

**PLANNING AND REGULATORY COMMITTEE  
1 DECEMBER 2020**

**PROPOSED RETENTION OF EXISTING DOUBLE MOBILE  
CLASSROOM BUILDING AT HANBURY CHURCH of  
ENGLAND (CE) FIRST SCHOOL, HANBURY,  
WORCESTERSHIRE**

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**Applicant**

Worcestershire County Council

**Local Member**

Mr R P Tomlinson

**Purpose of Report**

1. To consider an application under Regulation 3 of the Town and Country Planning Regulations 1992 for the proposed retention of an existing double mobile classroom building at Hanbury Church of England (CE) First School, Hanbury, Worcestershire.

**Background**

2. Planning permission was originally granted for the double mobile classroom by Worcestershire County Council in October 2011 (County Planning Authority Ref: 11/000045/REG3). Condition 1 required the double mobile classroom to be removed by 31 October 2016.

3. The applicant states that they carried out a review of all the temporary modular accommodation currently on Worcestershire County Council owned school sites. In conducting this audit, it transpired that consent for the double mobile classroom had expired. In view of this, the applicant is seeking retrospective planning permission to retain the double mobile classroom building on site.

4. To prevent re-occurrence of planning permissions for mobile classrooms expiring, the applicant has created a Master Programme for the mobile buildings currently on school sites, which highlights planning permission expiration dates, which will be monitored periodically to enable either planning applications to be submitted for renewal or to remove the building from the school site.

**The Proposal**

5. Worcestershire County Council is seeking retention of an existing double mobile classroom building at Hanbury CE First School. The mobile classroom building measures approximately 18 metres long by 8.6 metres wide by 3.5 metres high, with stepped and ramped access. The external walls of the classroom are comprised of a

plyfaced walls with a dark grey resin texture coating. The windows are constructed of white uPVC material, whilst the rainwater pipe and fascia are black plastic. The mobile classroom is accessed via timber stairs and ramp.

6. The mobile classroom accommodates two classrooms, two storerooms, a toilet block and a lobby.

## **The Site**

7. Hanbury CE First School is located to the south of the junction of Astwood Lane School Road, approximately 1 kilometre north-west of the centre of the village of Hanbury and approximately 5.5 kilometres east of Droitwich Spa. The whole site is located within the Green Belt.

8. The school site is bound to the north by School Road, beyond which is the Listed Building and Scheduled Monument of The Pilgrim Cross. To the south and east are open agricultural fields and to the north-west are the residential properties and curtilage of The Cross and Cross Cottage.

9. The mobile classroom is located immediately to the south of the main school building, on an area of hardstanding, and west of a hard play area.

10. There are a number of heritage assets within the vicinity of the application site, the closest is that of the Grade II Listed Building and Scheduled Monument of The Pilgrim Cross is located approximately 42 metres north of the classroom. Further notable heritage asserts include the Grade I Listed Building of Church of St Mary the Virgin, and the associated Grade II Listed Buildings / Structures with the Church are located approximately 210 metres north of the proposal. The Grade I Listed Building of Hanbury Hall and its associated Listed Buildings / Structures are located approximately 1.1 kilometres south-west of the proposal. The Grade II Registered Historic Park & Garden of Hanbury Hall which is located approximately 55 metres to the north-west of the proposal at its closest point.

11. Pipershill Common Site of Special Scientific Interest (SSSI) is located approximately 685 metres north-east of the application site. The Hanbury Hall Park Local Wildlife Site (LWS) covers an area extending north-west to south-west of the application site, located approximately 48 metres from the proposed development at its nearest point. The Jinney Ring Meadow LWS is located approximately 310 metres south-east of the proposal, beyond which is the Fishpools Cottage Meadow LWS, sited approximately 1.2 kilometres south-east of the proposal. The Ancient Woodland of Church Coppice is located about 275 metres north of the site.

12. The Public Right of Way (Footpath HB-559) is located about 45 metres north-east of the proposal, which adjoins the Footpaths of HB-549, HB-550 and HB-551 located approximately 50 metres north-east of the proposal.

13. The site lies in Flood Risk Zone 1 (low probability of flooding).

14. The nearest residential properties to the proposal are the semi-detached dwellings known as The Cross and Cross Cottage which are accessed from School Road. They are situated approximately 40 metres west of the proposal.

