

Name of Applicant	Proposal	Expiry Date	Plan Ref.
David Taylor	First storey extension to provide self - contained flat to be used with existing business as extended family accommodation Hylton Hound Hotel, Middle Lane, Kings Norton, Worcestershire, B47 6LD	18.01.2021	20/01281/FUL

Councillor Denaro has requested that this application is considered at Planning Committee rather than being determined under Delegated Powers.

RECOMMENDATION: That planning permission be **Refused**

Consultations

Wythall Parish Council

Object to the application which represents inappropriate development in the Green Belt as it is an increase of more than 40% of the original dwelling, do not consider that very special circumstances exist.

North Worcestershire Water Management

No objections.

Highways - Bromsgrove

Object to the application due to its unsustainable location.

Public Consultation

Site Notice erected 22.12.20 expired 15.01.21

1 letter of support

As a neighbouring occupier, the proposal will have no detrimental impact on my own property. It will not cause any issues with highways, there is ample parking available. It will not impact on the openness of the green belt.

Councillor Denaro

Application has been called in by Cllr Denaro who believes that the application is vital to the continuation of a local business.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP16 Sustainable Transport

BDP19 High Quality Design

Others

NPPF National Planning Policy Framework (2019)
 NPPG National Planning Practice Guidance
 Bromsgrove District Council High Quality Design SPD

Relevant Planning History

13/00014/REF	Proposed dog grooming building ancillary to existing kennels.	Dismissed at Appeal	05.07.2013
12/0873	Proposed dog grooming building ancillary to existing kennels. Appeal dismissed on 05.07.13 under appeal reference 13/00014/REF.	Refused 24.01.2013	24.01.2013
11/00005/REF	Proposed change of use of land to provide additional dog play area and stockyard: Retention of waste disposal unit and oil tank, Proposed portacabin and container, retention of parking area and entrance improvements Re submission of B/2009/0282.	Dismissed at Appeal	06.05.2011
10/0944	Proposed change of use of land to provide additional dog play area and stockyard: Retention of waste disposal unit and oil tank, Proposed portacabin and container, retention of parking area and entrance improvements Re submission of B/2009/0282- Appeal Dismissed: 6/5/11	Refused	01.12.2010
09/0282	Change of use of land to provide additional dog play area, stockyard, waste disposal unit, oil tank, portacabin, container parking area and entrance improvements (As amended by plans received 09.04.2009, 12.03.2010, 24.03.2010 and augmented by plan received 06.04.2010)	Refused	06.05.2010
B/16212/1988	Extension of existing kennels to form 11 additional kennels and enclosures. (As amended by letter received 11.4.88)	Approved	11.04.1988

B/12125/1984	Erection of office/storage building for use by kennel staff in connection with existing kennels during racing and breeding of greyhounds. (as amended by plans received 10.8.84 and 15.10.84)	Refused	12.11.1984
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Site Description

The site forms part of a dog kennel business with dog grooming facility that operates from the premises. The site has off street car parking for the business, a large grassed area that forms part of the site is used to exercise the dogs in boarding. The building is well screened from the road with a mature hedgerow. The site is within an area designated as Green Belt in the Bromsgrove District Plan.

Proposal Description

A first floor extension is proposed comprising of the same floor area as the existing ground floor. The extension is proposed to provide self-contained living accommodation with three ensuite bedrooms to be used with the existing business as extended family accommodation. The extension would have a hipped roof with 2 No. large dormers to provide office accommodation in the loft area. The extension would be finished in bricks and tiles to match the existing property.

Assessment of Proposal

Permission is sought for an extension to provide self-contained residential accommodation above the existing business premises and Members will note the description of the application. The applicant indicates that the accommodation is needed in association with the existing business use. However, given the self-contained nature of the new accommodation, the absence of any documentation accompanying the application that would link the use of the new accommodation to the business and lastly, the retention of the existing flat for the business, I consider that the scheme equates to the formation of a new dwelling

The site lies within the Green Belt as designated under policy BDP4 of the District Plan and is outside any settlement. Therefore, the main issues to consider in the determination of the application are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the policies of the Bromsgrove District Plan and the National Planning Policy Framework (NPPF);
- If the proposal is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Whether inappropriate development:

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. There is a presumption against the construction of new buildings in the Green Belt save for a number of exceptions outlined at paragraphs 145 and 146 of

the NPPF. The three exceptions raised as part of this application are; paragraph 145(c) for extensions to a building, 145(e) for the limited infilling in villages and 145(g) for the redevelopment of Previously Developed Land which would not have a greater impact on the openness of the Green Belt.

Paragraph 145 (c) permits 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".

