

APPEAL BY EARDLEY HALL KENNELS AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR AN EXTENSION AND NEW PITCHED ROOF TO REPLACE AN EXISTING FLAT ROOF AT EARDLEY HALL KENNELS, EARDLEY HALL COTTAGE, CROSS LANE, BIGNALL END

<u>Application Number</u>	14/00970/FUL
<u>LPA's Decision</u>	Refused by delegated authority on 21st December 2014
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	26TH August 2015

The Inspector considered the main issues to be whether the proposal represents inappropriate development in the Green Belt, and if inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

In dismissing the appeal the Inspector made the following comments:

- The appeal site is a kennel complex and the extension proposed would be for a kitchen, reception area and toilet. Paragraph 89 of the National Planning Policy Framework (Framework) states that the construction of new buildings should be regarded as inappropriate in the Green Belt. It then goes on to list certain exceptions to this which include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, and the limited or partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green belt and the purpose of including land within it than the existing development.
- The proposed extension would result in a 220% increase over the original volume of the building, clearly amounting to a substantial increase in size over and above that of the original building.
- The proposal would represent a disproportionate addition to the existing building, and would therefore be inappropriate development in the Green Belt for the purposes of paragraph 89 of the Framework.
- The Inspector was satisfied that the proposed location of the extension is previously developed land, and therefore the effect of the proposal on the openness of the Green Belt and the purposes of including land within it were also relevant.
- Openness is an essential characteristic of the Green belt and it means freedom from development. The proposed extension would bring the building closer to other buildings and fences within the kennel complex, therefore reducing the space that exists around the building, resulting in a more solid mass of built development on the site which would detract from its more spacious nature at this point. The effect would deplete the openness of the Green Belt.
- The Inspector considered that the proposal represents inappropriate development in the Green Belt.
- The extension is intended to improve facilities for staff and clients, however no specific justification is provided as to why such a large extension is needed, and whether or not these needs could be met by a more modest sized extension. The Inspector attached moderate weight to this consideration.
- The proposal would generate some economic benefits during the construction phase, although of limited duration. The proposal would also allow for the creation of two part time jobs (one full time equivalent) and would represent an investment in a rural business. These benefits weigh moderately in favour of the appeal scheme.
- The appeal site is brownfield and the Framework does encourage the use of previously developed land which weighs moderately in favour of the proposal.
- Even if it were concluded that the proposal would not be harmful to the character and appearance of the area this would be a neutral matter where a lack of harm does not weigh in favour of the proposal.

- The Inspector had regard to the Framework's presumption in favour of sustainable development, however paragraph 14 does state that this applies unless specific policies indicate that development should be restricted including land designated as Green Belt (footnote 9).
- In conclusion, the proposed extension would result in disproportionate additions over and above the size of the original building. The proposal would reduce the openness of the Green Belt and it would conflict with one of the purposes of including land within it, specifically to safeguard the countryside from encroachment. For these reasons, the proposal would be inappropriate development in the Green Belt and the weight given to the harm to the Green Belt by reason of inappropriateness is substantial.
- Although several benefits weigh moderately in favour of the proposal, the matters do not clearly outweigh the totality of harm identified and therefore very special circumstances necessary to justify the development do not exist and the proposal would conflict with paragraphs 88 and 89 of the Framework.
- The appeal was dismissed.

Recommendation

That the decisions be noted.