



Appeal Decision

Site visit made on 20 April 2021

by Elaine Benson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Appeal Ref: APP/U4610/W/21/3267491

The Farm, Harvest Hill Lane, Allesley, Coventry CV5 9DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr and Mrs H Glen against Coventry City Council.
 - The application Ref FUL/2020/1390, is dated 11 August 2020.
 - The development proposed is demolition of existing building and erection of a 16 pen cattery.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing building and erection of a 16 pen cattery at The Farm, Harvest Hill Lane, Allesley, COVENTRY, CV5 9DD in accordance with the terms of the application, Ref FUL/2020/1390, dated 11 August 2020, subject to the conditions on the attached Schedule.

Main Issues

2. The main issues in this appeal are 1) whether the proposal would be inappropriate development in the Green Belt having regard to the 2021 revised National Planning Policy Framework (the Framework) and any relevant development plan policies, 2) the effect of the proposal on the openness of the Green Belt, 3) its effect on character and appearance, including any effect on the Ancient Arden Landscaped area and trees, 4) whether there is sufficient information about the disposal of cat waste; and 5) if the proposal is inappropriate development in the Green Belt, would any 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.

Reasons

3. The proposed 16 pen cattery would replace a stable building which is located in an extensive agricultural and equine complex in the Green Belt. The size of the proposed replacement structure reflects the floorspace requirements for catteries and is stated to be the minimum size required to ensure financial viability. A conversion of the stable building would not achieve the necessary floorspace.
4. There are other similar uses nearby, comprising a cat rescue centre and dog boarding kennels.

Inappropriate development & openness

5. 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 their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. The Framework, paragraph 149, states that the construction of new buildings should be regarded as inappropriate in the Green Belt unless it falls under one of a number of exceptions, including criterion 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'. Policy GB1 of the Coventry Local Plan (CLP) generally re-states Government policy. However, its Criteria 7 also states that 'In addition to appropriate development in the Green Belt identified in the NPPF, limited infill development would be considered appropriate'.
7. The replacement building would amount to the complete redevelopment of previously developed land in continuing use and, subject to the following assessment of openness, I conclude that it would therefore satisfy the Framework paragraph 149 criterion g) and the relevant requirement of CLP Policy GB1. Furthermore, the proposed cattery would be surrounded by built form on 3 sides and in my view could also be considered as infilling.
8. The Council refers in detail to the Framework's criteria about the extension or alteration of a building and the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Neither of these exceptions applies to the appeal proposal which is for a new build, not an extension. Furthermore, the replacement building would not be in the same use as the existing one.

Openness

9. The existing stable building is screened from public view by other buildings and structures within the wider site. The significant group of trees close behind the building screens views into the wider site from the north. The cattery would be a replacement building on largely the same footprint, though extending over part of the yard and with a larger volume. Nonetheless, it would not extend into open land. It would be seen and accessed by visitors and staff in conjunction with the neighbouring buildings and would not be, or appear or be, isolated. In my judgement the cattery proposal would not impact on openness in either spatial or in visual terms
10. The existing access to the wider site would be retained and used for accessing the cattery enterprise. The small scale of the proposed use would not result in significant activity, vehicle movements or parking of visitor cars over and above those arising from the existing use of the wider site. Therefore, on this basis I conclude that the proposal would not impact on openness or transient openness. The Framework paragraph 149 criterion g) in respect of openness would therefore be satisfied.

Conclusion on inappropriate development and openness

11. Having regard to Policy GB1, the Framework and to the Planning Practice Guidance, I conclude that the proposal is not inappropriate development and would not have a greater impact on the openness of the Green Belt than the existing development. In the light of these conclusions, it is not necessary to carry out an assessment of main issue 5).

Character and appearance, including the Ancient Arden Landscaped Area and trees

12. The appearance of the cattery would be acceptable, utilitarian and an improvement on that of the existing, somewhat dated stable building, thereby benefitting local visual amenities. There is no evidence to support the Council's view that the Ancient Arden Landscaped Area would be affected by the proposal. Furthermore, the officer report indicates that the proposal would be acceptable within its surroundings and consistent with design guidance for this landscape area.
13. Similarly, there is little evidence to support the suggestion that trees on the site would be adversely affected by the proposed development. Indeed, the Council's Tree Officer raised no objections subject to tree protection measures. I am satisfied that a relevant condition would safeguard the trees standing to the rear of the stable building. For the foregoing reasons I conclude that there would be no conflict with CLP Policies DE1 and GE4 which seek to protect character and appearance by encouraging high quality design and protecting trees.

Cat waste

14. The use would be small scale and would be associated with an agricultural and equine use where the management of animal waste and resulting odours is already part of its operation. I am satisfied that the storage and disposal of cat waste can be controlled by a condition in order to protect the living conditions of the occupiers of the appellant's home. This is in any event the only property likely to be affected in this way due to the distance between the cattery and neighbouring properties. My view on this point gains support from the fact that the Council's Environmental Health advisor raised no objections to the proposal, subject to the receipt of further information about the storage of cat waste, and did not recommend refusing planning permission on this basis.
15. The Council's identified conflict with CLP Policy DE1, which in any event relates to design quality, is unsupported by the evidence and I conclude that the proposal would safeguard living conditions.

Conclusion

16. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Conditions

17. In addition to the conditions discussed above relating to cat waste and tree protection, a condition is required to identify the approved drawings and ecological report in the interests of proper planning and for the avoidance of doubt. Details of external materials are required to safeguard the appearance of the locality. A bat box is required by condition to support a protected

species. In some instances, I have amended the suggested wording of conditions to more directly relate to the details of the appeal proposal.

18. The Council requested the submission of a Construction Environmental Management Plan. In my judgement this condition would not be proportionate to the small size of the proposed development which would have no damaging construction activities or impacts on biodiversity.
19. I have considered the Council's suggested condition relating to tree protection measures. The trees at the boundary of the site are at a distance from the proposed building, such that it is unlikely that they would be harmed by the proposed development. The suggested requirement for a tree survey, arboricultural impact assessment and method statement is disproportionate to the scale of the proposal and the Council's concerns in this regard can be addressed by the condition I have imposed. Furthermore, the reasoning for the suggested condition relates to the significant amenity value of the trees to the conservation area whereas the appeal site is not within nor borders a conservation area. Therefore, there is no basis for its imposition on these grounds.

Elaine Benson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: GLEN-PA-001, GLEN-PA-100, GLEN-PA-200, GLEN-PA-50 and the conclusions of the Preliminary Roost Assessment.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to bringing into use the development hereby permitted, details of 1 bat box shall be submitted to and approved in writing by the local planning authority. The bat box shall be installed in accordance with the approved details prior to the first operation of the use and shall thereafter be retained as approved.

- 5) No site clearance, preparatory work or development shall take place until a scheme for the protection of the mature trees adjacent to the appeal site in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of these trees shall be carried out as approved.
- 6) Before the use hereby permitted commences, details of a cat waste storage scheme shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be brought into use prior to the first operation of the approved use and thereafter maintained in accordance with that approval and retained for so long as the use continues.