

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr & Mrs M Morgan	Change of use of agricultural building and associated outdoor space to dog day care facility Bentley House Farm, Copyholt Lane, Redditch, Bromsgrove, Worcestershire B60 3BE	31.05.2018	18/00412/FUL

Councillor Whittaker has requested that this application be considered by Planning Committee rather than being determined under delegated powers

RECOMMENDATION: That planning permission be Refused

Consultations

Conservation Officer Consulted 11.04.2018

I consider that the conversion of this barn to a dog care facility would have a negligible impact on the significance of the listed farmhouse and therefore raise no objection.

Arboricultural Officer Consulted 11.04.2018

No objection subject to condition.

Drainage Engineers Internal Planning Consultation Consulted 11.04.2018

No objection.

WRS Consulted 11.04.2018

No objection to the application in terms of noise / nuisance / odour.

Highways - Bromsgrove Consulted 11.04.2018

Objection raised given unsustainable location. Given the minibus cannot be conditioned, if the minibus was not used at all times customers would need to travel to the site to drop and pick up the dogs on a daily basis, which would lead to intensification of the vehicular access and track.

Bentley & Paucefoot Parish Council Consulted 11.04.2018

Bentley Paucefoot Parish Council do not object in principle to this application but would suggest that certain conditions need to be attached to any permission granted. The supporting statement presented by the applicant's consultant describes the building for which planning permission is required, as underutilised and currently in poor repair (4.2) which would be remedied if the proposed dog day care facility was approved. It is argued that such a facility would be an acceptable use, appropriate to the area and having no more negative or detrimental impact on the character and openness of the Green Belt than the existing building. It would also provide employment for three people.

Whether or not the facility will provide an essential service to dog owners in the local area and encourage responsible ownership (8.3. bullet point 1) is open to question but the operational organisation described in the application highlights the need for any

permission granted to be subject to a series of conditions to mitigate the impact of any such change of use;

Should the business organisation suggested by the application not be followed there would be an unwelcome impact on the local area as regards traffic, noise and visual pollution.

Thus, we suggest that conditions could include reference to the statement that there will be no owner pick-ups but rather a pick-up service van night and morning. Hours of operation should also be clearly defined.

Concerns about possible noise could be allayed by conditions specifying no overnight boarding of animals and the insulation of the existing building.

To mitigate the visual impact of the business (admittedly not large), lighting and signage could be specified with added plantings to obscure the fence around the outdoor dog exercise area.

Economic Development

It is considered that the current proposal would help to redress some of the key challenges highlighted within the adopted plan regarding the farming industry in the District. In addition, the proposal is for a farm diversification scheme that is to be developed in an existing unit that has been identified as being capable for conversion. The applicant has identified that the proposal would help to provide a new source of income to support the existing farming operations and would also create job opportunities and so, from an economic perspective, it is something we would be supportive of.

Building Control Consulted 11.04.2018

The building appears to be capable of conversion.

Publicity

Two letters were sent to the neighbouring properties on 11th April and expired on 2nd May.

A site notice was placed on site on 12th April and expired on 3rd May.

An advert was placed in the Bromsgrove Standard on 20th April and expired on 4th May.

Public Comments

25 letters of support have been received from members of public. The comments state that the facility is a 'good idea' and would be useful to them.

Cllr Peter Whittaker Received 01.05.2018

If the officer is minded to refuse the application, I request the it be heard by Committee for determination given there are a number of issues that would benefit from a wider discussion.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP4 Green Belt
BDP12 Sustainable Communities
BDP14 Designated Employment
BDP15 Rural Renaissance
BDP16 Sustainable Transport
BDP19 High Quality Design
BDP20 Managing the Historic Environment
BDP21 Natural Environment
BDP22 Climate Change

Others

NPPF National Planning Policy Framework

Relevant Planning History

17/01320/FUL	Change of use of existing building and associated outdoor space to dog day care facility	Withdrawn	26.02.2018
13/0208	Grain Storage Building	Approved	24.04.2013

