

REPORT SUMMARY

REFERENCE NO.	3/20/0269/FUL		
APPLICATION PROPOSAL	Erection of Five Cabins with associated 'open' enclosures each to be occupied by a private collection of pet animals kept incidental to the enjoyment of Slough House (a dwelling-house) as such		
ADDRESS	Slough House, Slough Lane, Horton, Wimborne, Dorset, BH21 7JL		
RECOMMENDATION - Refuse (see Section 9 of the report for the full recommendation)			
REASON FOR REFERRAL TO COMMITTEE	The Nominated Officer has judged that the planning history necessitates consideration by the Committee.		
SUMMARY OF REASONS FOR RECOMMENDATION	<ul style="list-style-type: none"> • The proposal represents inappropriate development in the Green Belt • No very special circumstances have been demonstrated which outweigh the harm to the Green Belt 		
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL	None applicable		
APPLICANT	Mrs Dawn Groom	AGENT	Mr John Andrews
WARD	Cranborne and Alderholt	PARISH/ TOWN COUNCIL	Woodlands
PUBLICITY EXPIRY DATE	5 April 2020	OFFICER SITE VISIT DATE	Site visit to display notice only due to Covid19
DECISION DUE DATE	3 April 2020	EXT. OF TIME	3 June 2020

RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
3/19/1784/FUL	Erection of 6 cabins with associated 'open' enclosures each to be occupied by a private collection of Pet Animals kept incidental to the enjoyment of the dwelling house	Refused	15/11/2019
3/19/1648/CLP	Erection of 6 Cabins with associated enclosures for occupation by Pet Animals kept incidental to the enjoyment of the dwelling house	Under consideration	

3/19/1231/PAL Pre application advice by letter	Erection of six cabins and related exercise enclosures for occupation by a private collection of primates kept incidental to the enjoyment of the dwelling house	Response: 6 cabins for primates unlikely to be incidental	26/06/2019
3/18/2339/FUL	Erection of six cabins with associated open enclosures each to be occupied by a private collection of primates kept incidental to the enjoyment of the dwelling house	Refused	24/10/2018
3/18/1023/PAM Pre application advice by meeting	Erection of outbuilding to house monkeys	Not permitted development due to height	10/05/2018

MAIN REPORT

1.0 DESCRIPTION OF SITE AND SURROUNDINGS

- 1.01 The site lies within the Green Belt and the Woodlands Area of Great Landscape Value (AGLV). A footpath (Public Right of Way E59/17) runs adjacent to the north of the site from Slough Lane west around Remedy Oak Golf Club.
- 1.02 The application site comprises approx. 0.5ha within a larger land holding. It includes the dwelling known as Slough House, its curtilage to the west and land in use as garden to the east. The dwelling is served by a gated driveway of at least 200m in length leading from Slough Lane. It has a garage to the north.
- 1.03 The site slopes down from South Lane (southeast) towards open countryside/woodlands but the house, while it lies below Slough Lane, is sited on a mound facilitating views across the open land to the northwest/west. A mature hedge approx. 5m high runs along the eastern boundary of the site.
- 1.04 There are outbuildings to the east, beyond the application site but within the land holding. These include a building known as 'Offices' directly east of the dwelling and to the northeast, an L shape stable block.
- 1.05 The closest neighbour to the application site is 'Little Oaks' to the east which is on higher ground than the application site but benefits from a mature hedge boundary. 'Lovebirds Acres' to the north is also visible from the site.

2.0 PROPOSAL

- 2.01 It is proposed to erect five wooden cabins with adjoining enclosures on land to the east of Slough House for use by the applicant's pet animals. The cabins and mesh enclosures vary in footprint. The application does not refer to the

species of pet but it is understood from previous applications that the applicant has an established collection of primates and the application is considered on this basis.

2.02 The supporting statement explains that the cabins and outdoor enclosures conform to the dimensions controlling permitted development under Schedule 2, Part 1, Class E ‘building etc incidental to the enjoyment of a dwelling house’ but that in the interests of the character of the area it is proposed to site the structures in front of the dwelling house in an area which is well screened by a mature hedge. As the proposed cabins are on garden land forward of the dwelling and arguably beyond the residential curtilage, they require planning permission.

