



Appeal Decision

Site Visit made on 3 November 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2022

Appeal Ref: APP/N4205/W/21/3280121

Stables at Prestolee Road, Stoneclough Radcliffe, Bolton M26 1FJ

- 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 Paul Flood against the decision of Bolton Metropolitan Borough Council.
- The application Ref 08214/20, dated 15 April 2020, was refused by notice dated 11 February 2021.
- The development proposed is: 'Siting of a residential cabin and 6 no. dog kennels for the purposes of a specialist dog training business for a temporary period of three years.'

Decision

1. The appeal is allowed and planning permission is granted for siting of a residential cabin and 6 no. dog kennels for the purposes of a specialist dog training business for a temporary period of three years at Stables at Prestolee Road, Stoneclough Radcliffe, Bolton M26 1FJ in accordance with the terms of the application, Ref 08214/20, dated 15 April 2020 subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description of development was changed during the application.
3. The Council has highlighted that the application did not include the change of use of the land for operation of a specialist dog training business. I have considered the appeal on the basis of what has been applied for.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including the effect upon the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

5. The Framework 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, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Notwithstanding this, paragraphs 149 and 150 of the Framework list exceptions that, subject to certain criteria, are not inappropriate development in the Green Belt. The siting of a residential cabin and six dog kennels to serve a specialist dog training business would not fall within any of these exceptions.
7. I therefore conclude that it would be inappropriate development in the Green Belt contrary to Policy CG7AP of the Bolton Local Plan (2014) (the BLP) which covers similar matters. Framework Paragraph 147 sets out that substantial weight should be given to this harm, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Effect on Openness

8. The site lies adjacent to a small group of stable buildings which are located on the edge of open countryside. These are currently used for the stabling of horses together with the keeping of chickens, ducks, and beehives. The site is accessed via gates from a track, Prestolee Road, that is also a public right of way and bypasses the site to the south. The area is rough surfaced. There are existing structures on the site, including a shipping container, whilst the area is used for parking of vehicles and horseboxes.
9. Paddocks with post and rail boundaries adjoin the site on two sides. The boundary with Prestolee Road is more substantial comprising of a belt of small trees forming a hedge. These are growing in a reasonably steep bank that, together with the vegetation, limits views into the site from Prestolee Road. Fleeting views of the site are possible from the access gates and more limited views are possible of the edge of the site through the post and rail fence, looking back from the Manchester, Bury and Bolton Canal towpath.
10. The proposal would amount to the installation of a large dog kennel to house six dogs, a smaller kennel building for housing two dogs, an explosives building of similar size to the smaller kennels and a residential cabin comprising of a combined kitchen, living and dining area, two bedrooms, bathroom and bootroom. The addition of this new group of buildings to the appeal site would inevitably impact on openness. The appeal site would, without doubt, be less open if the numerous proposed structures were sited on the site.
11. Whilst the site is well screened, at least the upper walls of the cabin could be seen from Prestolee Road through the vegetation, whilst the proposed kennels and explosive buildings, being sited close to the post and rail fence could potentially be glimpsed from the aforementioned towpath.
12. Based on the amended description, the appellant is seeking permission for a temporary period of three years. In this regard, the adverse effect on openness

from a development which would last three years would inevitably be less than from one which was permanent.

13. The appellant is willing to implement a landscaping scheme to give screening and long term visual benefits. Although the details are not before me, I am satisfied that such details could be secured by condition. Nonetheless, planting would take some time to establish and realistically, little benefit would be likely to be achieved in three years.
14. As such, for the above reasons I conclude that the proposed development would result in moderate harm to the openness of the Green Belt, contrary to Policy CGA7 of the BLP.

Character and Appearance

15. The appeal site includes some existing structures and is already in use in association with the stable block. The area is characterised by small buildings associated with animal husbandry, interspersed by trees and hedging along this side of Prestolee Road, including at the neighbouring site.
16. The proposed development would result in a proliferation of buildings to this side of the existing stable block. However, as reasoned above, the site benefits from screening at present and as such, the proposed buildings would not appear prominent or dominant in the landscape.
17. There would be continuity across the site, through the use of timber cladding which would reflect the timber stable block. Nonetheless, the upper parts of these proposed cabin could potentially be visible in fleeting views from this road. Whilst there could be a degree of incongruity arising from the presence of a domestic structure within the aforementioned context, the effects of this would be somewhat mitigated by the lack of visibility of the site and the temporary nature of the proposal.
18. I therefore conclude that the effect on the character and appearance of the area would be negligible. There would therefore be no significant conflict with Policy CG3 and Policy OA6 of the Bolton Core Strategy (2011) (BCS), which seek, amongst other things, to ensure proposals respect and enhance the built form and pattern of existing development and integrate with character and appearance within the Little Lever and Kearsley area.

Other Considerations

19. The appellant's business trains and supplies certified explosive detection dogs (EDDs) for both domestic and international markets. The National Counter Terrorism Security Office requires that all EDDs are imprinted, continuously trained and assessed using live explosive substances. The training of dogs to meet these requirements would clearly represent a significant benefit in terms of providing security to events and policing around the region.
20. The Council notes the appellant currently keeps dogs in specialist facilities in Wakefield but is seeking a base to serve the North West. The proposal would enable four dogs to be accommodated and trained on the site. The dogs that would be trained would be specially selected 'untrained' twelve-to-eighteen-month old dogs that do not walk to heel, have no recall, and are not used to travelling in vehicles.

