



 **Ashfield**
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 12/09/2019

COMMITTEE DATE 25/09/2019 **WARD** Hucknall North

APP REF V/2019/0472

APPLICANT I Glenn C/O Agent

PROPOSAL Application for Permission in Principle for Residential Development for a Maximum of 9 Dwellings

LOCATION Linby Boarding Kennels, Church Lane, Linby, Hucknall, Nottingham, NG15 8AB

WEB-LINK <https://www.google.com/maps/@53.0509709,-1.2024417,18z>

BACKGROUND PAPERS A, C, G, F

App Registered: 29/07/2019 Expiry Date: 02/10/2019

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee by Cllr. Hollis to discuss policy implications and the countryside.

The Application

The application site forms part of an operational boarding kennels and comprises of associated single storey outbuildings and pens/runs to the north of the site, a hard surfaced car parking area to the west, an overgrown dog training area to the south, and an undeveloped paddock to the east.

Directly to the north, east and south of the site are open fields and paddocks, whilst to the west of the site is a detached residential property known as Harwyn House, which is occupied by the owners of the boarding kennels.

The application site is located outside of the Districts main urban areas or named settlements, in an area designated within the Nottinghamshire Green Belt, as identified by policy EV1 of the ALPR 2002.

The applicant seeks permission in principle for a residential development of between eight to nine dwellings.

Consultations

Site Notices have been posted together with individual notification to surrounding residents.

The following responses have been received:

Resident Comments:

1x Letter of objection received from a local residents in respect of the following:

- Green Belt land
- Loss of countryside/green space and biodiversity
- Locality does not have the infrastructure to support the proposed development
- Set precedence for further development in the Green Belt

3x Letters of support received from local residents in respect of the following:

- The proposal would reduce noise and disturbance from the kennels
- Comings and goings to the site would be reduced

Linby Parish Council:

The site forms an important buffer zone between the urban area of Hucknall and the Conservation Area of Linby, but it is however considered that the proposed density of housing would be appropriate for this location.

Severn Trent Water:

No objections to the proposal. Drainage conditions required.

Policy

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

National Planning Policy Framework (NPPF) 2019

Part 5 – Delivering a Sufficient Supply of Homes

Part 9 – Promoting Sustainable Transport

Part 11 – Making Effective Use of Land

Part 12 – Achieving Well Designed Places

Part 13 – Protecting Green Belt Land

Part 15 – Conserving and Enhancing the Natural Environment

Ashfield Local Plan Review (ALPR) 2002

ST1 – Development

ST4 – Remainder of the District

EV1 – Green Belt

Relevant Planning History

V/2017/0575

Details: Outline application with all matters reserved. Demolition of existing buildings and erection of a maximum of 4 dwellings.

Decision: Conditional Consent

V/2005/0016

Details: Construction of 12 replacement dog boarding kennels and exercise runs
Decision: Refusal

V/2002/0507

Details: Change of use of agricultural land to commercial dog training centre and horse riding establishment
Decision: Refusal

V/2001/0079

Details: Change of use of agricultural land to commercial dog training centre and horse riding establishment
Decision: Refusal

Comment:

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the considerations of matters of principle for proposed development from the technical detail of the development.

As this application forms the first stage of this route, all that requires consideration as part of this application is whether the principle of a residential development in this location would be acceptable in accordance with the development plan, unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise.

Principle of development:

A previous outline application – planning reference V/2017/0575 – was granted permission in April 2018, for the demolition of the existing kennel buildings and the subsequent erection of up to four dwellings.

The application site for 2017 application however comprised solely of land presently occupied by the boarding kennel buildings and pens/runs, and omitted the ménage and paddock land to the east and south.

The 2018-19 Housing Monitoring Report identifies that the Council are unable to demonstrate a 5 year housing land supply. Under these circumstances, Paragraph 11 of the NPPF 2019 makes clear that the policies which are most important for determining the application are out-of-date, and as such permission should be granted unless:

- i. The application of policies in this Framework (the NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. 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.

The Green Belt is identified in the footnote for paragraph 11 as a protected area. As such, the proposal needs to be considered against Part 13 – Protecting Green Belt Land of the NPPF 2019.

The NPPF 2019 highlights that the government attaches great importance to the Green Belt. 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 permanence.

Paragraph 145 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. The exceptions to this are:

- a) Buildings for agriculture and forestry;
- b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) 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;
- d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) Limited infilling in villages;
- f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to

meeting an identified affordable housing need within the area of the local planning authority.

The Council acknowledge that part of the application site comprising of the kennel buildings and pens/runs could be seen to be previously developed land. As such, the construction of residential development on that parcel of land, as previously approved, could be deemed acceptable, as the erection of dwellings in that location would be unlikely to have any greater impact on the appearance and openness of the Green Belt when viewed in comparison to what is presently on site.

The land forming part of the application site to the south and east comprises of an overgrown dog training area, which has blended into the landscape, and a large undeveloped paddock. These parcels of land are currently free from any built form, and add to the rural countryside character of the site and surrounding locality.

There are no exceptions outlined within Part 13 – Protecting Green Belt Land of the NPPF 2019, which would allow for the erection of new buildings for residential purposes on these parcels of land.

Consideration should however also be given as to whether the proposal would result in any harm to the openness and permanence of the Green Belt. Given the location of the application site to the urban area of Hucknall, this is an area of the Green Belt vulnerable to development pressures. The purpose of the Green Belt in this locality is to safeguard the countryside from further encroachment of urban development, and the outward sprawl of Hucknall to the north.

Any residential development on the paddock land or overgrown dog training area would subsequently introduce built development on an undeveloped part of the application site, which would therefore result in an adverse impact on the openness and permanence of the Green Belt in this location.

Furthermore, the introduction of residential paraphernalia associated with the dwellings in this location would result in a further urbanising impact, further reducing the openness of the Green Belt, resulting in the area having a more suburban feel to it, and much less of a rural character.

Conclusion:

Taking into account the development plan and other material considerations, it is considered that the principle of development at the application site is not acceptable, and fails to comply with planning policy at both a local and national level. It is therefore recommended that the submitted permission in principle is refused.

Recommendation: Refuse Planning in Principle

REASON

- 1. The principle of residential development at the application site, when viewed in its entirety, does not constitute appropriate development in the Green Belt. The proposal would introduce new built development and increased urbanisation in an area which is presently undeveloped, resulting in a harmful impact on the openness and permanence of the Green Belt in this location. The proposal would therefore be contrary with Part 13 – Protecting Green Belt Land of the National Planning Policy Framework 2019, and policies ST1 and EV1 of the Ashfield Local Plan Review 2002. These policies seek only to permit appropriate development in the Green Bely, which is located and designed so as not to adversely affect the purpose of the Green Belt and its openness.**