

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
Mrs Amanda Rhodes, c/o Mr Barry Harding	Construction of single detached dwelling house and garage. Entrance drive and parking, drainage and garden.	Green Belt	12/0040 DK 12.04.2012
'A'	THE KENNELS ASH LANE HOPWOOD BIRMINGHAM B48 7BD		

Councilor R. Hollingworth has requested that this application be considered by the Planning Committee, rather than being determined under delegated powers. (Verbal request 10.04.2012).

RECOMMENDATION: that Permission be **REFUSED**.

Consultations

WH	Consulted 24.02.2012. Response received: 01.03.2012. No objection.
Alvechurch PC	Consulted 24.02.2012. Response received 06.03.2012. Objection; this application is contrary to PPG2 Green Belt section 3.4 on new buildings, DS5 inappropriate development in village envelope DS2, we have considered need and found insufficient proven need.
ENG	Consulted 24.02.2012. Response received: 07.03.2012. No objection subject to conditions.
WCC PROW	Consulted 24.02.2012. Response received: 27.02.2012. The proposal should have no detrimental impact on the public right of way so no objection.
RA	Consulted 24.02.2012. Response received 12.03.2012. The proposed dwelling is to be located in open countryside within the West Midlands Green Belt. Access is from Ash Lane a narrow country lane from which access to a number of public footpaths can be gained in close proximity to the application site. If there are no special agricultural or other circumstances being made to justify the grant of permission for the proposed dwelling then we <i>object</i> to the proposal. Additional comments received: 13.03.2012. Having examined the website and considered the special circumstances put forward, the original comments stand.
WEMERC	Consulted 24.02.2012. No comments received.

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Tree Officer	<p>Consulted 24.02.2012. Response received 01.03.2012. I have no objection to the proposed development, subject to conditions.</p>		
Kernon Countryside Consultants	<p>Consulted 24.02.2012. Response received: 19.03.2012. There is insufficient information at present to determine whether a functional and financial need for the proposed dwelling exists.</p> <p>Further response received: 10.04.2012.</p> <p>With regards an essential / functional need to live on site, security of livestock on welfare grounds was not judged to be sufficient to justify a dwelling on its own in Annex A of PPS7. There is, however, no mention of security / protection from theft in relation to rural dwellings in the NPPF, just that there needs to be an “essential need for a rural worker to live permanently at or near their place of work in the countryside”.</p> <p>Ms Rhodes touches upon the “disturbance and distress” created by the various developments around the kennels. Little information is provided so it is difficult to assess whether the dogs housed on site are affected or whether it relates to the operators.</p> <p>In relation to the business’s anti-mine work, we are not able to comment on the security issues raised by the storage and handling of explosives and the various security methods already in place at the site.</p>		
SP	<p>Consulted 24.02.2012. Response received: 08.03.2012. Policy D39 of the Worcestershire County Structure Plan states that there is a general presumption against allowing inappropriate development in the Green Belt and Policy DS2 states that: “Permission for development in the Green Belt will not be given except in very special circumstances”.</p> <p>The applicant has submitted a ‘Statement of Need’. This suggests that the proposed dwelling is required so that owner can be at the kennels 24 hours a day for security reasons. This implies that the proposal is for an occupational dwelling that should be assessed against Annex A of PPS7. However, there is currently insufficient information to meet the criteria set out in Annex A. It is also important to highlight that even if the applicant could justify that there was a need for permanent occupational dwelling the size of the proposed dwelling would need to be justified. It is questionable whether a large 4 bedroom detached dwelling would be commensurate with the established functional requirement.</p>		
Conservation Officer	<p>Consulted 24.02.2012. Response received: 27.03.2012.</p>		