3.0 SUMMARY OF INFORMATION

The proposal is for five of the six pens and enclosures previously refused permission. The layout has been amended so that the spread of the development has been reduced. Previously two of the six cabins and enclosures were positioned further south and east but now all five are sited on land between the house and the high hedge which borders the garden and provides screening from buildings to the east.

All measurements external & approximate	Floor Area		Max height		Volume	
	Previous	Proposed	Previous	Proposed	Previous	Proposed
Buildings A & A	12.2m ² X2	12.2m ² x2	3.4m	3.4m	38m ³	38m ³
Enclosures A & A	12.8m ² x2	12.8m ² x2	3m	3m	38.4m ³	38.4m ³
Building B	7.7m ²	7.7m ²	2.9m	2.9m	19.8m ³	19.8m ³
Enclosure B	10m ²	10m ²	3m	3m	30m ³	30m ³
Building C	20m ²	20m ²	3.5m	3.5m	50m ³	50m ³
Enclosure C	18m ²	18m ²	3m	3m	55m ³	55m ³
Building D	30m ²	30m ²	2.5m	2.5m	68.5m ³ (inc veranda)	68.5m ³ (inc veranda)
Enclosure D	24.7m ²	24.7m ²	3m	3m	74.1m ³	74.1m ³
Building E	20.2m ²	n/a	2.5m	n/a	42m ³	n/a
Enclosure E	22.8m ²	n/a	3m	n/a	68.4m ³	n/a

Total	204m ²	160m ²			560m ³	450m ³
-------	-------------------	-------------------	--	--	-------------------	-------------------

4.0 RELEVANT PLANNING CONSTRAINTS

Ancient Woodland- over 140m away
SSSI Impact Risk Zone
Green Belt
Heathland 5km Consultation Area
Rights of Way

5.0 POLICY AND OTHER CONSIDERATIONS

5.01 Development Plan:

Christchurch and East Dorset Core Strategy 2014

KS1 Presumption in favour of sustainable development
KS3 Green Belt
HE2 Design of new development
HE3 Landscape Quality

5.02 The National Planning Policy Framework (2019)

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

- Section 12 Achieving well-designed places
- Section 13 Protecting Green Belt Land

Planning Practice Guidance

6.0 LOCAL REPRESENTATIONS

6.01 In addition to letters to neighbouring properties, a site notice was posted outside the site with an expiry date for consultation of 4 April 2020 and a press advert was published on 6 March due to the relationship with the footpath.

6.02 8 representations have been received from 6 addresses, all raising objections. The issues raised comprise the following:-

- Impact on Green Belt- very similar to previous application dismissed at appeal and no very special circumstances
- Impact on neighbouring amenity and footpath users from noise and waste products- concerns about hygiene and potential pollution of the nearby stream
- Keeping and breeding of wild animals and extent of development not considered incidental to the dwelling house
- Concern about the proposed design not being fit for purpose (no safety porches) and potential danger should the animals escape
- Concern about animal welfare (fewer cabins), purported evidence of breeding of primates by applicant & potential conflict with legislation
- Query why it is a full application rather than householder

7.0 CONSULTATIONS

7.01 Knowlton Parish Council (rec'd 5 March 2020)
No objection

7.02 DC Environmental Health (rec'd 12 March 2020)
If the collection is to remain the same as in previous applications or decrease, then no objection on the grounds of potential noise subject to a condition restricting/identifying the number of animals to be housed and describes the species by their Latin or common name.

The case officer may also wish to consider adding an informative with regard to the requirements under animal licensing legislation. Any animal listed in the schedule attached to the Dangerous Wild Animal Act 1976 or the intention exhibiting the animals to the public under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 will require a licence.