Assessment of Proposal

Site Proposal and Description

The application site comprises of a steel framed building with sheet cladding on three elevations sited within a working farmyard. The building is to the rear of a Grade II listed building and is currently used for the storage of machinery and has a pigsty to the rear. The proposed development is to re-use the building and associated outdoor space as a dog day care facility. To facilitate this use the proposal requires external cladding, insulation, creation of new openings and a new flooring and base on the existing building, the formation of two parking spaces and the enclosing of a run-around area to the rear. The applicants have suggested that they intend the business to accommodate for 20-30 dogs per day and they intend to provide a pick-up and drop off service to reduce vehicular movements to and from the site. No information has been provided in respect of the logistics of the pick-up service or details on the bus, or number of trips inward and outward required to collect the dogs the business intends to accommodate.

Dimensions of Sustainable Development

Having regard to the scheme under the three dimensions of sustainable development outlined in Paragraph 7 of the NPPF I have afforded appropriate weight to all the factors as outlined below.

Economic

In terms of the economic benefits of the scheme it is acknowledged that it will provide 2-3 jobs to which I afford moderate weight in favour of the scheme. Other benefits advanced by the applicant include; support of other local businesses, farm diversification and local demand. No information has been provided to demonstrate how the scheme would support other businesses or how the farm diversification either is required for the viability of the farm or is the proposed business use appropriately related to the farm as to justify its location. In terms of the demand, I note that the applicants have undertaken some market research in the area; however demand is not a need. These factors are therefore given limited weight in favour of the scheme. The economic role within the NPPF requires the right type of development is located in the right places. I would suggest that given the up to date Local Plan has allocated land for the requirement of businesses; and in this instance the business has no requirement to be in this location and would in fact be better located within the more urban areas I afford this moderate weight against the scheme.

Social

In terms of the social role; it is acknowledged that the business would create access to the service for rural communities. However, the purpose of the social role is to create accessible local services that reflect the community's needs. The use of a dog day service, although welcomed in the public comments, is not a local need. The proposed use would only benefit a limited number of residents and therefore is not a need for the community as a whole. The site is not accessible to the local community given its location and lack of transport options. I therefore afford this moderate weight against the scheme.

Environmental

In regards to the environmental dimension of sustainable development, I acknowledge that the applicants intend to use sustainable construction methods and there are some benefits to the re-use of the building. I would afford limited weight to these benefits given the building is not prominent within its context of the working farm and in any event the building could also be removed if no longer required for the farm holding which would have a greater environmental benefit on site particularly in relation to the Green Belt impact. The concern in regards to the environmental impacts of this proposal relate to the isolated position which is to be afforded significant weight. The location has created the requirement to use a collection service which is indicative of this unsustainable location. Furthermore, it would not be considered reasonable or enforceable to condition this collection service and therefore should this not become commercially the with a business would operate in this rural location looking after 20-30 dogs per day and generating a large number of vehicular movements to the site. The highways engineer has confirmed that should the collection service not be conditioned an objection would be placed on the scheme. I afford this significant weight against the scheme.

The applicants refer to Policy BDP15 of the Bromsgrove District Plan which states that the Council will support proposals for the conversion of suitably located/constructed buildings and rural diversification schemes. In this instance, the building is not suitably located given its rural location as discussed earlier within this report. Although the comments from Building Control are noted BDP15c, states that steel portal frame buildings are not normally suitable for conversion. The building subject to this application

is a steel portal frame building with single skin of profiled sheeting with no base and one open side. BDP15g also supports schemes for rural diversification that satisfies the social and economic needs of rural communities. As outlined previously, the proposed use would meet some demand of local dog owners however this is not a community need. Taking all these matters into account, the proposal fails to meet the criteria BDP15.