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	<p>The proposed dwelling is unlikely to obscure views of the listed building when approaching from the south along Ash Lane, but approaching from the north the proposed dwelling is likely to stand out, although it would be seen before the farmhouse, which is hidden by farm buildings. The semi isolated nature of the farmhouse and the farm buildings is very much the setting of the listed building.</p> <p>In principle I would not object to this site being developed, but in order to preserve the setting of the listed building, the development should be of a high quality. I would therefore expect the windows and doors and other joinery to be in timber rather than upvc, and good quality bricks and clay tiles to be used. I would expect to see sash windows and not top hung casements. I would also suggest that the solar hot water panels were placed on the garage roof rather than in a very dominant position on the roof of the house.</p>		
Publicity	<p>Site notice posted 14.03.2012. Expires 04.04.2012. Press Notice posted 02.03.2012. Expires 23.03.2012.</p> <p>1 response received from the Campaign to Protect Rural England 12.03.2012.</p> <p>Neither the statement of need nor the design and access statement makes any clear case as to why a new dwelling should be permitted. The applicants raise some issues as to security, but this is not a ground for departing from the normal prohibition on new dwellings in the Green Belt. We do not consider that the content of either document is sufficient to establish very special circumstances.</p> <p>A similar attempt was made to obtain a house in the Green Belt for the benefit of Wassell Grove Fisheries in Hagley last year on the grounds that a resident manager was needed. This was turned down by the planning committee and on appeal. This is analogous and constitutes a precedent for a similar refusal.</p>		

The site and its surroundings

The site is located in the Green Belt towards the end of Ash Lane and the site consists of an open field located to the SE of Karenswood Kennels. The site is slightly elevated above the laneway in a position opposite Lea End Farmhouse, which is grade 2 listed. There is a drainage ditch surrounding most of the site. The laneway leading to the kennels is located to the south side of the proposed site. The kennels complex consists of a range of mainly single storey buildings and compounds with a reception, offices and training rooms. The business was established in 1953 and focuses on specialist dog training.

Proposal

The proposal is a full application for detached dwelling.

Relevant policies

RSS	QE3
WCSP	CTC.1, D.12, D.38, D.39, RST1.
BDLP	DS1, DS2, DS13, S9, C21, C22, C23, TR1.
Draft	CP22
CS2	
NPPF	Paragraphs 28, 55, 79 – 92.

Relevant planning history

B/2003/1306 Classroom and lecture facilities. Granted 14.11.2003.

B2025 Erection of Loose box type stables and kennels, isolation block to existing group of kennels and stables. Granted 01.03.1976

BR284/73 Proposed Kennels and Training Ground (Jinglejoys Farm, Hopwood)
Granted 21.08.1973.

Notes

Members should note that the application was originally validated on 16.02.2012 and there have been ongoing discussions between the applicant and the planning department to realize an acceptable and appropriate development to meet the security needs of the site without compromising the openness and visual amenity of the Green Belt. Whilst these discussions have proved constructive, the applicant has now decided 06.06.2012 that the original scheme should be considered by the Planning Committee.

On Tuesday 27 March 2012, the Government released the National Planning Policy Framework (NPPF). The NPPF makes it clear that its policies apply immediately. From the 27 March onwards the National Planning Policy Guidance Notes and Planning Policy Statements cease to exist, including all relevant circulars and guidance (a list of which is contained in Annex 3 to the NPPF).

Planning applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan currently consists of Local and Regional planning policy documents. The NPPF is also a significant material consideration in planning decisions. The Development Plan will continue to include all the saved Policies of the Bromsgrove District Local Plan. Due weight will be given to these Policies according to their degree of consistency with the framework set out in the NPPF (the closer the Policies in the Plan to the policies in the Framework, the greater the

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weight that may be given). Some weight may be given to emerging policies in some circumstances.

The weight attached to the Policies in the Development Plan (this includes the RSS, WCSP and the BDLP for the time being) depends on their degree of consistency with the framework set out in the NPPF. Officers therefore need to apply this “consistency” test in the appraisal of the schemes before them. I am looking for this to be done in all Delegated and Committee Reports and evidence of this appraisal provided within the body of the report (be it Delegated or Committee).

In terms of the above proposal for a dwelling in the Green Belt to serve an established enterprise, it is noted that Planning Policy Statement 7 (PPS7) is no longer in existence and has been replaced by the NPPF. In terms of this proposal, paragraph 55 (in relation to housing) states that LPAs should avoid new isolated dwellings in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work. In this regard, I consider that policies DS2, S9, C21 and C22 of the BDLP remain broadly consistent with the NPPF and these policies carry weight.

