



Appeal Decision

Site visit made on 3 January 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 15 February 2024

Appeal Ref: APP/Z2315/W/23/3322814

Lower Childers Green Farm, Clearview Cattery, Mill Hill Lane, Hapton, Lancashire BB11 5QX

- 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 R Strange against the decision of Burnley Borough Council.
 - The application Ref FUL/2022/0718, dated 12 December 2022, was refused by notice dated 2 February 2023.
 - The development proposed is redevelopment of existing cattery to provide a new boarding cattery building, demolition of two stable blocks and original cattery buildings and erection of a manager's dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published in December 2023. The sections relevant to this appeal remain unchanged. Therefore, it has not been necessary to request observations from the main parties upon any implications of the revised Framework's publication. Paragraph numbering has, however, changed, which I have accordingly referred to in my decision.
3. Planning permission has already been granted for the boarding cattery building¹ and there is no dispute between the parties regarding this element of the appeal. I have, therefore, focused my assessment on the proposed manager's dwelling.

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; and the effect of the proposal on the openness of the Green Belt;
 - Whether, having regard to national planning policy that seeks to avoid isolated new houses in the countryside, there is an essential need for a rural worker to live permanently at or near their place of work; and

¹ Ref: 2022/0157

- If the development is inappropriate, whether the harm by reasons of inappropriateness, and any other harm, would be clearly outweighed by other considerations as to amount to the very special circumstances required to justify the proposed development.

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. The essential characteristics of Green Belts are their openness and their permanence. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
6. The construction of new buildings is inappropriate in the Green Belt unless it satisfies one of a number of exceptions listed in the Framework. This includes at paragraph 154 d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, and paragraph 154 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.
7. The site plans show four existing buildings: 'stable block 1', 'stable block 2', the 'old cattery/storage' and the 'cattery', a linear building located parallel to the adjoining A56.
8. The proposed cattery building has already received planning permission². This is a L-shaped building that is sited where the two stable blocks and 'old cattery/storage' were located. The Council's officer report states that this building was assessed and approved as satisfying the criteria listed in paragraph 154 d) of the Framework. I have no reason to dispute this assessment.
9. The 'cattery' building was still on site when I visited. The proposed bungalow would be built on part of the 'cattery', with the rest of the footprint of that building being used for garden for the bungalow, and for parking. This part of the proposal would not, however, satisfy paragraph 154 d) of the Framework, as the proposed bungalow would not be in the same use as the building it would replace.
10. Whilst I have no evidence as to whether the buildings that have already been removed from the site represent previously developed land (pdl), I consider that the existing 'cattery' constitutes such. Therefore, regard must be had to paragraph 154 g) of the Framework. Whilst the proposed bungalow would be sited on pdl, in order to satisfy the exception in the Framework, the new building, in this case the manager's dwelling, must not have a greater impact on openness than the existing development.
11. Figures have been provided by the appellant, which have not been disputed by the Council, that show that the proposed bungalow would have a footprint of 97.5m², with the existing cattery building having a footprint of 261m². Moreover, a comparison between the footprints of original buildings on the site

² Ref: 2022/0157

and all of those which are proposed shows an overall reduction in footprint. Therefore, there would be very little spatial impact from the proposed development.

12. Whilst the existing buildings on the site were single storey, they had a low pitch or flat roofs. Instead, the 'new cattery building' has a hipped roof, whilst the proposed bungalow would have a pitched roof which would be higher than the existing 'cattery'. Moreover, the bungalow would be constructed of stone with a slate roof, and so would have a more robust character than the existing building on the site. This would result in it appearing more prominent within the site than the existing. Furthermore, whilst the volume of the bungalow alone would be much less than the existing cattery, the overall volume of the buildings on the site would increase by 11%. This increase in height and volume of the buildings would therefore cause some visual harm to the openness of the site.
13. Although there is an existing cattery on the site, the construction of a new dwelling would result in a more intensive form of development. Whilst some of the land would be retained as garden for the bungalow, two additional parking spaces would be created for this dwelling alone. The occupation of a permanent dwelling would also introduce domestic paraphernalia onto the site and, because of the location of the dwelling within the open countryside, it would likely result in regular vehicle movements.
14. Therefore, despite the mature vegetation along the boundary, the creation of a permanent residential use on the site would have an effect on the openness of the Green Belt in this location, in visual terms.
15. For the reasons set out above the development would not fall within the exceptions set out in paragraph 154 d) and 154 g) of the Framework. On that basis and in the absence of any evidence relating to any other exception set out in the Framework, the appeal scheme would amount to inappropriate development in the Green Belt. Furthermore, it would not accord with Policy SP7 of Burnley's Local Plan (LP), 2018, which seeks to protect the Green Belt.