Policy BDP4.4d) of the Bromsgrove District Plan (BDP) similarly permits "proportionate extensions to non residential buildings taking into account the potential impact on the openness and the purposes of including land within the Green Belt. Proposals that can demonstrate significant benefits to the local economy will be considered favourably".

The existing building is single storey with a shallow pitch roof and an approximate floorarea of 135 sqm. The building currently comprises a reception, kitchen, store and WC for the kennel and dog grooming business. A one bedroom flat is also provided within the building for the purposes of the kennel business. This will be retained.

The proposed extension would comprise of a first floor extension providing 3 bedroomed self-contained residential accommodation. Access to the accommodation would be via a new flight of stairs within the existing building on the ground floor. The accommodation would have a first floor balcony off the living area, and another flight of stairs would provide access to an office area in the loft space. Whilst the roof would be hipped, two large dormers would be provided to achieve useable floorspace within the loft area. The total floorarea of the extension would amount to approximately 181sqm, resulting in a 134.5% increase in floorspace. Given the scale of the works proposed, the additional floorspace would be excessive in comparison to the original floorspace, and as such would result in a disproportionate addition over and above the size of the original building.

Due to the self-contained nature of the proposed extension, I am of the view that the scheme equates to the formation of a new dwelling. Policy BDP4 allows for limited infilling in Green Belt settlements. This policy is compliant with the NPPF (paragraph 145 (e)) and sets out the intended 'villages' for limited infilling within the Settlement Hierarchy in Policy BDP2.3. The term 'limited infilling' is not defined, however it normally comprises of the development of a modest size gap in an otherwise substantially built-up frontage which is broadly linear in formation. The building is positioned on open land with only Brizlincoat Farm as its neighbour. The proposal does not comply with the limited infilling term as defined above. In addition, the proposed development is outside any nearby village envelope. The site is located next to a road that is unlit with no footpaths, meaning occupiers of the dwelling would be relying on private transport to get to nearby amenities and services given its unsustainable location. As such the proposal would not fall within this exception. Members will note that Worcestershire Highways has raised an objection to the scheme due to the unsustainable location of the scheme.

Paragraph 145(g) of the NPPF allows for the limited infilling or the partial or complete redevelopment of previously developed land (PDL). This is providing the development would not have a greater impact on the openness of the Green Belt than the existing development, or that it would not cause substantial harm to the openness of the Green Belt where the development would contribute to meeting an identified affordable housing need.

The new self-contained accommodation would be above the existing building and being 2 storey, the proposed unit would be substantially taller than the existing single storey building currently on site. As mentioned above the floorarea of the extension proposed is larger than the existing floorarea resulting in an extended building that would have a larger mass. Due to the scale and design of the self-contained accommodation, the resultant building would be materially larger than the existing, having an effect on the openness and purposes of the Green Belt.

The NPPF indicates that openness is an essential characteristic of the Green Belt. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect. The extended building would be of a greater mass and height than the existing. As such, the proposal would have more of an impact on the openness of the Green Belt in spatial terms than the existing circumstances.

For the above reasons the proposal does not fall within the exceptions set out in the NPPF, and Policy BDP4 of the District Plan, and would be inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Very Special Circumstances

When considering a planning application, substantial weight should be given to any harm to the Green Belt, and also whether the harm by reason of inappropriateness, and any other harm, can be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

The boarding kennels have been run by the applicant's father who currently resides in the single bedroom flat at present. The applicant's father is retiring, and the applicant is taking over the day to day management of the business. Due to the nature of the business and the rules of the licence, the applicant has claimed that it is necessary to live on site for safety and security reasons. The applicant's family which includes his partner and 2 children would move into the premises too. The existing 1 bedroom flat would not be sufficient for family accommodation. The new plans would resolve this issue. The existing flat would be retained and used to house auxiliary staff when the applicant's family take annual leave and at peak times of trading.

The applicant states that the past year has been challenging for the business due to the Covid-19 outbreak. The core business is the boarding of dogs. However, due to all of the different restrictions, turnover has reduced by 60%. To combat this, the applicant is planning to diversify the business into different areas. Such as incorporating a day-care centre where they look after dogs when people are at work; and the possibility of opening a dog park where people would hire an allotted time to exercise their dogs without the worry of other dogs and people around them. The applicant believes that these new ventures will require a lot of time and work for them to be successful.

The applicant had 12 members of staff but due to the low demand for boarding and the furlough scheme ending in October 2020, the number of staff will be reduced. The applicant proposes to operate apprentice schemes for present members of staff with the development of the new business ventures. The applicant's partner runs the Wash & Go Grooming Salon (WAGGS) that operates out of the Hylton Hound Hotel.