The main issues in the determination of this application are as follows:

- (i) whether the proposal is inappropriate development in the Green Belt;
- (ii) whether very special circumstances exist in the form of a need for a new rural dwelling have been proven
- (iii) the impact of the proposal on residential amenity, wider public amenity and on the public footpath.
- (iv) the impact of the proposal on the setting of Lea End Farmhouse (Grade 2 listed)

(i) Green Belt

Policy DS2 of the Bromsgrove District Local Plan (BDLP) and policy D39 of the Worcestershire County Structure Plan state that inappropriate development in the Green Belt will only be allowed in exceptional circumstances. Policy S9 of the BDLP states that new dwellings will be allowed in the Green Belt if certain criteria are fulfilled. As the proposed dwelling is for an agricultural worker, I consider that the criterion (a) of Policy S9 is relevant and the proposal need not be inappropriate development if a functional and financial need for a new dwelling can be demonstrated. The proposal is for a substantial detached dwelling in a relatively open position on Ash Lane. The harm to openness and visual amenity at this location would be significant.

(ii) Functional Need

The dwelling proposed is not for agricultural need and the applicant has provided a statement of need, which has been augmented by additional information. This is summarized as follows:

- The premises is on red care alert with West Mercia police

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	<ul style="list-style-type: none"> • There has been an increasing no. of out of hours intruder alarm signals resulting in the deployment of staff and police • Karenswood (International Limited) is concerned about the out of hours welfare of dogs including fire risk, setting dogs loose or harm to the dogs • The dogs are very valuable and, In the formative development of litters, ongoing monitoring is necessary • A member of staff being present on site will allow the dogs to be checked, pacified and resettled • The immediate area is no longer rural with sports facilities, housing and motorway services. These have all resulted in additional intrusion and disturbance of the site • The proposed dwelling has been sited to monitor vehicular access to Karenswood (International) Ltd. • Despite the Green Belt status, Bromsgrove Rural District Council granted a 'change of use' for the site in 1973. 		

The site also operates as a boarding kennels.

It is evident that the application relates largely to the security needs of the property although care for the valuable dogs has also been referred to by the applicant. It has been established that security rarely amounts to a functional need on its own and it is noted the site is protected by an elaborate security system which functions effectively given the sensitive nature of the site. The comments of the agricultural consultant are noted and there is no explicit reference to security and new dwellings in the NPPF. At this point, I have to provide Members with the most up to date information in terms of functional need in the absence of the clarity of PPS7.

Since 1969 policy governing new dwellings had, at a minimum, required a functional assessment and a financial assessment¹. The NPPF simplifies the approach and states that the essential need for a rural worker to live permanently at or near their place of work can amount to special circumstances to justify a new isolated dwelling. Policy C20 of the BDLP refers to proposals for new dwellings for persons employed in agricultural activities while the NPPF refers to 'rural workers'. In summary, it is still necessary for the applicant to demonstrate an essential functional need.

The case put forward by the applicant has been examined in detail, both the written supporting documents and through a site visit. The functional need almost entirely relates to security and I am not convinced of the arguments put forward. The facility already uses an elaborate security system and the construction of a dwelling will not replace, change or necessarily enhance the existing security provisions. It may be more convenient to respond in the case of an alarm, but this is far from an '*essential functional need*'. The business has operated since 1953 and it is unclear why there is now a need for dwelling. The increased incidences of thefts and harm to the dogs are put forward and the existence of the motorway services and rugby grounds cited. However, these have been in existence since the 1970's and do not explain the sudden change in recent times. The applicant has referred to pre and post natal care of litters but no figures of the numbers of litters are put forward or independent evidence that round the clock monitoring is necessary.

¹ DCPN 1969, Annex to Circular 24/73 and Annex E of PPG7 (1992)

Members should note that Karenswood International has a good reputation and the trained specialist dogs are involved in civil and military operations nationally and internationally. However, the fundamentals of this application are about the need for a substantial new dwelling in the countryside and I do not consider that a good reputation amounts to an essential functional need.

Financial Need

It is no longer explicit policy (within the NPPF) to require an applicant to prove their business intentions and financial performance through a temporary period prior to obtaining consent for a permanent dwelling. Similarly, in terms of established enterprises there is no indication explicit in the policy at paragraph 55 to require one. However, if there is business growth and expansion involved, paragraph 28 requires that to be “sustainable” growth. Sustainability includes economic as well as social and environmental roles, (paragraph 7) Hence, it is good practice to demonstrate financial sustainability. There has been no financial information presented with the application to demonstrate that the enterprise is sustainable. There is no explicit requirement for the applicant to demonstrate that there are no other dwellings which could meet the functional need in the NPPF. However, no information in this regard has been provided by the applicant.

