

APPEAL BY MR BRAYFORD AGAINST THE BOROUGH COUNCIL'S DECISION TO REFUSE PLANNING PERMISSION FOR THE RETENTION OF REPLACEMENT DOG BOARDING KENNELS AT MONKEY TREE COTTAGE, HEIGHLEY LANE, KNOWLE BANK

Application Number **14/00842/FUL**

LPA's Decision **Refuse as the development was considered to represent inappropriate development within the Green Belt, with no very special circumstances considered to exist that would outweigh the harm caused.**

Appeal Decision **Allowed subject to conditions**

Date of Appeal Decision **22nd June 2016**

In allowing the appeal, the key issues were as follows:

- The main issues in relation to this appeal were considered by the Inspector to be whether the proposal would be inappropriate development in the Green Belt having regard to relevant development plan and national planning policies; the effect of the proposal on the openness of the Green Belt; the effect on the character and appearance of the area; and if the proposal would be inappropriate development whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.
- The site lies within the Green Belt, an Area of Landscape Enhancement and within the open countryside.
- The proposal would replace existing kennels inside the garden area of the cottage with a new kennels building on adjacent agricultural land including the regrading of land levels and formation of access. The appeal site slopes up to the north-west (rear boundary) of the site and woodland lies to the south.
- Planning permission for boarding kennels and associated operational development would necessarily include a change of use of the land which change would not, in or of itself amount to inappropriate development.
- It is clear that the proposal of a 68% increase in size over the existing building, results in a "materially larger" building.
- The Inspector concluded that the development represents inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and under Paragraph 87 of the Framework, should not be approved except in very special circumstances. Substantial weight should be given to such harm.
- The purposes of Green Belt policy include safeguarding the countryside from encroachment. Clearly some encroachment into the countryside would take place and this would impact on the related Green Belt purpose, although the replacement kennels would be sited immediately adjacent to the existing boundary. A suitably worded condition could ensure removal of the existing kennels which would have a compensating effect.
- In terms of impact on visual amenity the proposed building would be set into the hillside to the rear and would be screened by woodland to the south. In overall terms the resulting increase in footprint, massing and increased separation distance from the main dwelling would have a limited adverse impact on the openness and purposes of including land in the Green Belt.
- Re-grading and engineering work has created level ground on which the building would sit lower than the agricultural land to the north-west. A 3m high retaining wall surrounds the building, reducing to about 1m towards the front, but is largely screened by the surrounding land levels.
- The resulting building and hardstanding would have a low profile in views from the opposite side to the woodland area while views from the rear would be precluded by the steep bank. A large holly bush and several other trees form a visual barrier between the proposed kennels and the boundary of the garden area. Whilst therefore

noting the area of landscape enhancement in which the appeal site is situated, the written evidence and observations on site did not persuade the Inspector that there would be any material erosion of character or quality of the landscape. The proposal would thus comply with LP Policies N17 and N20. The location and design of the new access and driveway would have some visual impact; however there would be no materially adverse effects in terms of any essential change in the character of the existing use of the site.

- The submitted drawings propose glass and brickwork to the front elevation. It would have plain concrete panel walls and a roof with green steel profile sheeting. The design differs from the simple, timber constructed existing kennels, however it owes something to an agricultural type of building and, subject to details of the finishes being provided by condition, it would not detract from the character or appearance of the cottage or wider area.
- The Inspector noted that the existing individual kennel compartments were cramped. They are timber built and the Council views the renewal of a licence as unlikely, referring to the inappropriate construction, limited space for the dogs including outdoor space and the use of the cottage to prepare meals and wash food vessels and bedding. The Inspector agreed with the appellant's view that if the enterprise were to continue successfully an increase in size of the building would be justified.
- To replace the existing building on its own footprint would clearly result in a hiatus in the business; however this is not a compelling reason on its own to allow a permanent structure in the Green Belt for what would in effect be short term expediency, even allowing for difficulties that would arise in keeping the business going. Nevertheless the existing kennels are in close proximity to the main dwelling and there would be benefits in a "cordon sanitaire" between the new kennels and the dwelling on the site. This would reduce the adverse effects on residential living conditions caused by disturbed dogs when visitors arrive, and reduce risks to health posed by the current arrangements.
- Although it has not been established whether the new kennels would meet licensing standards, and compliance with other regulatory regimes is not necessarily a planning issue, the evidence strongly suggests a commitment to provide a building that is fit for purpose. If this were not possible there is a risk that the community would lose an established rural business that has operated on the site for several years. The Core Spatial Strategy Policy ASP6 emphasises a positive approach towards rural enterprise, which is reflected in the Framework's support, in Section 3, for economic growth in rural areas.
- The harm is accorded substantial weight. However the harm to openness is slight and the proposal would not materially affect the character or appearance of the area. In this respect there would be overall compliance with the relevant development plan policies referred to by the Council. The other matters advanced by the appellant in favour of the development carry weight, in particular the clear need to provide an up to date building that is potentially capable of meeting the exacting standards of present day licensing conditions. The support in national as well as local plan policies for rural enterprises also carries significant weight. These matters amount to the very special circumstances required to outweigh the harm identified when assessed against specific Green Belt policies in the Framework.

Recommendation

That the decision be noted.