## Summary of Issues

15. The main issues in the determination of this application are whether there is sufficient justification to retain the mobile classroom on site, considering the impact upon the Green Belt, character and appearance of the local area, upon residential amenity, historic environment, traffic and highway safety, water environment, and that of ecology and biodiversity.

## Planning Policy

### National Planning Policy Framework (NPPF)

16. The revised National Planning Policy Framework (NPPF) was updated on 19 February 2019 and replaces the previous NPPF published in March 2012 and July 2018. The NPPF sets out the government's planning policies for England and how these are expected to be applied. The revised NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes).

17. Annex 1 of the NPPF states that *"the policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication"*.

18. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

19. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing

so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

20. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. For decision taking, this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- 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 NPPF that protect areas or assets of particular importance provides a clear reason 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.

21. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

22. The following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 13: Protecting Green Belt land
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

**Chief Planning Officer Letter - Green Belt protection and intentional unauthorised development (31 August 2015)**

23. This letter sets out changes to national planning policy to make intentional unauthorised development a material consideration, and also to provide stronger protection for the Green Belt.

## **The Development Plan**

24. The Development Plan is the strategic framework that guides land use planning for the area. In this respect, the current Development Plan relevant to this proposal consists of the Adopted Worcestershire Waste Core Strategy and Adopted South Worcestershire Development Plan.

25. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

26. With regard to the weight to be given to existing policies adopted prior to the publication of the revised NPPF, Annex 1 states *"existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)"*.

### **Worcestershire Waste Core Strategy**

Policy WCS 17: Making provision for waste in all new development

### **South Worcestershire Development Plan**

27. The South Worcestershire Development Plan (SWDP) covers the administrative areas of Worcester City Council, Wychavon District Council and Malvern Hills District Council. The SWDP policies that are of relevance to the proposal are set out below: -

Policy SWDP 1: Overarching Sustainable Development Principles

Policy SWDP 2: Development Strategy and Settlement Hierarchy

Policy SWDP 4: Moving Around South Worcestershire

Policy SWDP 5: Green Infrastructure

Policy SWDP 6: Historic Environment

Policy SWDP 21: Design

Policy SWDP 22: Biodiversity and Geodiversity

Policy SWDP 24: Management of the Historic Environment

Policy SWDP 25: Landscape Character

Policy SWDP 28: Management of Flood Risk

Policy SWDP 29: Sustainable Drainage Systems

Policy SWDP 30: Water Resources, Efficiency and Treatment

Policy SWDP 31: Pollution and Land Instability

Policy SWDP 33: Waste

Policy SWDP 37: Built Community Facilities

### **Emerging South Worcestershire Development Plan Review (SWDPR)**

28. Worcester City Council, Wychavon District Council and Malvern Hills District Council are reviewing the SWDP. The SWDPR will cover the period to 2041. The 'Preferred Options' consultation version of the SWDPR was consulted on from 4 November to 16 December 2019. The next step is an additional Preferred Options consultation in March / April 2021. Publication Version of the SWDPR, which is currently programmed for November / December 2021. The SWDPR would then be submitted to the Secretary of State for Housing, Community and Local Government for independent examination in March 2022. The Secretary of State would then appoint an independent Planning Inspector to assess the 'soundness' and legal

compliance of the plan, which is anticipated to be between May 2022 to January 2023, with receipt of the Inspector's Report anticipated to be in March 2023 and adoption in April 2023. Once the plan is adopted it would replace the existing policies in the SWDP. Having regard to the advice in the NPPF, Section 4, as the SWDPR is still at an early stage of preparation and, therefore, the Head of Planning and Transport Planning considers that only limited weight should be applied to the policies.

29. The SWDPR policies that, for the avoidance of doubt, are of relevance to the proposal are set out below:

Policy SWDPR 2: The Spatial Development Strategy and Associated Settlement Hierarchy

Policy SWDPR 3: Strategic Transport Links

Policy SWDPR 4: Green Infrastructure

Policy SWDPR 5: Historic Environment

Policy SWDPR 7: Health and Wellbeing

Policy SWDPR 25: Design

Policy SWDPR 26: Biodiversity and Geodiversity

Policy SWDPR 28: Management of the Historic Environment

Policy SWDPR 29: Landscape Character

Policy SWDPR 32: Management of Flood Risk

Policy SWDPR 33: Sustainable Drainage Systems

Policy SWDPR 34: Water Resources, Efficiency and Treatment

Policy SWDPR 35: Amenity

Policy SWDPR 36: Air Quality

Policy SWDPR 37: Land Stability and Contaminated Land

Policy SWDPR 42: Built Community Facilities

## Consultations

30. **Local County Councillor Mr Peter Tomlinson** supports the application to retain the continued presence of the mobile classroom at the school site.