21. To meet the Higher Standard of The Animal Welfare (Licensing of Activities Involving Animal) (England) Regulations 2018, each dog requires a minimum of 2 hours contact time each day split across the working day for exercise, training, and assessments. The appellant argues that this, alongside the requirements of the Government's accreditation scheme for licensed EDDs, place an essential requirement for a permanent on-site presence, which results in a minimum of 8 hours uninterrupted contact with the dogs under their training.
22. There is clearly a need to ensure the careful siting of the proposed development away from residential properties in order to avoid undue disturbance and the risk from explosives. As such, I am satisfied that this proposal requires a rural location. In my experience, a significant proportion of the rural areas within and around Greater Manchester lie within the Green Belt. Therefore, suitable locations in rural areas within and around Greater Manchester are likely to involve land within the Green Belt. Given that I have found only modest harm to the openness of the Green Belt, I note that alternative sites within the Green Belt could potentially be less well screened than the appeal site.
23. The Council contends that residential accommodation is not required on site and the dogs could live with their trainers in existing accommodation and use the site for training purposes only.
24. However, this would require the appellant to store 22 types of bulk explosives at a residential dwelling and transport them daily to the training area, which I accept would generate issues with regard to health and safety. From a health and safety perspective it is clearly preferable to store explosives on site in a secure and purpose-built building and with a permanent human presence.
25. The Council's contention would also require 'untrained' dogs, unfamiliar with travelling in vehicles, to be transported in crates to and from the site for training every day. The appellant states that this would have a detrimental effect on training as forcing the dog into a crate would damage the trust the dog has with the trainer. Whilst it may be normal for pet dogs to travel in the back of cars, I see no reason to doubt the appellant's assertion on this issue which could be avoided if the dogs were kept on site alongside residential accommodation.
26. The appellant has also given a number of other welfare reasons as to why it would not be practical to operate the business without a permanent presence on site, which is mainly as a result of operating with potentially harmful substances. In addition to being used for residential occupation, the cabin will also be used for staff welfare breaks and to complete office work. These matters weigh in favour of the appeal.
27. The appellant seeks temporary planning permission for three years. The Planning Practice Guidance (PPG)¹ notes that circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area, or where it is expected that the planning circumstances will change in a particular way at the end of that period. I have not been provided with the reasons for the proposed temporary period although it is reasonable to assume that this is in order to trial the

¹ Paragraph: 014 Reference ID: 21a-014-20140306

business on the site. The appellant would then be open to apply for a permanent planning permission before the expiry of the three years.

Planning Balance

28. The proposal would be inappropriate development in the Green Belt. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that harm. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
29. I have reasoned above that any harm to the openness of the Green Belt would be very modest, and otherwise the proposal integrates appropriately with its surrounding context. Notwithstanding the benefits to security outlined above, minor economic benefits would also arise from the operation of a business that would be new to the local area. Furthermore, there is a need for the proposal to be located in a rural area, away from residential properties in a location that is capable of accommodating storage of explosive materials. Additionally, the proposal needs to be located in an area to serve the North West, an area which includes a great deal of Green Belt land. Collectively, I give these considerations very great weight and conclude that they amount to very special circumstances, sufficient to outweigh the harm to the Green Belt, by reason of inappropriateness and the effect on openness.

Conditions

30. I have imposed conditions requiring compliance with the approved plans, and details of external finishes, in the interests of certainty and in order that the proposal integrates appropriately with its surroundings. I have amended certain conditions proposed by the Council to ensure they meet the relevant requirements in the Framework without altering their aim.
31. Conditions in relation to the protection of existing trees and provision of details of proposed landscaping are required as these would minimise views into the site of the proposed development. I am statutorily required to have regard to conserving biodiversity, and paragraph 170. d) of the Framework sets out how decisions should seek to minimise impacts in that regard. It is therefore necessary and reasonable to impose condition 5 requiring details of biodiversity enhancement measures.
32. In the interests of the effect on local residents, conditions limiting the number of dogs and requiring the provision of a noise management plan are required.
33. As the appellant is seeking temporary permission for the proposed development, I have imposed a condition requiring the appellant to submit the date of the first occupation of the cabin to the Council and the development to be removed three years following that date.

Conclusion

34. Having considered the development plan as a whole, the approach in the Framework, and any other relevant considerations, I conclude that the appeal should be allowed subject to the conditions set out below.

Paul Martinson
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: Location Plan, Proposed Layout and Elevations of Cabin, Proposed Layout and Elevations of Kennels and Site Plan: Drawing Number ML/PF/5915.
- 3) Notwithstanding the details shown on the approved plans, no above ground construction works shall take place until samples or full details of materials to be used externally on the cabin, explosives building and kennels have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 4) Prior to the erection of the kennels hereby approved, a Noise Management Plan shall be submitted to and approved in writing by the local planning authority. The approved development shall be operated in accordance with the approved Noise Management Plan thereafter.
- 5) Prior to the first occupation of the cabin or the kennels, whichever is the sooner, details shall be submitted to and approved in writing by the local planning authority for the incorporation of biodiversity enhancement measures into the development including nesting boxes for birds and bat boxes. The approved scheme shall be implemented in full and retained as such thereafter.
- 6) Trees and shrubs shall be planted on the site and those existing shall be retained in accordance with a landscaping scheme that has first been submitted to and approved in writing by the local planning authority prior to the first occupation of the cabin. The approved scheme shall be implemented in full and carried out within the first planting season following the first occupation of the kennels or the cabin, whichever is the sooner, or in accordance with phasing details included as part of the scheme and subsequently approved by the Local Planning Authority. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.
- 7) Within one month of the first occupation of the cabin hereby approved, the applicant shall notify in writing the local planning authority of the date of first occupation of the cabin. The buildings hereby permitted shall be removed and the land restored to its former condition on or before a date 3 years from the date of first occupation in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.
- 8) A maximum of four dogs shall be kennelled on site at any one time.