(iii) Siting and Amenity Issues

It is evident from the plans that the dwelling would be sited in a prominent position on the corner of Ash Lane and the laneway to Karenswood Kennels. It would be some 180m to the SE of the Kennels complex. I do not consider that the position of the dwelling would assist in security at the site nor would it relate well to any functional need (which has not been proven) in terms of animal husbandry. The dwelling would be oriented towards the laneway to the kennels and I do not consider that the privacy of Lea End Hall would be directly affected.

There is a public footpath running to the south of Ash Lane and Members should note the objection raised by the Ramblers Association. The proposal would not directly affect a footpath, but Ash Lane is used as an access to a number of local footpaths. There is no objection from WCC PROW and the harm to the setting of the footpath is largely obscured by existing trees and vegetation.

(iv) Listed Building Setting

Lea End Farmhouse is located to the east of the proposed dwelling and is positioned on approximately the same level. The proposal would be highly visible from the listed building and its curtilage and visible when travelling north on Ash Lane. I am of the view that the proposal would detract from the setting of the listed building by introducing another dwelling of similar scale into the setting. It is noted that the setting of the building has been affected by the development of the RFC grounds and I consider that this proposal would further erode the isolated rural setting of the listed building and that this is not acceptable in planning terms.

(v) Other Issues

Members should note that there are no objections raised from the Tree Officer of WH. Alvechurch Parish Council and Strategic Planning (SP) commented on the application prior to the publication of the NPPF and cited PPG2 and PPS7. The principles of these documents are largely reflected in the NPPF and therefore the objections are valid. I note that SP have referred to the size of the dwelling and whilst this issue is not dealt with in the NPPF, a new rural dwelling should be the minimum size necessary to meet the functional needs of the holding and I would concur with the view that a dwelling of 314sqm (including garage) is excessive in size for a new rural dwelling to meet a functional need. The Campaign for the Protection of Rural England (CPRE) have objected and referred to the appeal decision on Wassall Grove Fishery (B/2012/0742) in which the Inspector (whilst dismissing the appeal for other reasons) accepted that there was a functional need because of the critical importance to the fishery of maintaining oxygen levels at all times. This situation does not apply to the current proposal. The applicant has sent in an additional letter in respect of the proposal (Received 08.06.2012). This states that defensive structures are usually placed at the front of the premises rather than the rear in the case of historic buildings and the same principles should be applied to industrial commercial and domestic premises. The proposed site is served by electricity and water services. These points are noted but in no way overcome the issue of inappropriate development. The applicant has failed to consider more acceptable alternatives such as locating the building close to the existing complex to meet the security requirements and minimize the impact on the Green Belt.

Conclusions

In the absence of a sufficient case for a new dwelling, the proposal amounts to inappropriate development in the Green Belt without very special circumstances. The proposal would have a significantly detrimental effect on the openness and visual amenity of the Green Belt at this location contrary to the advice of paragraph 88 of the NPPF. The proposal would also have a negative impact on the setting of a listed building.

RECOMMENDATION that Planning Permission be **REFUSED** for the following reasons:

1. There is no clear and essential functional need for a dwelling to serve the enterprise. The scale and position of the dwelling result in significant Green Belt harm. Therefore the proposal represents inappropriate development, which is detrimental to the openness and visual amenity of the Green Belt. No very special circumstances have been put forward which would clearly outweigh the harm caused. Therefore, the proposal is contrary to Policy DS2 of the Bromsgrove District Local Plan (2004), Policy D39 of the Worcestershire

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	County Structure Plan (2001), and contrary to the principles of the National Planning Policy Framework (NPPF) in relation to Green Belts.		
2.	The proposed development, by virtue of its scale and positioning would have a detrimental impact on the setting of a listed building. Thereby, the proposal is contrary to policy CTC19 of the Worcestershire County Structure Plan, policies S38 and S39 of the Bromsgrove District Local Plan and the principles of the National Planning Policy Framework (NPPF) in relation to the historic environment.		