31. **Hanbury Parish Council** no objection to the proposal.

32. **Wychavon District Council** have no objections to the proposal, and in respect to the historic environment they state that the mobile classrooms building is located just outside of (across the road from) the Grade II Hanbury Hall Historic Park and Gardens. The mobile classroom building is a low, functional structure discreetly positioned within the school grounds. It is located well away from the Grade I Listed Building of Hanbury Hall itself and its associated listed structures, so does not appear to affect their setting. Likewise, it does not have any significant effect on the setting of the listed parkland. The classroom structure is at a much lower level than The Pilgrim's Cross, which is a 14th Century Grade II Listed Structure. Furthermore, The Pilgrim's Cross is set in the triangular green across from the school and can hardly be seen from the application site. Retaining the unit would not, therefore, appear to cause any harm to these heritage assets.

33. With regard to the impact on the openness of the Green Belt they state that it is for the County Planning Authority to consider the impacts upon the Green Belt,

however, they state that the proposal could potentially be considered to be appropriate in the Green Belt under the NPPF paragraph 146(g), which allows for the infilling of previously developed sites like this, where this would not have a greater impact on the openness of the Green Belt than the existing development.

34. The District Council also comment that they support development that helps to meet educational needs, noting that one of the objectives of the South Worcestershire Development Plan is *“to promote opportunities and access to a range of skills / vocational training and levels of education for all generations”*.

35. **The County Ecologist** has no objections to the proposal.

36. **Worcestershire Wildlife Trust** no comments received.

37. **Historic England** do not wish to make any comments on the application and recommends that the County Planning Authority seeks the views of the Council’s specialist conservation and archaeological advisors, as relevant.

38. **The Ancient Monuments Society** no comments received.

39. **The Gardens Trust** notes the proximity of the proposal to Hanbury Hall, an historic designated landscape of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II. They go onto state that they have considered the information provided in support of the application and on that basis do not wish to comment on the proposals. They, however, emphasise that this does not in any way signify their approval or disapproval of the proposal.

40. **Hereford and Worcester Gardens Trust** state that they do not wish to make comments on this application.

41. **The County Archaeologist** has no concerns or issues with the proposal.

42. **The District Archaeologist** no comments received.

43. **The County Landscape Officer** has no objections on landscape grounds.

44. **The County Highways Officer** has no objections to the proposal.

45. **Lead Local Flood Authority** has no objections to the proposal stating that as the classroom is temporary and is constructed on land that is already impermeable there would not be an increase in run off rates, therefore, they have no concerns regarding this application.

46. **South Worcestershire Land Drainage Partnership** no comments received.

47. **Severn Trent Water Limited** no comments received.

48. **West Mercia Police** have no concerns or objections to the proposal.

49. **Hereford and Worcester Fire and Rescue Service** no comments received.

50. **The Campaign to Protect Rural England (CPRE)** states that this is a matter below the threshold of what CPRE aim to comment on. As a matter of general principle, it is normally better for schools to have permanent classrooms, but CPRE are not able to comment on this specific case.

51. **Western Power Distribution** comments that their apparatus crosses the application site (low voltage overhead electricity line); the use of mechanical excavators in the vicinity of their apparatus should be kept to a minimum. The development should be carried out in accordance with the Health and Safety Executive's guidance, as set out in the document titled: 'Avoiding Danger from Underground Services'. The applicant should contact Western Power Distribution should any diversions be required.

### **Other Representations**

52. The application has been advertised in the press, on site and by neighbour notification letters. To date, no letters of representation have been received.

### **The Head of Planning and Transport Planning's Comments**

53. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

### **Need for the Modular Building**

54. The applicant states that the mobile classroom is essential to the running of the school because they are reliant on the classroom for the provision of educational classes, as 46 pupils aged 4 to 6 (Reception and Year 1) are taught in these two classrooms, and the school do not currently have capacity within the main school building to accommodate these pupils. The loss of the classroom would create disruption for the school, its pupils and the local community. By retaining the modular unit, the school would be able to meet their educational needs, allowing the school flexibility to consider alternative options in line with future funding.