Whilst I fully understand the exceptional circumstances that have been put this local business as a result of Covid-19, the extent of the extension would have a detrimental impact on the openness of the Green Belt due to the scale of the development in terms of additional floorspace but also increase in height. The NPPF indicates that openness is an essential characteristic of the Green Belt. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect. The proposed extension would be of a greater mass and height than the existing building. As such, the introduction of the additional floor and hipped roof with large dormers would have more of an impact on the openness of the Green Belt in spatial terms than the existing circumstances.

In addition, given the potential business opportunities that the applicant is now considering, dog daycare, dog exercising, as well as the existing dog grooming business, these are ventures that would not necessarily require 24 hr surveillance and as such 24 hour residential accommodation on site would not necessarily be essential.

I have thus noted the arguments put forward by the applicant but consider that they do not amount to very special circumstances that would outweigh the harm identified to the Green Belt.

Consultation

Comments from the Parish Council on Green Belt have been considered and Green Belt has been fully assessed earlier in this report.

County Highways object to the application given its unsustainable location. The lack of street lighting in the immediate vicinity will deter journeys on foot particularly in times of darkness and adverse weather conditions. The site is located off a classified fast flowing narrow road. Most of the key amenities are not within acceptable walking distances and those that are, are not connected by adequate infrastructure and therefore it is unlikely to encourage residents to walk to these facilities. Due to these factors the trips would become car-based trips which would be unacceptable. Whilst adequate car parking can be provided for the scheme, the provision of an electric charging point and secure cycle storage has not been provided. The proposal would be contrary to Policy BDP2 of the District Plan and paragraphs 108 and 110 of the NPPF.

1 letter of support has been submitted from the occupier of Brizlincoat Farm. For the reference of Members, the occupier of the Farm concerned is the mother of the applicant.

Housing Supply

The Council cannot currently demonstrate an up to date 5-year housing land supply. Where this is the case, paragraph 11 of the Framework, which is a material consideration of significant weight, advises that as the application site does not fall within an area or asset of particular importance as defined by the Framework, the proposal needs to be considered through the balancing exercise set out in paragraph 11(d)(ii) of the NPPF. However, this does not automatically lead to the granting of planning permission.

The primary aim of paragraph 11 of the NPPF is to promote sustainable development. The NPPF at paragraph 8 defines sustainable development as having three dimensions: economic, social and environmental. The proposal would make a contribution, albeit small to the Council's supply of housing. It is also acknowledged that there would be

some economic benefits associated with the proposal during the construction phase. However, because of the limited scale of the proposal such benefits would carry limited weight. Substantial weight should be afforded to inappropriate development in the Green Belt and as set out in the discussion above, Green Belt gives rise to a clear reason for refusal due to the developments inappropriateness and as such would warrant the refusal of the application on these grounds.

Conclusion

Contrary to the description of the application, due to the self-contained nature of the proposals I consider that the scheme equates to the formation of a new dwelling in the Green Belt. The proposal does not fit within the closed exceptions set out in NPPF paragraph 145 and would be contrary to Policy BDP4 of the District Plan. The proposal by reason of its distance from essential services and amenities would result in the future occupier's reliance on private transport and result in an unsustainable form of development contrary to Policy BDP2 of the District Plan, and paragraphs, 7, 8 and 110 of the NPPF.

The proposal would have a greater impact on the openness of the Green Belt than the existing development and therefore the proposal is inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. Substantial weight must be given to any harm to the Green Belt as set out at paragraph 144 of the NPPF. Whilst arguments have been put forward, they do not amount to very special circumstances required to justify a proposal that would outweigh the harm identified to the Green Belt.

RECOMMENDATION: That planning permission be Refused

- 1 The proposed development does not fall within any of the categories of appropriate development specified at Policy BDP4 of the Bromsgrove District Plan (BDP) or at paragraph 145 and 146 of the National Planning Policy Framework 2019 (NPPF). The proposal therefore constitutes inappropriate development in the Green Belt which would be harmful by definition. No very special circumstances exist to clearly outweigh the significant harm caused to the Green Belt. This is contrary to BDP4 of the Bromsgrove District Plan and Section 13 of the NPPF.
- 2 The larger scale of development proposed over and above the existing and its prominence in the street scene is considered to have a moderate impact on openness. This is contrary to BDP4 of the Bromsgrove District Plan and Section 13 of the NPPF.
- 3 The proposal by reason of its distance from essential services, and the future occupier's reliance upon motor vehicles as a means of transport would result in an unsustainable form of development. The proposal would therefore be contrary to Policies BDP1 and BDP2 of the Bromsgrove District Plan and paragraphs 7, 8 and 110 of the National Planning Policy Framework.

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