Essential need

16. There is no dispute that the site is in the open countryside. Policy SP4 of the LP which provides a settlement hierarchy, states that in the open countryside development will be strictly controlled. The supporting statement to this policy goes on to say that development will only be permitted where it has a genuine need to be located in the countryside and is of an appropriate scale and type. This is broadly in accordance with the Framework.
17. The appeal site is a triangular area of land, originally part of Lower Childers Green Farm. The boarding cattery on the site, which had 40 pens, is reputed to have been used as a cattery for many years. The 'new cattery building' has 50 boarding pens, a reception area, storeroom, kitchen and food preparation area.
18. The appellant has stated that in order to upgrade the boarding facilities and expand the business, so that it achieves a 4- or 5-star rating, thereby moving it from a minimum to a higher status, as well as satisfying legislation and guidance, it requires a competent person to be on site at all times. As the appellants have other work commitments, and employ staff to run the cattery, they wish to appoint a manager to live on the site.

19. The appellants submitted 'Cat boarding licensing: statutory guidance for local authorities'³ which requires cats to be checked at regular intervals including no more than 3 hours apart from 8am until 6pm. To achieve the higher rating, there are several criteria that must be met, which includes that cats need to be checked at least once between 6pm and 8am. This can be in person or by CCTV. There is no substantiated evidence, however, as to why the animals cannot be checked remotely during the night, rather than have someone living permanently on the site. Therefore, it has not been shown whether it is necessary for a worker to live on the site to enable the proposal to function properly.
20. Furthermore, no evidence has been provided by the appellants as to whether there is any existing accommodation in the locality that could meet this need, rather than build a new house.
21. To conclude on this main issue, it has not been demonstrated that there is an essential need for a worker to live permanently on site. The proposal would therefore not accord with LP Policy SP4 and the Framework insofar as they seek to resist the development of isolated dwellings in the countryside where such development cannot be justified in terms of the need for a rural worker to live permanently at or near their place of work.

Other considerations

22. The appellant has referred to LP Policy EMP5 which supports the expansion of existing businesses in the open countryside. Moreover, paragraph 88 of the Framework requires planning decisions to enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings.
23. The appellant considers that the proposal would help a local business to expand, creating new jobs and provide economic benefits. Whilst this may be the case, no information has been provided regarding the costs of running the business, the income that would be generated as a result of any expansion and the overall viability which could support a new dwelling. Therefore, I give this limited weight in favour of the proposed development.
24. Based on the existing and proposed plans, and from what I could see of the 'new cattery building', and the existing 'cattery', it is clear that the permitted facilities would enable higher welfare standards to be provided for animals on the site. This attracts moderate weight in favour of the proposed development.
25. Although the proposal would remove a number of dilapidated buildings which would result in some visual improvement of the site, as well as there being no dispute regarding the design of the buildings within the context of the site, this also provides moderate weight in favour of the proposed development.
26. Whilst the proposal would not affect any trees, there are no known ecological implications, and appropriate parking, noise attenuation and surface water drainage on the site could be satisfactorily dealt with, this is a neutral consideration.

³ Updated 1 October 2023.

Green Belt balance

27. The proposal is inappropriate development in the Green Belt which by virtue of paragraph 148 of the Framework attracts substantial weight. The proposal would also result in the development of an isolated home in the countryside for which I have found no justification on the basis of essential need. This harm also attracts substantial weight.
28. The Framework makes it clear that the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the development must be clearly outweighed by other considerations for planning permission to be granted. In this case, I find that although there are matters which weigh in favour of the appellant, the weight of these other considerations does not clearly outweigh the substantial harm arising to the Green Belt in combination with the harm arising from the development of an isolated home in the countryside.
29. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist in this case. Accordingly, the proposed development is contrary to LP Policy SP7 and the Framework.

Conclusion

30. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and that warrant a decision other than in accordance with the development plan.
31. Therefore, for the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR