



Appeal Decision

Site visit made on 20 September 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2022

Appeal Ref: APP/B1930/W/21/3284899

Shenstone Kennels, Tower Hill Lane, Sandridge, Hertfordshire AL4 9BH

- 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 Garry Archer against the decision of St Albans City Council.
 - The application Ref 5/20/2786, dated 22 January 2021, was refused by notice dated 21 April 2021.
 - The development proposed is the construction of an outbuilding with decking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development proposed on the Council's decision notice differs slightly from that provided on the application form. The development has already been carried out. The appellant has relied on the amended description in their appeal form and I have therefore used this in the banner heading above, omitting the unnecessary text referring to the application being part retrospective.
3. Policy D2 of the emerging Sandridge Neighbourhood Plan (2021) (SNP) is referred to in the Council's decision notice. Since the Council's decision notice was issued, the SNP has been 'made'. This was clarified in the Council's Statement of Case and the appellant was provided with an opportunity to submit comments in this regard in their final comments. As Policy D2 now forms part of the development plan I assign it significant weight in my decision.

Main Issues

4. The main issues are: i) whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; ii) the effect of the development on the openness of the Green Belt; and iii) whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Reasons

Whether Inappropriate

5. The appeal site is located within the Metropolitan Green Belt. Paragraphs 147 and 148 of the Framework advise that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by

definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework advises that the construction of new buildings should be regarded as inappropriate in the Green Belt. Policy D2 of the SNP explains that residential development will not be supported in the Green Belt where it fails to comply with the exceptions set out in the Framework.

6. Saved Policy 1 of the St Albans District Local Plan Review (1994) (the LPR) sets out that development in the Green Belt will not be granted planning permission other than in very special circumstances, or where certain criteria apply. Those criteria are inconsistent with the Framework, and I therefore assign limited weight to this policy.
7. As a new building in the Green Belt, the outbuilding and decking are inappropriate development.

Openness

8. The appeal site is a dwelling with kennels and cattery which occupy a long plot bounded by thick planting in a secluded rural location. A small group of neighbouring residential properties and another kennels and cattery are located close to the north and south, surrounded by open countryside. The appeal site contains a number of buildings, including the appellant's dwelling at the front of the site, an office, barn, isolation unit, and the cat and dog boarding kennels.
9. Beyond those buildings and an enclosed exercise area, adjacent to the rear boundary of the appeal site, the outbuilding and decking the subject of the appeal have been erected. The proposed plans and supporting information clarify that the outbuilding is a residential building with office and study areas to be occupied by overnight staff.
10. Paragraph 137 of the Framework states: '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'. Paragraph 138 identifies five purposes Green Belts serve, including, amongst other things, to assist in safeguarding the countryside from encroachment. Openness is therefore an essential characteristic of the Green Belt, which has spatial and visual aspects.
11. Buildings at the appeal site are single storey in height and are interspersed with small grassed areas. The outbuilding is an A-frame construction with rooms and windows at ground and first floor level. Most of its bulk is contained at ground floor level, but it remains a substantial building, located some distance from other buildings. It is seen and experienced as a secluded building within the appeal site and in restricted views from outside the appeal site. Although it is close to thick boundary planting, it has the effect of spreading built development across a wider area within the appeal site, encroaching further into the countryside.
12. The erection of the outbuilding and decking at the eastern end of the appeal site has reduced the openness of the Green Belt, spatially and visually. The level of harm caused to the openness of the Green Belt is moderate on account of the main bulk of the building being contained at ground floor level and its position amongst thick planting within a commercial site.