55. In terms of planning policy, Section 8, paragraph 94 of the NPPF states that "*it is important that a sufficient choice of school places is available to meet the needs of the existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications*". Policy SWDP 37 of the South Worcestershire Development Plan indicates that the enhancement of existing community facilities (including schools) will be permitted.

56. Wychavon District Council raises no objections to the proposal, commenting that they support development that helps to meet educational needs, noting that one of the objectives of the South Worcestershire Development Plan is "*to promote opportunities and access to a range of skills / vocational training and levels of education for all generations*".



57. It is considered that should planning permission be granted, this should be limited for a period of 5 years, as the mobile classroom is a temporary structure which is not suitable for permanent retention. A 5-year period would enable the applicant to consider alternative options, whilst meeting the school's current educational needs.

58. The Head of Planning and Transport Planning considers that the proposal would meet the existing needs of school for school places in the area in accordance with Section 8 of the NPPF and Policy SWDP 37 of the South Worcestershire Development Plan.

### **Green Belt**

59. The proposal is wholly located within the Green Belt, the introduction to Section 13 of the NPPF states that "the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF states that Green Belt serves five purposes:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land".*

60. It is noted that Wychavon District Council comment that the proposal could potentially be considered to be appropriate in the Green Belt under the NPPF paragraph 146(g), which allows for the infilling of previously developed sites like this, where this would not have a greater impact on the openness of the Green Belt than the existing development. However, the Head of Planning and Transport Planning notes that this exemption does not apply to temporary buildings and, therefore, would not be applicable in this instance.

61. In view of the above, the Head of Planning and Transport Planning considers that the proposal does not fall within the categories of development set out in Paragraphs 145 to 147 of the NPPF which are considered to be not inappropriate development in the Green Belt. Consequently, the proposed development would constitute inappropriate development in the Green Belt. Paragraph 143 of the NPPF states that "*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*".

62. Furthermore, the NPPF states that "*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*". As a result, a balancing exercise needs to be undertaken weighing the harm of the proposal with other circumstances in order to ascertain whether very special circumstances exist which justify granting planning permission.

63. When the mobile classroom was originally sited at the school it was considered that very special circumstances existed in terms of educational need to justify an

exception to Green Belt policy. The applicant's assessment of Green Belt and the very special circumstances are set out below:

- *“The urgent need of the school to provide suitable space for its pupils and teachers. The unit offers education provision for 46 pupils (maximum capacity 60 pupils) along with full toilet facilities, both of which cannot be accommodated in the main school building;*
- *Absence of suitable alternative sites for the accommodation;*
- *Application site’s location well within the school grounds and curtilage of existing buildings, meaning that the structure would not unduly harm the character or appearance of the area;*
- *The retention of the mobile classroom unit is essential to enable the school to deliver the national curriculum, which is a statutory requirement. The mobile classroom is currently used for a variety of purposes, including, but not limited to:*
  - *Teaching lessons to large numbers of pupils;*
  - *Serving pupils hot school meals;*
  - *Work with groups of pupils by teachers and teaching assistants; and*
  - *Exam/test room.*
- *There are no other spaces within the school where all these activities can be accommodated, its loss would, therefore, cause very serious detriment to pupils and staff alike.*
- *As is common with many small rural schools, vertical grouping, whereby children of different ages are taught in the same classroom is necessary. It would be impractical to site the temporary classrooms at an alternative location [outside of the Green Belt] as this would split the school groupings and disrupt the school’s ability to meet the educational needs of pupils.*
- *The nature of the development is such that it is ancillary to the school site, an existing Green Belt development”.*

64. The Head of Planning and Transport Planning considers that the consequences of not renewing the planning permission for the double mobile classroom would be harmful to the education of the school's pupils. In addition, the school would be significantly constrained regarding its ability to carry out its statutory responsibilities. Consequently, the Head of Planning and Transport Planning considers that very special circumstances have been demonstrated that would outweigh the harm to the Green Belt. In addition, it is noted that the whole school site and surrounding area is located within the Green Belt and, therefore, any additional facilities for the school would reasonably have to be located on this site, within the Green Belt, as it is considered unreasonable and unpractical to provide new or additional facilities for the school on a different site, outside of the Green Belt. Wychavon District Council has been consulted and has raised no objections to the proposal.

