed on all sides - to the north and west by the existing park, to the east by a holiday let owned by the applicant, and to the south by Penkrudge Bank Road. It is heavily planted on most of its boundaries, with views into the site very restricted.

There have been no objections from any statutory consultees, nor from the public, on this application. In fact, the application has been unanimously supported by those who have made comments on the proposals, demonstrating how this holiday park business is supported in the local community.

In addition to this, the application has also been supported at officer-level. We (being myself and the applicant) were advised in April 2021 that our application would proceed towards an approval, subject to submitting additional details on landscaping. Accordingly, the applicant commissioned this additional work, at a cost, to get the application over the line, and this information was deemed acceptable by both the landscaping and AONB officers involved. It was only at the point of a decision being issued in June of this year, that Cannock Chase planning authority have changed their stance and no longer support the proposals on the basis of the site’s green belt location, despite having clearly been aware of this land designation throughout the process.

The application we have put forward fully acknowledges the green belt location and does not take lightly the restrictions on development in such areas. However, there are unique merits to this case which we believe justify the small-scale expansion of this rural business. In particular, that there will be 40 extant touring caravan pitches relinquished from the existing park to offset the proposed increase in the number of static caravans. Overall, there will still be fewer caravan pitches on site as a result of this application being approved, than were originally permitted under the planning permission currently in place; this being a reduction from 140 caravan pitches to 117. Although over a slightly extended site area, this is a far less intense use of the land.

It appears that the Council are concerned that the approval of this planning application will set an unwanted precedent for the expansion of other caravan sites in Cannock Chase. However, we do not agree that this will be the case because of the unique circumstances behind this application. We would also add that any planning application needs to be considered on its own merits - a business should not be constrained from expanding on the basis that others may or may not follow suit.

Finally, the officer's committee report which you will all have seen references the economic contribution of the proposed development and gives limited weight to this aspect. However, given the post-pandemic economic climate we find ourselves in, we believe significant weight should be given to this aspect. The tourism industry has been one of the strongest in Britain since the pandemic began, and the general message from the government during this time has been to support our tourism businesses.

At this point I would reference the appeal decision for Abbey Farm Caravan Park in Lancashire which you will find attached at Appendix 1 of this addendum report. We submitted a copy of this this appeal decision to the planning officer, Audrey Lewis, in support of our proposals on 7 July 2021.

As a brief summary of this decision, the inspector found that proposals for a "modest extension to the well-established caravan site" for an additional 14 static caravans (lodges) were able to demonstrate the very special circumstances required for development in the green belt. The inspector states at paragraph 16:

"The support given to a prosperous rural economy by the National Planning Policy Framework, the support for tourism by the Council, the apparent or likely demand for static caravan provision and the fact that almost any other location would be in the Green Belt, and thus similarly constrained, are all considerations weighing in favour of the proposal So too is the fact that this would be a modest extension to a well-established existing facility in the Green Belt, added to which is the advice that the financial viability of that business needs to be secured by the generation of additional revenue. Taken together, these other considerations amount to very special circumstances clearly outweighing the harm to the Green Belt by reason of inappropriateness and the very modest impact arising from loss of openness and visual impact".

This scenario is almost identical to the subject planning application, however it did not offer the benefit of relinquishing 40 existing pitches, nor was it within the economic context that we are experiencing today whereby Britain is experiencing a tourism 'boom' of unprecedented scale.

It is for the above reasons we believe that the subject proposals sufficiently demonstrate the very special circumstances required, and we hope that you will consider this planning application in a positive light.

Officer Response to the Applicant's Statement:

The applicant's agent was advised that it was the case officer's intention at that point to recommend approval. However, it was made clear that this statement was caveated that this was 'subject to Line Manager signing it off.' As such the comments did not prejudice the Development Control Manager's right to order the case to be reviewed, especially in respect to a review of planning appeal case law.

Abbey Farm Appeal

The applicant's agent has provided an example of a Planning Inspector appeal that was allowed for a similar proposal in respect of Abbey Farm, Lancashire. However, officers are sceptical that this appeal is representative of the main body of appeal cases that deal with the extension of holiday parks in the Green Belt.

The main area which concerns officers is provided by paragraph 16 of the appeal decision which states

“Very special circumstances are necessary to justify inappropriate development in the Green Belt but, in this case, **the harm to be outweighed by those circumstances is limited.**”

This statement flies in the face of the direction of paragraph 148 of the NPPF which makes it clear that: -

“When considering any planning application, local planning authorities should ensure that **substantial weight is given to any harm to the Green Belt.**”

It is officers' opinion that in only affording limited weight to the harm to the Green Belt the Inspector misdirected himself.

This contrasts to the approach taken in other appeal decisions. Officers provide two examples of which at 1 (Holme Lea) & 2 (Beechwood Grange)

In the case of Holme Lea (ref APP/C2741/W/15/3008377) for a change of use of land for siting of 20 holiday static caravans in place of tourers, the Inspector stated: -

“Overall, I conclude that the harm caused by the inappropriateness of the proposal, its effect on the openness of the Green Belt and a purpose for including land within it carry substantial weight”.

In the case of Beechwood Grange (ref APP/C2741/W/18/3200824) relating to an increase in the number of pitches by converting a recreational field to the west of the current site), the Inspector stated at paragraph 15 of the appeal decision

“Given the failure of the proposal to preserve the openness of the Green Belt and the accompanying encroachment into the countryside, I conclude that the appeal site is not within the exceptional categories of the provision for outdoor sport and recreation or a material change of use of the land for the purposes of 145(b) and 146(e) of the Framework. Therefore, the proposed scheme would **be inappropriate development and thus harmful to the Green Belt.** Pursuant to paragraph 144 of the Framework, **I attach substantial weight to this harm.**”

It is clear from both Beechwood Grange and Holme Lea that the correct approach to affording weight to inappropriate development in the Green Belt, and to any other harm to the Green Belt, is to afford that harm, substantial weight. To do otherwise would constitute misdirection and expose the Council to challenge by judicial review.

With regard to the other comments made within the agent's statement received yesterday, Members should refer to the full officer report, which addresses all points made.”

The Development Control Manager provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Prior to consideration of the application a representation was made by Philippa Davey, speaking in favour of the application.

Resolved:

That the application be refused for the reasons outlined in the report.

40. Application CH/21/0314, McArthur Glen Designer Outlet West Midlands, Mill Green, Eastern Way, Cannock, WS11 7JZ – Non-Material Amendment to CH/21/0197 – changes to elevational treatment of units, external areas, Unit 71 and relocation and addition of signage across McArthur Glen Outlet West Midlands site

Consideration was given to the report of the Development Control Manager (Item 6.29 – 6.74 of the Official Minutes of the Council).

The Development Control Manager advised the Committee that an update had been circulated in advance of the meeting. He read the update out, as follows:

“The recommendation has been amended in the interest of clarity to read as follows:

“That the application for a non-material amendment to planning permission CH/21/0197 made under Section 96A of the Town and Country Planning Act 1990 (as amended) be approved.”

The Development Control Manager provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Resolved:

That the application for a non-material amendment to planning permission CH/21/0197 made under Section 96A of the Town and Country Planning Act 1990 (as amended) be approved.

The meeting closed at 4:14 pm.

CHAIRMAN