The Planning Inspectorate

Appeal Decision

Site visits made on 14 September and 21 September 2021

by S Ashworth BA (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29th September 2021

Appeal Ref: APP/R4408/W/21/3275093
Windmill Boarding Kennels, Royd Lane, Millhouse Green, Barnsley S36 9NY

- 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 Mrs Kathryn Goldthorpe against the decision of Barnsley Borough Council.
- The application Ref 2020/1150, dated 24 September 2020, was refused by notice dated 26 November 2020.
- The development proposed is new live/work unit.

Decision

1. The appeal is dismissed.

Main Issues

2. The site lies within the Green Belt. Accordingly, the main issues are:

    - Whether the proposal would represent inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and any relevant development plan policy;
    - The effect of the proposal on the openness of the Green Belt;
    - Whether the proposal would provide satisfactory living accommodation for future occupiers having particular regard to noise;
    - Whether any 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 the proposal would represent inappropriate development in the Green Belt

3. The appeal site comprises a small area of grassed land sited within a larger field adjacent to a dog kennel business, separated from it by mature vegetation, and set back from the highway. Access to the site is through a car park to a garden centre, an enterprise which includes a number of polytunnels and buildings including a small café. The site lies within an elevated position within the open countryside, in close proximity to the Royd Moor Wind Farm which comprises a number of wind turbines.

4. Permission is sought for the construction of a modest two bedroomed bungalow on the site, incorporating a small office, to be occupied in connection with the dog kennel business. The dwelling would be constructed in natural stone with some render to the rear elevation and a tiled roof. Windows would be double glazed.

5. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Policy GB1 of the Barnsley Local Plan (the Local Plan) indicates that the Green Belt will be protected from inappropriate development in accordance with national planning policy.

6. Paragraph 149 of the National Planning Policy Framework (the Framework) advises that the construction of new buildings should be regarded as inappropriate development. Inappropriate development is, Paragraphs 147 states, harmful to the Green Belt, by definition. Paragraphs 149 and 150 specify examples of types of development which may be regarded as exceptions. However, the proposal does not fall within any of the stated exceptions. This is not disputed by the main parties. The proposal therefore constitutes inappropriate development in the Green Belt which, the Framework advises, should not be approved except in very special circumstances.

The effect of the proposal on the openness of the Green Belt

7. As set out above, the immediate locality accommodates a number of buildings and uses including a haulage depot and coal yard, the garden centre and its associated structures, the dog kennels and the wind farm. However, the field in which the building would be sited is currently an open space free from built development. I acknowledge that the proposed building would be modest in terms of its scale and height and may be smaller in terms of its size than other buildings in the locality. It would nevertheless introduce built form on an area of land where none currently exists. It would also be visually apparent from within the garden centre car park and on approach to the kennels, and there would be limited views of it through the vegetation alongside the highway although I note the intention to enhance the planting in this area. In both spatial and visual terms therefore, the proposal would have an, albeit limited, effect on the openness of the Green Belt.

Whether satisfactory living conditions could be achieved

8. Given their nature, and type of activity associated with them, the haulage yard, turbines and kennels could generate a significant degree of noise both individually and cumulatively. At the time of my second visit when almost all the turbines were in operation, the hum of the turbines and noise from barking dogs was apparent at the site.

9. I understand from the appellant that the turbines are to be removed at some point due to their age. However, there is no timescale or detailed evidence before me on that matter and I can therefore only determine the appeal on the basis of the current circumstances. I acknowledge the appellant's point that as the dwelling would be occupied by a manager of the kennels, a matter which could be secured in perpetuity by planning condition, a degree of noise from the dogs may be tolerable. Nevertheless, without a noise assessment, I cannot be certain that satisfactory living conditions in terms of background noise levels could be achieved within the property particularly at night or that appropriate

measures for mitigation against those noise levels, if necessary, have been incorporated in the building's design.

10. On that basis the proposal would be contrary to Policy POLL1 of the Local Plan which seeks to resist the development of new housing where existing noise or other pollution levels are unacceptable and where there is no reasonable prospect that these can be mitigated against.

Other considerations

11. I understand from what I have read that the kennel business is a well-used facility that provides a service to the local community. I have not been provided with the financial details of the business, but I have no reason to doubt that the business is operating to a high standard in accordance with relevant licencing regulations. The appellant lives close to the site and the kennels are monitored by security cameras on a 24 hour basis. I understand that the business has operated on this basis since planning permission was granted in 2010. I am not aware of any issues arising from the current security arrangements at the kennels.

12. I note that there are no objections to the proposal in terms of its impact on the character and appearance of the area, on local residential amenity or in terms of highway safety. I have no reason to disagree. These are neutral matters in my consideration of the scheme.

13. The proposal is sought primarily on the basis of a potential amendment to licencing requirements which may be changed to require an on-site presence at all times. However, at the time of the appeal I understand that changes were at a consultation stage only. As such there is no certainty the legislation will be amended and given that there is currently no licencing requirement for on-site accommodation this matter can carry little weight in support of the proposal.

14. I understand that the business employs four people, although it is unclear whether they are full-time workers, and I do not doubt it supports associated businesses in the supply chain. The owners of the business are looking to the future and whilst the Framework supports the growth and expansion of business in rural areas and the retention of local services, I am unconvinced that the proposed dwelling is necessary to expand the business or retain the local service it provides, particularly as the business has not been marketed for sale.

15. In addition, the appellant advises that, should the owners sell the business, the current residential base would no longer be available. Be that as it may, even if the business were to be sold without the house, there is no convincing reason why alternative local accommodation could not be found to fulfil the same role as the existing managers accommodation. Whilst on-site accommodation may be desirable, the business has successfully operated without a dwelling on site for many years and I am therefore unconvinced that a functional need for a dwelling on site has been demonstrated. Accordingly, this matter carries limited weight in support of the proposal.

16. The appellant has drawn my attention to Policy GB4 of the Local Plan. However, that policy relates to permanent agricultural and forestry workers dwellings and is not therefore directly relevant to the proposal before me. If it were considered relevant, I note that the policy requires demonstration of a

functional need for a full-time worker on the site and evidence of financial stability going forward.

Very special circumstances and conclusion

17. I have concluded that the scheme would be inappropriate development in the Green Belt as defined by the Framework. In addition to that the proposal would fail to preserve the openness of the Green Belt. Paragraph 148 of the Framework requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. Furthermore, the proposal fails to demonstrate that in the context of the surrounding land uses, a satisfactory standard of living accommodation could be achieved.

18. On the other hand, the scheme would provide an on-site presence for the site manager. For the reasons set out above this matter carries limited weight in support of the proposal.

19. Consequently, in terms of the balance of considerations, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt. For the reasons given, and taking into account all other matters raised, the overall conclusion is therefore that the appeal should be dismissed.

Susan Ashworth

INSPECTOR