7.03 County Rights Of Way Officer
None received

8.0 APPRAISAL

- 8.01 The main planning consideration is whether the development has overcome the previous reason for refusal and whether new issues arise:
- The impact of the proposed development on the Green Belt
 - The impact on neighbouring amenity
 - The impact on the character of the area

These and other issues are considered below:

The impact of the proposed development on the Green Belt

- 8.02 The site lies within the South East Dorset Green Belt. Two previous applications for six cabins to house primates belonging to the applicant at Slough House have been refused by the Council (under delegated powers) because it was judged that the proposed development did not meet any of the exceptions set out in NPPF paragraphs 145 or 146, it would result in harm to openness and there were no very special circumstances to outweigh the harm resulting from the proposal.
- 8.03 At appeal (APP/U1240/W/18/3217298) the Inspector agreed with the Council that the cabins were inappropriate development in the Green Belt and attached substantial weight to the harm arising due to the inappropriate nature of the development in this location. The Inspector also considered that they would result in moderate harm to openness.
- 8.04 The current proposal seeks to overcome the previous refusals by amending the application. The changes are:
- The number of cabins and enclosures has been reduced to 5 with an associated reduction in the volume of built form proposed
 - An amended layout sees the cabins and enclosures clustered within a smaller site area between the dwelling and a high hedge.

It is necessary to assess the revised proposal against the policy in the NPPF.

Is the development inappropriate in the Green Belt?

- 8.05 The applicant recognises that the development is inappropriate within the Green Belt as the new outbuildings do not fall within any of the identified exceptions set out in the NPPF. Substantial weight is to be given to the harm to the Green Belt due to the inappropriate nature of the proposal.

Does the development result in harm to openness?

- 8.06 The NPPF states that the '*fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*' (para 133). Openness has spatial and visual qualities.
- 8.07 The proposal for five cabins and associated enclosures has reduced the volume of the proposed development but the volume of the cabins alone remains at approx. 214m³ and the enclosures approximately double this figure. Although the spread of the development has reduced, the proposal would still introduce built form to a currently undeveloped part of the garden resulting in some harm to openness.

- 8.08 The Inspector previously commented: *'The proposed cabins and enclosures would, to a large extent, be screened by an existing hedge which is substantial in height. While this would ensure that views of the proposed remain limited, it would nevertheless be visible from the public footpath which runs to the northern boundary of the appeal site.'* Although the visual impact would be further reduced by the consolidation of the layout, these comments remain applicable.
- 8.09 Overall, it is considered that the loss of openness, although reduced from that previously refused, would remain moderate. This holds substantial weight against the proposal.
- 8.10 As the proposal is inappropriate development it is necessary to consider whether there is any other harm arising prior to considering whether very special circumstances exist.

The Impact on the rural character and Area of Great Landscape Value (AGLV)

- 8.11 Policy HE2 of the Core Strategy states that the design of development should be of a high quality, reflecting and enhancing areas of local distinctiveness, in terms of its (inter alia) layout, bulk, and scale. Policy HE3 of the Core Strategy specifically states that within the Areas of Great Landscape Value development will only be permitted where the siting, design, materials, scale and landscaping are sympathetic with the particular landscape quality and character of that area.
- 8.12 The proposed outbuildings would be set well back from the Slough Lane to the east and would be screened to the north and north east by an existing high hedge which is shown for retention on the submitted plan, although a Willow tree and shrubs on the site of the proposed outbuildings have been omitted so it is assumed they may be removed. The Planning Inspector expressed concern that the retention or maintenance of any landscaping necessary to provide a suitable screen for the development to reduce its harm within the AGLV could not be guaranteed in the long term. This concern is noted, but on the basis of that the existing hedge appears to be in good health and with the re-siting of the 5 proposed cabins between existing buildings, it is considered that the harm caused by the structures, which are of modest height, would be limited to local views so the harm to the character of the area would be limited and modest.

Impact on Amenity

- 8.13 Policy HE2 of the Core Strategy states that new development should be compatible with or enhance its surroundings in terms of the impact it would have on the amenities of neighbouring properties.
- 8.14 The proposed outbuildings would be screened by mature hedge from neighbouring properties at Little Oaks and Lovebirds Acers. Given the proposal's siting, scale, design, and its relationship to neighbouring

properties, it is considered that it would not result in significant harm to the amenities of neighbouring occupiers in terms of overbearing development, loss of outlook, light or privacy.

