

Planning Committee

23 January 2014

Reference:
APP/13/01289

Area Team:
North Team

Case Officer:
Mr M Rushton

Ward:
Hoyle and Meols

Location: East View Farm, PARK ROAD, MEOLS, CH47 7AU
Proposal: Retention of existing cattery.
Applicant: Ms J Mason
Agent : WIRRAL PLANNING ADVICE & APPEALS SERVICE

Site Plan:



Development Plan Designation and Policies:

Green Belt
Coastal Zone

Planning History:

Location: East View Farm, Park Road, Meols, Wirral, CH47 7AU
Application Type: Lawful Development Certificate Existing
Proposal: Certificate of Lawful Development for use as kennels.
Application No: LDC/07/06804
Decision Date: 25/01/2008
Decision Type: Approve

Location: East View Farm, Park Road, Meols. L47 7AU
Application Type: Outline Planning Permission
Proposal: Outline planning permission for formation of kennels and cattery.
Application No: OUT/93/06520
Decision Date: 17/12/1993
Decision Type: Refuse

Location: East View Farm, Park Lane, Meols, Wirral, CH47 7BE
Application Type: Full Planning Permission
Proposal: Erection of first floor side extension.
Application No: APP/01/05343
Decision Date: 23/04/2001
Decision Type: Refuse

Location: East View Farm, Park Lane, Meols, Wirral, CH47 7BE
Application Type: Full Planning Permission
Proposal: Retention of existing manege and use of outbuilding as dog grooming parlour.
Application No: APP/99/06982
Decision Date: 13/01/2000
Decision Type: Approve

Location: Eastview Farm, Park Lane, Meols, Wirral, L47 8XT
Application Type: Full Planning Permission
Proposal: Retention of a barn to provide 5 stables, tack room and hay storage.
Application No: APP/97/06893
Decision Date: 30/01/1998
Decision Type: Approve

Location: Parkfield Farm, Park Lane, Meols. L47 8XT
Application Type: Full Planning Permission
Proposal: Erection of a storage building for farm machinery.
Application No: APP/91/05900
Decision Date: 15/07/1991
Decision Type: Approve

Location: Eastview Farm, Park Lane, Meols. L47 8XT
Application Type: Full Planning Permission
Proposal: Erection of 12 livery stables and tack room.
Application No: APP/97/05172
Decision Date: 14/03/1997
Decision Type: Approve

Location: East View Farm, PARK ROAD, MEOLS, CH47 7AU
Application Type: Full Planning Permission
Proposal: Retention of a detached PVCU cattery for 17 cats
Application No: APP/10/00849
Decision Date: 06/09/2010
Decision Type: Refuse

Location: East View Farm, PARK ROAD, MEOLS, CH47 7AU
Application Type: Full Planning Permission

Proposal: Erection of a cattery for 17 cats
Application No: APP/10/00046
Decision Date: 21/04/2010
Decision Type: Refuse

Location: East View Farm, PARK ROAD, MEOLS, CH47 7AU
Application Type: Full Planning Permission
Proposal: Demolition of existing kennel buildings (2no.) and retention of existing cattery
Application No: APP/12/00838
Decision Date: 24/08/2012
Decision Type: Refuse

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regard to the Council's Guidance on Publicity for Applications, 3 neighbour notification letters were sent to adjoining properties. A site notice was also displayed. At the time of writing, no representations have been received.

CONSULTATIONS

The Head of Environment and Regulation (Traffic and Transportation Division) - No objections

The Head of Environment and Regulation (Pollution Control Division) - No objections

Environment Agency – No objections

Merseyside Environmental Advisory Service – No objections

Wirral Wildlife – No objections

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

The proposal is for the retention of a development in the Green Belt, that constitutes inappropriate development, and is therefore required to be considered by the Planning Committee under the Council's adopted Scheme of Delegation for Determining Planning Applications.

INTRODUCTION

The application seeks permission to retain a cattery building on which construction began in 2009. The building has a capacity for 16 cats, and is a u-shaped building of approximate overall dimensions 11m by 9m, height 2.9m. It is of white PVC construction. Permission has been sought on two occasions previously for the retention of the building, in 2010 and 2012, with permission refused on each occasion due to the inappropriateness of the development to the Green Belt and the absence of a demonstration of very special circumstances. The 2010 refusal of permission was appealed (reference: APP/W4325/A/10/2141273), the Inspector dismissing the appeal and concluding that considerations put forward in favour of the development at that time were insufficient to outweigh the harm by reason of inappropriateness.

PRINCIPLE OF DEVELOPMENT

The site is designated as Green Belt and Undeveloped Coastal Zone within the Unitary Development Plan (UDP). The use proposed is not appropriate development as set out in UDP Policy GB2, and in the National Planning Policy Framework (at paragraph 89). In this particular instance, a case has been made that there are very special circumstances in favour of a departure from the Development Plan.

