

MONKEY TREE COTTAGE, HEIGHLEY LANE, BETLEY
MR BRAYFORD

17/00335/FUL

The application is for full planning permission for the retention of an additional bay to an existing kennel building.

The application site is located within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Landscape Enhancement (policy N20), as indicated on the Local Development Framework Proposals Map.

The 8 week determination period expired on the 19th June 2017.

RECOMMENDATION

PERMIT subject to the following conditions:

- 1. Approved plans**
- 2. Prior approval of any external lighting scheme (to prevent light pollution and maintain dark skies in this rural location)**

Reason for Recommendation

The proposed development constitutes inappropriate development within the Green Belt. However, it is considered that there are very special circumstances that would outweigh the harm to the openness of the Green Belt thereby justifying approval of planning permission.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and no amendments were considered necessary

KEY ISSUES

Following the grant on appeal of the previous planning application for the retention of the replacement boarding kennels, construction works commenced but it soon became apparent that the new building was larger than that approved. The application proposes the retention of the additional southern 'wing' of the kennel building, even though this part of the building was removed from the appeal scheme in order to reduce the floor area of the building, bearing in mind its Green Belt location.

The site is located within an area of Landscape Enhancement, as indicated by the Local Development Framework Proposals Map.

The key issues in the determination of the application are:

- Is the development appropriate development within the Green Belt?
- Has sufficient information been submitted to demonstrate that the proposed size of building is the minimum necessary to meet the business needs?
- Will harm be caused to the visual amenities of the area of Landscape Enhancement?
- Will there be any harm caused to residential amenity?
- Do very special circumstances exist which would outweigh the harm caused by the inappropriate development, or any other harm?

Is the development appropriate development within the Green Belt?

Paragraph 89 of the National Planning Policy Framework states that development in the Green Belt should be regarded as inappropriate development, unless it is listed as an exemption in the NPPF.

The original kennels building measured approximately 225 cubic metres in size, based on a length of 20 metres, a depth of 4.5 metres and an approximate height of 2.5 metres.

The authorised replacement building measures approximately 378 cubic metres in volume, representing a 68% increase in size over the original building.

The new additional wing adds a further 36sq metres of floor area bringing the replacement building up to an approximate total cubic volume of 565 cubic metres.

The NPPF lists replacement buildings (of appropriate and minimal size) and extensions to existing buildings (as long as the resultant development is not disproportionate in size) as appropriate development. As the proposed extension is to a building that is still under construction, and adds a significant volume/floor area to the approved building, it is considered that it does not meet the criteria in the NPPF for appropriate development.

Therefore the application should be refused, unless a case for very special circumstances is made, which outweighs the harm caused by inappropriateness, or any other harm, to the openness of the Green Belt.

Has sufficient information been submitted to demonstrate that the proposed size of building is the minimum necessary to meet the business needs?

The applicant advises that the reason for the reinstatement of the southern wing of the kennel building arises from a change in the minimum standards now applied in the Licensing of Dog Boarding Establishments. These licences contain a number of conditions designed to ensure that animal welfare is maintained at a high level and not compromised.

The Environmental Health Division, who issue such licenses, advises that whilst the building does not follow all the design principles advocated for new build kennels (i.e. internal sleeping accommodation with external exercise runs) the currently proposed layout is such that adequate exercise and sleeping space can now be provided and as such they would have no objections to the proposed use of the building as boarding kennels. They further advise that the decision by the applicant to provide both sleeping and exercise space within the building severely restricts the number of dogs which can be accommodated and that there is a risk that the business may not have sufficient kennel capacity unless the additional wing applied for is added. There is a further risk that likely revisions to licensing standards may require boarded animals to have more space. The additional wing, therefore, offers scope for subsequent internal layout revision, which better future proofs the building.

On the basis of the advice received it is clear that the decision to include sleeping and internal exercise space has resulted in the building being larger than might otherwise have been required which has resulted in the need for an additional wing to ensure the viability of the business. It is, however, noted that licensing standards are likely to be revised and that in future boarded animals will require more space. Whether such factors amount to the very special circumstances required to justify inappropriate development in the Green Belt will be discussed below.

Will harm be caused to the visual amenities of the area of Landscape Enhancement?

Paragraph 56 of the National Planning Policy Framework states that good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people. Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Policy N20 of the Local Plan states that within areas of Landscape Enhancement, the Council will support, subject to other plan policies, proposals that will enhance the character and quality of the landscape. Within these areas it will be necessary to demonstrate that development will not further erode the character of quality of the landscape.

The approved building has been located to the rear of the associated dwelling and in what was part of a field. As at the appeal stage, the building would not be visible in views from the south and west due

to the engineering of the land that has taken place to sink the building into the land and also due to the land levels rising above the height of the building. The area of woodland to the south of the site also screens the building in this direction.

It is considered that the additional structure would not significantly erode the character of the landscape beyond that already having taken place in the construction works of the first stage of development.

Will there be any harm caused to residential amenity?