- 8.15 Letters of objection have been received raising issues of noise pollution, waste management, public safety, and odours. The Council's Public Health and Protection Team have been consulted on each application and have previously contacted the Public Health Team in South Bucks, where the animals are currently kept. Dorset Council Public Health have raised no objection to this proposal, provided that number of animals to be kept at the premises at any one time is limited and the breeds are also restricted to those previously understood to be owned by the applicant as other breeds are noisier. If permission was to be granted, then a condition could reasonably be used to control the type of animals kept. A restriction on numbers would be imposed by the Licencing department as a normal practice so a planning condition would not be necessary.

Impact on the Public Right of Way

- 8.16 The Rights of Way (ROW) Officer has previously raised concerns over the impact of the proposal on users of the adjoining ROW users, such as implications if an animal escaped, and the impacts of maintenance noise on the animals. These issues were not considered by the Inspector, but officers have previously considered that the hedge screening between the application site and ROW is sufficiently robust to avoid any significant impact on the use or enjoyment of the ROW arising.
- 8.17 Some limited weight has previously been given to the potential impact on public safety should a primate escape their enclosure, however this is considered to be very unlikely; there is no recorded evidence of previous escapes reported by Public Health at their existing home in South Bucks.

Other matters

- 8.18 A number of letters have been received regarding the ethos of keeping primates as pets and animal welfare, with reference made to the Government's call for evidence on keeping primates as pets last autumn. However, these matters are not considered relevant to the planning process and they do not constitute a material planning consideration. The purpose of the application is to consider the proposed built form and its impact on the surroundings, rather than the morality of keeping pets and animal welfare.
- 8.19 The applicant refutes concerns raised by objectors in relation to breeding stating that '*There are no extraneous activities such as animal breeding or visits by members of the public and there never have been any*'. Additional harm to the Green Belt would be anticipated if there were visitors associated with a commercial use or if the collection expanded as a result of breeding necessitating additional cabins. At appeal the Inspector raised concerns about whether a condition restricting the cabins and enclosures to the keeping of

pets incidental to the enjoyment of the dwelling house could be enforced and this would be similarly applicable to a legal agreement which the applicant has offered to enter into.

Whether Very Special Circumstances Exist

- 8.20 NPPF paragraph 144 states that “Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’ This is a high threshold that requires careful consideration of the facts and circumstances of the case. The applicant claims very special circumstances exist in this instance and these are set out in their supporting statement.
- 8.21 The Council has previously recognised that the relocation of the applicant and her pets has been initiated by works to the M4 motorway which has resulted in Highways England compulsorily purchasing part of the garden in Buckinghamshire in which the animals were previously housed. It is understood that the animals have been temporarily rehoused in an alternative area of adjoining land but that the dwelling house itself is shortly to be purchased under Blight Notice procedures. It has therefore been necessary for the applicant to find her family and their pets a new home.
- 8.22 This information was available to the Planning Inspector when she dismissed the previous appeal. She commented *‘I am not persuaded that the primates have to be relocated to this site, which is situated within the Green Belt, where development is by definition inappropriate. No substantive evidence has been submitted in support of this appeal to demonstrate that other sites were considered but found unsuitable’* (para 17).
- 8.23 The latest supporting statement seeks to justify the choice of Green Belt location for the proposed relocation with reference to the applicant’s extensive search for alternative accommodation within a short timescale and the restrictions imposed by their requirements for stabling for the family’s horses and the need to maintain a location within commuting distance of the business that the applicant and her family has established which employs some 70-80 persons. Reference is made to a wide search assisted by national and local estate agents and property consultants. It has been explained that applicant did not keep records of her property search as she hadn’t appreciated that they would be needed, but a list of some of the properties considered and rejected as unsuitable has been submitted which includes 20 properties in West Sussex, Buckinghamshire, Berkshire, Essex and Oxfordshire, Oxon and Kent. It is contended that the applicant’s need for land to support her horses means that Green Belt is ‘a common policy consideration’ and that the urgent need for permanent accommodation sought by the application is critical to the future wellbeing of the pets.
- 8.14 This report recognises that there is a multiplicity of considerations that inform a house purchase and that the applicant has made the decision to relocate to

Slough House on the basis of a judgement that the property, of those available at the particular moment in time, can best provide for their family and animals. However, as Green Belt represents only 13% of the land area of England and covers only a portion of Dorset, it is considered unlikely that there is no alternative, non-Green Belt location that could accommodate the applicant's needs. The alignment of the property with the applicant's desires cannot be given weight that is sufficient to outweigh the harm to the Green Belt arising from their proposal.