SITE AND SURROUNDINGS

The site within which the cattery is located also supports a dwellinghouse, stables and kennels in a cluster of buildings to the east of the cattery building. The adjoining land uses are agriculture and horsiculture, with the north Wirral foreshore and Countryside Recreation site (a Site of Biological Importance) set immediately to the north of the applicant's land holdings, and tourism related uses to

the south and east (caravan parks and caravan storage).

POLICY CONTEXT

Unitary Development Plan (UDP) Policies GB2, COA1, CO2, CH25 are applicable as statutory development policies in relation to the proposed development. The National Planning Policy Framework (NPPF) and Policies CS2, CS3 and CS11 in the emerging Core Strategy Local Plan are also relevant material considerations. Merseyside Waste Local Plan (WLP) Policy WM9 is also relevant, setting out the approach that should be taken to waste management in new development.

The Development Plan

The site is located within the Green Belt and in Undeveloped Coastal Zone as shown on the UDP Proposals Map.

UDP Policy GB2 – Guidelines for Development in the Green Belt establishes that there is a general presumption against inappropriate development, which will not be approved except in very special circumstances.

UDP Policies COA1 and CO2 establish the approach to be taken within coastal areas. Policy COA1 sets additional development control criteria related to preserving and enhancing character of the coast and its landscape, and providing for appropriate and environmentally sustainable tourism. UDP Policy CO2 only permits small scale facilities for tourism and water based recreation that clearly require a coastal location.

UDP Policy CH25 is also relevant, setting out the approach to be taken to development affecting unscheduled archaeological remains. Meols was an important port in Roman times, and the area is known to be of archaeological importance. However, in this instance, since the development has already been undertaken, it is not considered that it would be possible or appropriate to secure archaeological information, safeguards or measures.

WLP Policy WM9 sets out that the design and layout of new built developments must provide measures to ensure collection and storage of waste, including recyclable materials and home composting. Given the small scale of the development, and its relationship with the wider site, it is not considered appropriate in this instance to seek to secure details of waste management within the site.

National Planning Policy

The National Planning Policy Framework (NPPF) is a material consideration, which makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraphs 18 to 219 taken as whole constitute the Government's view on what this means in practice. When taking decisions in relation to sustainable development, the footnote to NPPF paragraph 14 indicates that Green Belt is an area where development is restricted by policies within the framework.

The Government (NPPF, paragraph 79) attaches great importance to the Green Belt, where the fundamental aim is prevent urban sprawl by keeping land permanently open. New buildings are regarded as inappropriate, except for agriculture, forestry, outdoor sport and recreation, proportionate extensions or replacement of existing buildings, limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Local Planning Authorities at paragraphs 88 and 89 are expected to ensure that substantial weight is given to any harm to the Green Belt and makes it clear that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In other rural locations, local plans are expected, at paragraph 28, to support sustainable growth and expansion of all types of business through conversion of existing buildings and well designed new buildings as well as promoting the development and diversification of agricultural and other land-based rural businesses. In these locations, expansion of tourist and visitor facilities could be supported where identified needs are not met in existing service centres.

Emerging Local Plan Policies

The Local Planning Authority intends to pursue a strategy of urban regeneration through Policy CS2 – Broad Spatial Strategy in emerging Core Strategy. This would place a focus on strengthening and diversifying the agricultural economy, re-using existing buildings and previously developed land and services on established settlements in the rural area. Tourism investment is to be targeted on Birkenhead, New Brighton, Hoylake and West Kirby and along the Mersey coastline. Policy CS3 would continue to prevent inappropriate development in the Green Belt unless clearly outweighed by other considerations, with support from Policy CS11 'Priorities for the Rural Areas' where the overall strategy to promote sustainable development would be to preserve and enhance the openness and character of the area.

Policy Considerations

The principal policy considerations in this case are whether very special circumstances can be demonstrated to justify allowing inappropriate development in the Green Belt alongside the visual impact in the coastal landscape.

Considering Green Belt policy, it is noted that the conclusions of the Inspector in determination of appeal APP/W4325/A/10/2141273 were that because of the relatively significant physical presence of the cattery building, the development reduces openness in the Green Belt. The Inspector considered the points then made in favour of the development: that a development of caravans had been permitted on adjoining land; that income from the cattery was needed to support other uses at the site and employment opportunities; that buildings had been removed previously at the site by the applicant, and; that views of the cattery are limited. In his decision letter the Inspector does agree that the cattery cannot readily be viewed, and that seen against the buildings within the existing complex the cattery building has no harmful effect on the character or appearance of the Green Belt. In relation to the points made at that time on the importance of income from the cattery to other uses at the site, the Inspector noted: "I am sure that the income provided by the cattery is welcome and helps to sustain the operation of the site, overall. However, there is no detailed financial information to suggest that it is imperative to secure the future of other uses of the site and the employment opportunities they provide".