The only residential property that the proposed development is likely to have an impact upon is Monkey Tree Cottage itself. The Environmental Protection Division has commented that the development could cause noise disturbance, light pollution and odours, and requests that conditions are imposed on any permission to control light pollution.

If inappropriate development, do the required very special circumstances exist which would outweigh the harm caused by the inappropriate development, or any other harm?

The NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to say that LPAs 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, is clearly outweighed by other considerations.

The Design and Access statement includes the following:

Model Licence Conditions require a much larger area for the housing of any size dogs in, 6 sq m per run area instead of the previously required 3.35 sq m. In order to ensure that the proposed kennels meet the requirements of the Licence Conditions the proposed layout shown on the attached drawings, including the additional bay of the building, has been sent to the Environmental Health Team and approved in principle. In order to get the 10 kennels required to sustain a viable business the additional bay of the building is required.

As indicated above the kennel building was granted on appeal. In allowing the appeal the Inspector considered that the building as proposed was required because it replace existing kennels that were not fit for purpose and for which the renewal of a license was unlikely. The Inspector was persuaded that if the enterprise were to continue successfully an increase in size of the building would be justified and gave weight to this and the national and local plan policies supporting rural enterprises. The Inspector further considered that the harm to openness was slight. These matters, the Inspector concluded, amounted to the very special circumstances.

The addition of the wing increases the building beyond the size that the Inspector considered was acceptable and it has to be acknowledged that if the building was not to provide sleeping and exercise areas internally it would not need to be that large to accommodate the same number of dogs. It is, however, reasonable to assume that licensing requirements will change and that space standards will increase and as such the future of the business is safeguarded if a larger building is provided now. In addition for the business to remain viable it must not only meet existing and future licensing requirements it must also meet customer's standards who may wish for their boarded dogs to be able to have space to move around that is undercover but is separate from the sleeping area. Further, the impact on the openness of the Green Belt will not be significantly different to the impact of the building granted on appeal.

Overall it is considered that the matters above amount to the very special circumstances required to clearly outweigh the harm identified when assessed against the policies of the NPPF.

APPENDIX

Policies and proposals in the Development Plan relevant to this decision:

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy ASP6	Rural Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP4	Natural Assets

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy S3	Development in the Green Belt
Policy N17	Landscape Character – General Considerations
Policy N20	Area of Landscape Enhancement
Policy T16	Development: General parking requirements

Other Material Considerations

Relevant National Policy Guidance:

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

[Planning Practice Guidance \(PPG\) \(2014\)](#)

Other Guidance

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)

[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

Relevant Planning History

14/00842/FUL	Retention of Replacement Boarding Kennels	Allowed on appeal
Consultation Responses		

Audley Rural Parish Council – Support

Landscape Division – Protection of adjacent trees throughout the construction period (previously requested) has not been carried out and damage to tree roots is evident. Previous damage to tree roots has not been dealt with and ground protection has not been installed. Subject to confirmation from highways that no further visibility splay is required I would raise no objection to the additional built section (already installed).

Highway Authority - No objections. Noted on site visit that the access to the kennels has not been constructed. The previous application for kennels application 14/00842 was refused by the LPA, but was subsequently allowed at planning appeal, in a decision notice dated 22 June 2016. Condition 2 of the appeal decision required the access to be completed in accordance with the submitted access plan stamped 15 April 2015.

Environmental Health Division - Construction works have potential to create noise and fugitive dust disturbance. Kennel developments have the potential to generate noise, primarily through the barking of dogs, which can significantly impact upon the surrounding area throughout the day and night. Nearest premises is approximately four hundred metres away and no records of complaints relating to noise. The recommendation to tie occupation of Monkey Tree Cottage to operation of the kennels previously under application 14/00842/FUL was rejected at appeal. Therefore there are no comments regarding noise impacts.

The application makes no reference to any external lighting of the proposed development, which is located within an inherently dark area at night. Requests that condition is applied to require prior approval of the lighting scheme which will be used to illuminate external areas to ensure that the night time character of the area is maintained and the isolated premises nearby are not adversely affected by lighting of the development.

The applicant should be aware that the number of dogs permitted under any licence is likely to be less than that which is proposed and that additional works may be necessary to meet the requirements of any licence granted. Amendments to the ventilation or heating arrangements may subsequently be required. These additional works should not alter the appearance of the building. The decision to provide both sleeping and exercise space within the building severely restricts the number of dogs which can be accommodated. There is a risk that the business may not have sufficient kennel capacity to be sustainable unless the wing of the building for which approval is sought is added. There is a further risk that likely revisions to licencing standards may require boarded animals to have more space. The additional wing offers scope for subsequent internal layout revision, which better future-proofs the building. No objections subject to conditions in respect of external lighting.

Representations

No representations received.

Applicants/agents submission

The requisite plans and application forms were submitted together with a Design and Access Statement. These documents can be viewed on the Councils website;

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00335/FUL>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

1st July 2017