Green Belt

The site is located within the designated Green Belt and therefore having regard to Paragraph 90 of the NPPF the re-use of buildings can be considered acceptable provided that the buildings are of permanent and substantial construction and preserve the openness of the Green Belt. The existing building is constructed from only a single skin of profiled sheeting with no base and one open side. Building Control has confirmed that the building would be capable of conversion; however the policy requires the building to be of permanent and substantial construction. The proposal involves substantial alterations to the structure to make it suitable for its intended purpose including the external cladding, insulation, creation of new openings and a new flooring and base. Notwithstanding the letter from the structural engineer submitted, as a matter of fact and degree, taking into account the only salvaged part of the building is the steel frame and the degree of addition and alteration required for use means it an unsuitable building for conversion. In my judgement this does not constitute 'substantial construction' within the context of Green Belt policies. In addition to this, the existing building is modest and unobtrusive within its current setting of the working farm courtyard. Its re-use as a dog care facility would give rise to a more intensive, formalised use of which requires fencing and parking to facilitate, these elements would not preserve the openness of the Green Belt. Therefore having regard to this, the proposal would constitute inappropriate development in the Green Belt and would have an adverse impact on the openness of the Green Belt.

Setting of the Listed Building

In respect of the listed building Bentley House Farm, the Conservation Officer has been consulted in respect of the setting to this building. The building lies to the south of the farmhouse and the existing access runs along the eastern boundary. Having regard to the Listed Buildings and Conservation Area Act 1990, the proposal is not considered to have an impact on the significance of the listed building and therefore no objections have been raised in this respect subject to conditions for the proposed materials and fencing details.

Conclusion

The applicants have stated that they would welcome the condition controlling the use of the minibus to collect and return dogs. I am not convinced that all customers would want to use this service and I would expect that some customers would want the flexibility to drop off or collect their dog when convenient. In addition to this, the condition is not considered reasonable or enforceable having regard to the six tests within Paragraph 206 of the NPPF. Should the bus not be viable for use in the future, the entire business would need to cease from site. In addition, the continued use of the bus would not be enforceable for the Council to monitor or control. The requirement for this condition is indicative of the unsuitable location of this proposed development and therefore would not mitigate the adverse effects of the development.

The application does not raise any other planning considerations, the applicant has submitted a preliminary Ecological Survey which has identified the site to be of low ecological value and no further objections have been received by any consultees.

RECOMMENDATION: That planning permission be Refused

Reasons for Refusal

- 1) The business is proposed to be situated in the countryside, outside any defined village envelope and isolated from key facilities. The transport solution advanced by the applicant is not realistic or enforceable. The business therefore has poor access to public transport with no pedestrian footway. Customers would be likely to rely heavily on the private car for travel to and from the service which could result in two trips per day, per customer, and for these reasons this is an unsustainable location for such development. The proposal therefore does not constitute a sustainable form of development having regard to the three dimensions as outlined in Paragraph 7 of the NPPF. It is therefore contrary to policies BDP1, BDP12, BDP14, BDP15, BDP16, BDP22 of the Bromsgrove District Plan 2011-2030 and Paragraph 7 of the NPPF.
- 2) The existing building is constructed from only a single skin of profiled sheeting with no base and one open side. Furthermore, the proposal involves substantial alterations to the structure to make it for its intended use and the only salvaged part of the building is to be the steel frame. Having regard to this, it is considered that the existing building does not constitute a substantial construction within the context of Green Belt policies. Furthermore, the existing building is modest and unobtrusive within its current setting of the working farm courtyard. Its re-use as a dog care facility would give rise to a more intensive, formalised use of which requires alterations to the building, fencing and parking to facilitate. Therefore having regard to this, the proposal would constitute inappropriate development in the Green Belt and would have an adverse impact on the openness of the Green Belt. As a result the proposal is contrary to Paragraph 90 of the NPPF and policies BDP1 and BDP4 of the Bromsgrove District Plan 2011-2030 and the National Planning Policy Framework.

Informatives

- 1) The Council advised the applicant that the proposal would not be supported as a matter of principle; therefore the previous application was withdrawn and re-submitted. The re-submission does not make any changes to the scheme that would result in a different officer recommendation and therefore the application has been registered as soon as possible to avoid further delay to the applicant.

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