65. The Head of Planning and Transport Planning considers that should planning permission be granted a condition should be imposed requiring the double mobile classroom to be removed within 5 years from the date of any planning permission.

66. Under the Town and Country Planning (Consultation) (England) Direction 2009, the County Council is required to consult the Secretary of State for the Ministry of Housing, Communities and Local Government on new buildings in the Green Belt it intends to approve that would be inappropriate development and exceed 1,000 square metres; or any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. As the proposal would only have a total floorspace of approximately 141 square metres, it is considered there is no need to consult the Secretary of State in this instance.

### **Landscape Character and Appearance and Residential Amenity**

67. The mobile classroom is located to the south of the main school building on an area of hardstanding. The mobile classroom building is set back within the school site by approximately 30 metres from School Lane and is well screened from views along School Lane by established vegetation, boundary fencing and the main school building.

68. The nearest residential property is The Cross, which is located about 40 metres west of the proposal, with views from this property being partly screened by the intervening established vegetation and small buildings within the school grounds. The mobile classroom is orientated end on to this view and is dark grey, which minimises any visibility from this viewpoint.

69. No letters of representation have been received commenting on the proposal. Wychavon District Council have been consulted and have raised no objections to the proposal. Local County Councillor Mr Peter Tomlinson has no objections to the continued presence of the mobile classroom at the school site. The County Landscape Officer has also raised no objections to the proposal.

70. In view of the above, the Head of Planning and Transport Planning considers that the retention of the mobile classroom is acceptable and would not have an unaccepted adverse or detrimental impact upon the character and appearance of the local area, and would not cause any unacceptable overbearing, overshadowing or overlooking implications that detracts from residential amenity due to its design, size and location.

### **Historic Environment**

71. There are a number of heritage assets within the wider context of the application site, as set out in paragraph 10 of this report. The closest is that of the Grade II Listed Building and Scheduled Monument of The Pilgrim Cross is located approximately 42 metres north of the classroom and the Grade II Registered Historic Park & Garden of Hanbury Hall which is located approximately 55 metres to the north-west of the proposal at its closest point.

72. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects to listed buildings in the exercise of planning functions. Subsection (1) 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"*.

73. With regard to heritage assets, paragraph 190 of the NPPF states that *"local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal"*.

74. Paragraphs 193 and 194 of the NPPF states that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: ...a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments...grade I and II\* listed buildings, grade I and II\* registered parks and gardens...should be wholly exceptional"*.

75. Paragraph 195 of the NPPF states that *"where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss"* or all the criteria listed in a) to d) of paragraph 195.

76. The Government's Planning Practice Guidance (PPG) at Paragraph 018 Reference ID: 18a018-20190723 states *"whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework"*.

77. Historic England has been consulted but do not wish to make any comments on the application, recommending that the County Planning Authority seeks the views of the Council's specialist conservation and archaeological advisors, as relevant.

78. Wychavon District Council have been consulted and have raised no objections to the proposal, stating that the mobile classroom building is a low, functional structure discreetly positioned within the school grounds. It is located well away from the Grade I Listed Building of Hanbury Hall itself and its associated listed structures, so does not appear to affect their setting. Likewise, it does not have any significant effect on the setting of the listed parkland. Furthermore, the classroom structure is at a much lower level than the 14th Century Grade II Listed Pilgrim's Cross, which is set in the triangular green across from the school and can hardly be seen together with the cross. Retaining the unit would not, therefore, appear to cause any harm to these heritage assets.

79. The County Archaeologist has also raised no objections to the proposal and the Scheduled Monuments Society, and the District Archaeologist have been consulted but no comments have been received. The Gardens Trust state that they have considered the information provided in support of the application and on that basis do not wish to comment on the proposals. They, however, emphasise that this does not

in any way signify their approval or disapproval of the proposal. Hereford and Worcester Gardens Trust state that they do not wish to make comments on this application.

80. Due to the size and scale of the proposal, and given the distance, intervening main school building, established hedgerows, and as the mobile classroom is set back into the school site, it is considered that the proposal is well screened from the nearby heritage assets and, therefore, it is considered the proposal would have no adverse impact upon these heritage assets, in accordance with Section 16 of the NPPF, and Policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan.

