



Appeal Decision

Site visit made on 19 November 2019

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2019

Appeal Ref: APP/V1505/W/19/3227857

Novem Kennels, Southend Arterial Road, North Benfleet, SS12 9JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Broom against the decision of Basildon District Council.
 - The application Ref 18/01392/FULL, dated 12 October 2018, was refused by notice dated 12 February 2019.
 - The development proposed is demolition of existing buildings and kennel structures and replacement with new reception building, dog grooming/storage building and kennels.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development above from the Council's decision as opposed to the original application form, as this more accurately describes the proposed development.

Main Issues

3. The main issues are:
 - (a) Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the effect on openness;
 - (b) The effect on the character and appearance of the area;
 - (c) The effect on the living conditions of neighbouring occupants;
 - (d) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

4. The Framework makes it clear that the Government attaches great importance to the Green Belt and the protection of its essential characteristics, those being openness and permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New buildings are to be regarded as inappropriate development, subject to the express exceptions outlined in paragraphs 145 and 146.

5. Amongst others, these exceptions include the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, provided the development would not have a greater impact on the openness of the Green Belt than the existing development.
6. The site contains buildings associated with a former kennels but the proposed buildings would have a significantly larger floor area than those existing on site, 562sqm compared to 423sqm according to the appellant. They would also be taller, such that the volume of buildings would also be significantly larger. The buildings would be spread across the site, close to the boundaries, and would include development on areas that are currently open. In addition, new buildings would be located on the site frontage, becoming more prominent in views from the public realm, particularly from Southend Arterial Road.
7. I note that a building has previously been demolished but even if that building was taken into account, the proposed development would still be larger. In any case, I must consider the proposal on the basis of the situation at the time of my decision and have not taken previous buildings into account.
8. As such, the proposed development would harm the openness of the site and the wider Green Belt. The proposed development does not, therefore, meet the exception set out above and would constitute inappropriate development.
9. The Council has not identified any development plan policies relating to Green Belt protection that would be conflicted by the proposal. I attach little weight to conflict with policies in the emerging Local Plan given their stage of preparation and the absence of information regarding the potential for unresolved objections. Nevertheless, the policy within the Framework is an important material consideration and I attach substantial weight to the harm that would arise to the Green Belt by virtue of inappropriateness and effect on openness.

Character and appearance

10. The site is currently vacant and is in an unkempt and untidy condition, though many of the existing low-level structures are concealed from the public realm by buildings and boundary treatments on the site frontage. Redevelopment would offer an opportunity to tidy up and improve the appearance of the site but there is nothing before me to suggest that the appeal proposal is the only scheme that could achieve such an objective.
11. The arterial road is a busy highway passing through fields and greenery, albeit with intermittent buildings and other development, including the appeal site. Although of no particular quality in landscape terms, views of the countryside are available to passers by and development is sparse in nature. The proposed development would introduce wider fronted and taller buildings that would fill a bigger proportion of the site frontage and become more prominent in views from the public highway. This would result in a greater presence and a feeling of urbanisation, particularly in combination with other development adjacent to the appeal site.
12. Having regard to the potential visual improvements that would be facilitated by the development, I consider that the redevelopment would have no more than a moderate adverse impact in terms of character and appearance, but this is nonetheless a matter that weighs against the proposal.

13. The Council refers to a conflict with Policy BAS BE12 of the Basildon District Local Plan Saved Policies (2007) but this policy is specific to residential development and is not relevant to the appeal proposal, albeit that it otherwise deals with pertinent issues. As set out above, I attach little weight to emerging policies. Again however, the Framework is clear that the creation of high-quality buildings and places is fundamental to planning and that good design is a key aspect of sustainable development. The proposed development would conflict with these important policy objectives.

Neighbours' living conditions

14. There are several residential properties surrounding the site and in close proximity to the boundary. The appeal is accompanied by a further Noise Impact Assessment (March 2019) which seeks to address the Council's concerns with regards to noise and its potential impact on neighbours. It assesses the potential impacts with reference to BS 8233:2014 and World Health Organisation (WHO) noise standards, as identified by the Council, and concludes that the proposal would be in accordance with these standards, subject to the erection of a 3m tall acoustic fence.
15. The Council has not provided any comment or objection and I have no reason to doubt the findings of the Noise Impact Assessment. Therefore, I find no conflict with the important objective to protect neighbours' living conditions and this is a neutral matter in my considerations. That said, the erection of a 3m tall acoustic fence would clearly have further implications for the openness of the site and for character and appearance.

Other considerations

16. There would be some benefit in effectively re-using previously developed land and the creation of a new business. These benefits attract limited weight.
17. I note the appellant's position that no previous extensions have been undertaken and that the Council might have looked favourably upon such a proposal had it been put. However, there is no such scheme before me and the acceptability or otherwise of extensions to the existing buildings is a matter for the Council. There is no firm or realistic fallback position before me and so this does not alter my conclusions on the main issues above.

Whether very special circumstances exist

18. I have identified that the proposed scheme would constitute inappropriate development in the Green Belt for the purposes of the Framework and would harm openness. It would also harm the character and appearance of the area. I have considered the grounds presented in support of the development but together they do not outweigh the harm the scheme would cause. Consequently, the very special circumstances necessary to justify the development have not been demonstrated.

Conclusion

19. In light of the above, the appeal is dismissed.

Michael Boniface

INSPECTOR