

The Application is for full planning permission for the demolition of existing boarding kennel buildings and construction of a new boarding 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 expires on the 28th July 2016.

RECOMMENDATION

Subject to the Environmental Health Division raising no objections following consideration of an acoustic report to be submitted by the applicant;

Permit subject to the following conditions;

- i) Standard time limit**
- ii) Approved plans**
- iii) Materials as per approved plans and application form**
- iv) Demolition of existing reception and storage building within 3 months from the occupation of the new kennels**
- v) Landscaping scheme to include replacement tree planting**
- vi) Any appropriate conditions as recommended by the Environmental Health Division**

Reason for Recommendation

The proposed replacement building would be materially larger than the buildings it replaces and therefore constitutes inappropriate development within the Green Belt. However, it is considered that the applicant has demonstrated that it necessary that the existing buildings to be replaced to meet current regulation and to ensure that this established rural business can continue to operate sustainably. This amounts to the very special circumstances that would outweigh the harm to the openness of the Green Belt which would justify 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

Pre-application discussions were undertaken between the applicant and the LPA and the proposed development is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

Full planning permission is sought for the demolition of existing boarding kennels, storage building and reception and the construction of replacement boarding kennels and associated ancillary buildings.

The existing boarding kennels is an established business which has been operating from the site since the 1980's.

The site lies within the open countryside which is designated as being within the Green Belt and an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map.

The main issues for consideration in this application are;

- Is the proposal appropriate development within the Green Belt?
- Design and impact on the character and quality of the landscape,
- Environmental matters,
- Highway matters, and
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

Is the proposal appropriate development within the Green Belt?

Paragraph 79 of the NPPF indicates that “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.”

Paragraph 87 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.

Paragraph 89 of the NPPF indicates the types of development involving the construction of new buildings that are not inappropriate in the Green Belt. The identified exceptions include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

The application is to replace the existing dog kennel buildings and associated ancillary buildings. The applicant indicates that the existing buildings to be replaced have a volume of 388 cubic metres and the proposed replacement building would have a volume of 619 cubic metres. This would represent a materially larger building and the proposals are classed as inappropriate development within the Green Belt and should not be approved except in very special circumstances.

Design and impact on the character and quality of the landscape

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.

The site lies within an area of Landscape Enhancement (Policy N20), as indicated by the Local Development Framework Proposals Map. This policy supports development 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 or quality of the landscape.

The site has been operating as a dog kennels since the 1980s and has a number of kennels and ancillary buildings associated with this use.

The buildings to be removed, whilst maintained to a certain standard, are in need of updating and replacement. The most prominent building is the flat roof reception to the front of the site and visible from the road. This building, along with kennels and storage building will be demolished and consolidated into one building,

Due to the location of the proposed building and the removal of the existing flat roof reception building it is considered that the proposed building would not erode the character and quality of the landscape notwithstanding that it would result in the loss of a young Sweet Chestnut tree. It would have limited views and would be seen in the context of the existing buildings.

In light of the above, the proposals are considered to represent an acceptable design that would comply with the requirements of the NPPF whilst also being in accordance with local planning policy.

Environmental Matters

Paragraph 17 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The Environmental Health Division (EHD) have indicated that the proposal will see the removal of a kennel block which is currently open to air and its replacement with an enclosed kennel block with forced air ventilation.

This is likely to result in noticeable reduction in noise levels from this site and EHD have no objections to the principal of the application but they have indicated that a decision should be delayed until an acoustic assessment has been submitted and reviewed. In this respect the applicant has instructed an acoustic consultant to conduct a noise assessment. This is likely to be submitted prior to the Committee however it is unlikely that the views of EHD will not have been received. Notwithstanding this it is not anticipated that EHD will have grounds to recommend refusal and subject to any reasonable and appropriate conditions that are recommended by EHD it is considered that the development would be acceptable and not harm the amenity of the area.

The impact on highways safety

The existing access and parking arrangements would be improved by the removal of the reception area and the number of kennels would be reduced.

The Highway Authority has raised no objections and the proposed development would be acceptable in highways terms.

Do the required very special circumstances exist (to justify inappropriate development)?

The NPPF indicates that very special circumstances (to justify inappropriate development) will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant has submitted a planning statement to support the application which states that in 2016 a new set of Model Licence Conditions for Dog Boarding Establishments was released which have a wide ranging impact on the required conditions for boarding dogs. In response to this new set of guidelines the applicant has identified a need to upgrade some of the existing kennels on site to meet these new regulations and provide their customers with boarding facilities which comply with these standards.

The Model Licence Conditions for Dog Boarding Establishments 2016 replaces the original version published in 1995. Since then there have been developments in the understanding of animal welfare and also the introduction of the Animal Welfare Act in 2006.

As part of this application the current reception building (and the extension approved in application No 16/00117/FUL), a separate storage building and an existing kennel block will be demolished and offset against the new development. The new kennel building will provide state of the art accommodation for the dogs which will meet or exceed the new 2016 Model Licence Conditions for Dog Boarding Establishments.

As discussed the proposed buildings would be 63% larger than the existing buildings to be replaced. However, the applicant has indicated that the number of kennels to be demolished in the old building is 20, whereas the number proposed in the new building is only 15. This reduction in kennel numbers would reduce the revenue of the business. Any further reduction to the size of the building would require the loss of further kennels which would further impact on the business.

The proposal also includes the replacement of the reception building and storage shed. These ancillary facilities are to be incorporated into the proposed replacement building. The proposed ancillary accommodation would have a volume of 113 cubic metres which would be less than the existing reception building, the previously approved extension and the storage shed put together.

The proposed replacement buildings would result in some minimal enhancement to the landscape due to its design and the replacement of existing buildings which have a dated and more prominent position. Taking into consideration that national and local plan policies support rural enterprises it is considered that the change in the Model Licence Conditions for Dog Boarding Establishments and the

impact that this has on the existing rural business is considered to represent the very special circumstances that would outweigh the harm caused to the openness of the Green Belt by virtue of the increased size of the proposed replacement building.

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 CSP1 Design Quality
Policy CSP3: Sustainability and Climate Change
Policy ASP5: Rural Area Spatial Policy

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

Policy S3 Development in the Green Belt
Policy T16: Development – General Parking Requirements
Policy N17 Landscape Character – General Considerations
Policy N20 Areas of Landscape Enhancement

Other Material Considerations

Relevant National Policy Guidance:

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

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

Supplementary Planning Guidance/Documents

[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

16/00117/FUL	Proposed single storey extension to existing office	Permit
14/00970/FUL	Extension to office and new pitched roof	Refused (appeal dismissed)
99/00366/FUL	Erection of 2 boarding kennels to accommodate a total of 24 dogs	Permit
93/00127/FUL	Erection of 20 Dog Kennels	Permit
N10957 (1982)	Dog boarding kennels	Permit

Consultation Responses

Audley Parish Council supports the application

The **Highway Authority** raises no objections

The **Environmental Health Division** raises no objections to the principal of the application. However consider that a decision should be delayed until such time as an acoustic assessment has been submitted and reviewed by Environmental Health.

The **Landscape and Development** raises no objection to the loss of an early mature Sweet Chestnut tree and suggests that a landscaping should be carried out to soften the visual impact of the development within the surrounding rural landscape setting which should include a replacement tree.

Representations

One letter of support has been received indicating that the business is well run and established. They offer local employment and work experience opportunities.

Applicants/agents submission

The requisite plans and application forms were submitted. A planning supporting statement has been submitted to support the application which seeks to justify the development proposed. These documents can be viewed on the Council's website;

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00425/FUL>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

3rd July 2017