- 8.15 The applicant maintains that the proposal is also beneficial in limiting Green Belt openness compared to a fall-back position, namely the construction of multiple cabins and enclosures within the more visually exposed residential curtilage to the rear and side of the dwelling. The Inspector, having limited information before her, declined to consider this matter at appeal.
- 8.16 A lawful development certificate (3/18/2339/CLP) for the proposed development of 6 cabins and enclosures to be located to the rear of and used incidental to Slough House was submitted to the Council last year, but that application is yet to be determined, and is currently being held in abeyance until the extent of the residential curtilage of the dwelling has been formally established. Subject to clarification about the extent of the curtilage, which has changed over time, it appears that outbuildings which would have a greater visual impact on openness might be achieved on the site, however, as was the case at the time of the appeal, it remains unclear whether these, if purposed to house the applicant's primates, would be considered to be incidental. The Inspector noted that there was no substantive evidence to indicate that there was a greater than theoretical possibility that an alleged fallback position would be implemented so she gave the fall-back limited weight. During the processing of this application officers reconsidered the progress of the CLP, identified a way forward and sought the applicant's agreement to await the outcome of the CLP in order that it could inform the assessment of the planning application. This offer was declined due to timescales, and therefore the situation with regards to fall-back remains unresolved so that the weight that it can be given to it remains limited.
- 8.17 In relation to the original application there was discussion about the opportunity to restrict permitted development rights under Class E 'buildings etc incidental to the enjoyment of the dwelling house' via a permission. But the Inspector clarified that as this would not prevent the applicant exercising those rights prior to commencement of development, nor was the imposition of a condition to remove Class E rights likely to meet the test of necessity in this instance. Even if, as the applicant now submits, this is an exceptional case, the ability to impose a restriction requiring permission to be sought for future outbuildings and/or demolition of any other outbuildings constructed prior to commencement, cannot be given any significant weight in favour of the application.
- 8.18 Overall, when the purported benefits are considered cumulatively, it is not considered that very special circumstances exist that would outweigh the

harm to the Green Belt resulting from inappropriateness and loss of openness.

Conclusion

8.19 Although this application for 5 cabins and enclosures has modestly reduced the harm to the openness of the Green Belt since previous refusals, the proposal remains inappropriate development in the Green Belt. The circumstances of the application have not demonstrably altered since the previous appeal was dismissed; additional information submitted in relation to the extensive nature of the search for an appropriate dwelling and a pending s192 lawful development certificate application are insufficient to demonstrably alter the weight that can be given in favour of the proposal. Without very special circumstances that clearly outweigh the harm to Green Belt the application fails to accord with national Green Belt policy.

9.0 HUMAN RIGHTS

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

9.01 This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

10.0 PUBLIC SECTOR EQUALITIES DUTY

10.01 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

10.02 Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED

11.0 CLIMATE IMPLICATIONS

11.01 No significant climate change impacts have been identified as likely to result should permission be granted for the pet cabins and enclosures.

9.0 RECOMMENDATION - Refuse, for the following reasons

1. The proposed development lies within the South East Dorset Green Belt. Within this area it is intended that only particular types of development set out in the National Planning Policy Framework will be permitted. The proposed outbuildings represent inappropriate development which will result in harm to the openness of the Green Belt contrary to the provisions of the National Planning Policy Framework, in particular paragraphs 133-134 and 143-146. No very special circumstances have been demonstrated which would outweigh the potential harm to the Green Belt by reasons of inappropriateness and impact on the openness of the Green Belt.

Informatives:

1. For the avoidance of doubt the following plans are hereby refused:

18/DG/JAA/1 - Location Plan
18/DG/JAA/3A - Block Plan
18/DG/JAA/4 - Buildings A elevations
18/DG/JAA/5 - Buildings B elevations
18/DG/JAA/6 - Buildings C elevations
18/DG/JAA/7 - Buildings D elevations
18/DG/JAA/9 - Buildings A, B and C floor plans
18/DG/JAA/10 - Buildings floor plans

Background Documents:

Case Officer: Elizabeth Adams

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.