Other Considerations

13. The appellant resides in the main dwelling with their family and has explained that up until 13 years ago his mother, who established the business in the 1970s, provided onsite supervision overnight during his and his wife's absences for rest and recuperation purposes. It has been explained that the outbuilding and decking are needed to ensure a member of staff is present at the appeal site at all times, which is necessary to comply with regulations and retain the 5-star licence held by Shenstone Kennels¹. The development therefore provides what has been described as an overnight base for employees, additional daytime office space, and a quarantine unit for isolation purposes. The submitted plans show the outbuilding comprises a kitchen, living/dining areas, a bathroom and an office/bedroom at ground floor level and a study area and bedroom at first floor level.
14. The appellant's health concerns and those of his mother have been referred to, which could result in instant hospitalisation and closing of the kennels if both the appellant and his wife need to leave the appeal site in an emergency. It has been set out that the outbuilding provides an opportunity for the business to take on more work and increase its staffing numbers from 1 full-time position to at least 5 full-time and 2 part-time positions, and that increased office space is required. It has also been suggested that the outbuilding can provide an area for family members to self-isolate in the event of a positive COVID-19 test result. It is therefore claimed that the business would have to close if planning permission is not granted for the outbuilding.
15. In addition to the above considerations, there are other social, environmental and economic benefits resulting from the development. These include increased employment and investment opportunities in a rural location, the opportunity to re-use the outbuilding and decking, improved site security, and the improved viability and sustainability of the existing business.
16. I have been advised that no other existing buildings at the appeal site could provide the same necessary accommodation. However, there are a number of buildings at the appeal site and there is a lack of information as to why none of them would be suitable to provide the minimum necessary accommodation at an affordable cost. Such accommodation may need to be a sufficient distance away from the boarded animals for noise purposes, but the evidence does not demonstrate the development needs to be provided at the easternmost end of the appeal site, beyond all other buildings.
17. It is not unreasonable for the appellant to seek to rely on other employees to be present at the appeal site on some occasions overnight. The building provides the appellant and their family opportunities to leave the appeal site overnight, which is a significant private benefit they have been without for 13 years prior to its erection.
18. However, insufficient evidence has been provided to demonstrate that it is essential for an employee to be present at the appeal site every night, or that separate sleeping accommodation with kitchen and living areas is essential to provide the necessary staffing cover every night. Although sleeping accommodation would ensure an employee could continue to work at the

¹ Issued by the Council under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulation 2018 in respect of cats and dogs

appeal site the following day, it is not clear why overnight shift work without sleeping accommodation would not be appropriate in this instance.

19. As it has not been demonstrated that the A-frame building is essential to ensure the business continues to operate, I assign the benefits associated with the development moderate weight.

Planning Balance

20. Saved Policy 98 of the LPR explains that extensions to kennels and catteries in the Green Belt may be permitted where 5 criteria are met. I have not been provided with evidence to show all of those criteria have been met. In particular, I note the outbuilding and decking are not located within the curtilage of an existing dwelling and there are residential properties nearby. As such, I do not find Saved Policy 98 offers any support in favour of the development.
21. Taking the above into account, and all other matters raised, the outbuilding and decking constitute inappropriate development in the Green Belt and cause moderate harm to the openness of the Green Belt. Although the development provides a number of benefits, there are no other considerations that clearly outweigh the substantial weight which the Framework advises I should assign to the harm the development causes to the Green Belt. As such, no very special circumstances exist to justify the development, which is contrary to Policy D2 of the SNP and the Framework.
22. I have been invited to consider whether a temporary planning consent could be granted for the development, which did not form part of the application initially submitted to the Council. The information presented does not suggest to me that the substantial harm to the Green Belt would be sufficiently reduced by a temporary planning permission being granted, for that harm to be clearly outweighed by the other considerations put forward by the appellant.
23. I note references to a mobile home and dwelling permitted at a neighbouring site, and various other decisions relating to development elsewhere in the Green Belt. I have not been provided with the full details of all of those other cases referred to, and as such it is not clear whether the same circumstances were applicable as in this case. Based on the information provided, those other decisions do not convince me there are very special circumstances in this case which are sufficient to outweigh the harm caused to the Green Belt by the development.

Conclusion

24. For the reasons outlined above, I conclude that the appeal should be dismissed.

L Douglas

INSPECTOR