#### **Traffic and Highways Safety**

81. Hanbury CE First School is accessed directly off School Road. The proposed retention of the mobile classroom would not result in any increase in pupil or staff numbers or any amendments to the existing access arrangements. The County Highways Officer has been consulted and has raised no objections to the proposal.

82. In view of the above matters, the Head of Planning and Transport Planning is satisfied that the proposal would not have an unacceptable impact upon traffic and highway safety.

#### **Water Environment**

83. The mobile classroom is located within Flood Zone 1 (low probability of flooding), as identified on the Environment Agency's Indicative Flood Risk Map. The Government's PPG identifies that all uses of land are appropriate within this flood zone.

84. The applicant has confirmed that no alternations are proposed to the existing foul and surface water drainage arrangements. The Lead Local Flood Authority have been consulted and have no concerns regarding this application. South Worcestershire Land Drainage Partnership and Severn Trent Water Limited have both not commented on the proposal.

85. In view of the above comments, the Head of Planning and Transport Planning considers that the proposal would have no adverse effects on the water environment, in accordance with Policies SWDP 28 and SWDP 29 of the South Worcestershire Development Plan.

#### **Ecology and Biodiversity**

86. The Hanbury Hall Park LWS is located approximately 48 metres north-west of the at its nearest point. Due to the proximity to the LWS site Worcestershire Wildlife Trust have been consulted, but no comments have been received. The County Ecologist has also been consulted and has raised no objections to the proposal.

87. Given that the proposal only seeks to retain the existing mobile classroom on site for a further temporary period and no works are proposed, and based on the advice of the County Ecologist, the Head of Planning and Transport Planning considers that the proposal would have no adverse impacts on the ecology and biodiversity at the site or in the surrounding area.

## Conclusion

88. The Head of Planning and Transport Planning considers that the proposal would meet the existing needs of the school for school places in the area. However, a condition is recommended to be imposed limiting planning permission to a period of 5 years, as the mobile classroom is a temporary structure which is not suitable for permanent retention. A 5-year period would enable the applicant to consider alternative options, whilst meeting the school's current educational needs.

89. The Head of Planning and Transport Planning considers that very special circumstances have been demonstrated to justify this otherwise inappropriate development in the Green Belt. It is also considered that the proposed development would have no adverse or detrimental impact upon the character and appearance of the area, residential amenity or heritage assets due to its design, size and location. It is considered that the proposed development would not have any adverse traffic or highway safety impacts. Based upon the advice of the Lead Local Flood Authority and the County Ecologist, it is considered the proposal would have no adverse effects on the water environment or ecology and biodiversity at the site or in the surrounding area.

90. Taking in to account the provisions of the Development Plan and in particular Policy WCS 17 of the adopted Worcestershire Waste Core Strategy and Policies SWDP 1, SWDP 2, SWDP 4, SWDP 5, SWDP 6, SWDP 21, SWDP 22, SWDP 24, SWDP 25, SWDP 28, SWDP 29, SWDP 30, SWDP 31, SWDP 33 and SWDP 37 of the adopted South Worcestershire Development Plan, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

## Recommendation

**91. The Head of Planning and Transport Planning recommends that planning permission be granted for the proposed retention of an existing double mobile classroom building at Hanbury CE First School, Hanbury, Worcestershire, subject to the following conditions:**

- a) The development hereby permitted shall be carried out in accordance with the details shown on submitted drawings numbered: 001 and 002;**
- b) The mobile classroom as shown on the submitted drawing numbered: 001 shall be removed from the site by 31 December 2025; and**
- c) The site should be restored in accordance with a scheme to be submitted for the approval of the County Planning Authority in writing within one month of the removal of the building.**

## Contact Points

Case Officer: Mark Lane, Planning Monitoring and Enforcement Officer

Tel: 01905 844063

Email: [MLane2@worcestershire.gov.uk](mailto:MLane2@worcestershire.gov.uk)

Steven Aldridge, Team Manager – Development Management  
Tel: 01905 843510  
Email: [saldrige@worcestershire.gov.uk](mailto:saldrige@worcestershire.gov.uk)

## **Background Papers**

In the opinion of the proper officer (in this case the Head of Planning and Transport Planning) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference 20/000010/REG3, which can be viewed online at: <http://www.worcestershire.gov.uk/eplanning> by entering the full application reference. When searching by application reference, the full application reference number, including the suffix need to be entered into the search field.