The applicant, in the current application has put forward information that the proposals are a diversification project necessary to sustain the other uses within the site – a riding school, livery business, kennels and open uses of land including agricultural and common law tenancies of agricultural land for haylage and grazing.

A planning statement has been submitted which includes a Financial Statement and Projections (by Ron Welsh and Co. Chartered Accountants) over the period 1st September 2008 to 31st August that summarises the financial position of the livery/riding school/farm business, setting out that without the continued operation of the cattery as a diversification, the business would sustain losses that would most likely lead to the failure of the business by 2016.

The employment opportunities presented by the business are also detailed, with details of 6 posts (one full and 5 part time) provided. The statement made is that two of the posts form part of apprenticeships at Reaseheath College, Nantwich (studies in Horse and Small Animal Management), and that two further part time positions similarly offer work experience to university students with studies in this field.

Further information is provided in the Financial Statement on the community benefit of the site (as a whole), with the delivery of teaching to disabled riders at the site explained, as a loss making service being provided.

Given the above information now provided, it is accepted in this particular case that there are benefits to the proposed development that could amount to the very special circumstances needed in support of inappropriate development in the Green Belt.

In terms of the visual impact, as noted above (and by the Inspector to the previous appeal) the cattery cannot readily be viewed, and seen against the buildings within the existing complex the cattery building has no harmful effect on the character or appearance of the Green Belt or the coastal landscape character.

It is not considered that the development would have a significant impact to the appearance of the Green Belt, or landscape character in this location. The proposals, which are small in scale, would allow the continuation of a rural enterprise, a diversification that supports employment and skills opportunities and an agricultural tenancy.

Given the very special circumstances in this particular case to support retention of an rural and agricultural enterprise, it is considered that the harm by virtue of inappropriateness and the reduction in openness in this location is outweighed by the benefits of the proposal, sufficient to allow the grant of planning permission.

APPEARANCE AND AMENITY ISSUES

In terms of appearance, the development would be set back from Park Lane, and screened from this public vantage point by development (a caravan park) immediately to the north of Park Lane. The development is visible from parts of the north Wirral foreshore, though partially screened by timber fencing and the buildings within the wider farm complex. Considering amenity, the development is over 50m distance from the nearest properties to the west, and given its small scale has no significant amenity impact. To the east and south the development is screened by other buildings within the ownership of the applicant.

SEPARATION DISTANCES

Separation distances do not apply in this instance, as no residential properties will be affected by the proposed development.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no adverse highway implications relating to this proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The location of the site is within an area already popular for tourism, and supporting a number of caravan and other short stay holiday accommodation types. Public transport is available from Birkenhead Road (bus) and Meols station each set just over 1 mile from the site. Overall, the location is reasonably accessible, and the proposals represent a sustainable development.

Concerning Flood Risk, the proposal avoids impact to Flood Zones 2 or 3 as set out by the Environment Agency (EA). As such no objection is raised to the proposed development by the EA, and it is considered the proposal meets UDP Policies WAT1 - Fluvial and Tidal Flooding and WA1 - Development and Flood Risk.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

Whilst inappropriate in the Green Belt, it is considered that very special circumstances have been presented in this instance. The proposal would provide small scale development allowing a sustainable diversification to support an existing farm holding and rural enterprise.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

Whilst inappropriate to the Green Belt, it is considered that very special circumstances have been presented in this instance. The proposal would provide small scale facilities allowing a sustainable diversification to support an existing farm holding and rural enterprise. The development would be in compliance with UDP Policies GB2, COA1, CO2, and CH25, and the National Planning Policy Framework.

Recommended **Approve**
Decision:

Recommended Conditions and Reasons:

1. This permission shall enure for the benefit of the occupiers of East View Farm trading as Park Lane Riding School and Liveries only, and shall not be operated separately from that business. In the event that business ceases to trade, the use of the cattery hereby permitted shall cease.

Reason: Having regard to the location and the purpose of the development and its direct links to the farm and rural enterprise, it would not be appropriate to be operated separately pursuant to Policy GB2 and the National Planning Policy Framework.

2. When the development ceases to be used for the purpose hereby permitted, the development in its entirety shall be removed and the land restored to its former condition within a period of no more than six months from the last use.

Reason: Having regard to the Green Belt location, the purpose of the development as outlined in the submitted application, and its direct links to the farm and rural enterprise, it is considered the development would have a detrimental impact on the area if allowed to remain permanently, pursuant to Policy GB2 and the National Planning Policy Framework.

3. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 10th October 2013 and listed as follows: PWH 12 EVF 09,(dated 21.06.12), 001_PL_01 (dated 10.01.10), 001_PL_02 (dated 10.01.10), 001_PL_03 (dated 10.01.10)

Reason: For the avoidance of doubt and to define the permission.

Last Comments By: 05/12/2013 09:08:40
Expiry Date: 05/12/2013