

**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>21/00023/FUL</b>
<b>LOCATION:</b>	<b>Land North of Home Farm Cottage and Park View Cottage, Main Street, Strelley, Nottinghamshire</b>
<b>PROPOSAL:</b>	<b>Construct stable extension, lion’s den and erect 3m high internal fencing to extend wildcat enclosure.</b>

The application has been called in to the Committee by Cllr David Watts.

1 Executive Summary

- 1.1 The application seeks planning permission to construct an extension to the stables to create a new lion’s den and a lean-to hay storage area, as well as erect a 3m high fence around the perimeter of the field to the north of the stables to allow for an enlarged enclosure for the wild cats.
- 1.2 The site is set within the Nottinghamshire Green Belt where there is a presumption against inappropriate development and development should not be approved except in very special circumstances.
- 1.3 The main issues relate to whether or not the very special circumstances put forward by the applicant outweigh the harm of the enclosure to the openness of the Green Belt.
- 1.4 The benefits of the proposal are that it will allow for more space for the wild cats. However, it is considered that the size and design of the lion’s den and enlarged enclosure represents significant harm to the openness of the Green Belt and is not in keeping with the rural nature of the surrounding area. Whilst the original application for an enclosure was approved to allow for the keeping of wild cats at the site, the scale of the proposed enclosure under this application goes significantly beyond what was originally approved. In accordance with paragraph 143 of the NPPF very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations. In this case it is considered that the potential harm to the Green Belt is significant due to the size, scale and design of the enclosure, and that this is not outweighed by any other considerations.
- 1.5 The Committee is asked to resolve that planning permission be refused for the reason set out in the appendix.

## Appendix 1

## 1 Details of the Application

- 1.1 This application seeks permission to carry out works associated with the keeping of wild cats at the site. The proposals include, an extension to the west side of the existing stable to create a new lion's den, with a lean to addition for hay storage, and the erection of a 3m high fence around the perimeter of the site to allow for the extension of the wild cat enclosure. The existing enclosure which has already been granted planning permission will be retained.

## 2 Site and surroundings

- 2.1 The application site contains a manège with stables to the north. To the north of the stables is the existing wild cat enclosure, which is linked to the stables. The existing enclosure is situated within an open field, which is proposed to be the extended lion enclosure.
- 2.2 The site is positioned to the north of the village of Strelley, with two residential dwellings adjoining the south boundary of the site. To the west of the site is the M1 motorway, with the boundary being made up of a substantial hedgerow which is in excess of 2m in height. The north and east boundary of the site is also made up of hedgerow and adjoins a bridleway. A close boarded timber fence with a height of approximately 1.8m has been erected along these boundaries. There is a further residential dwelling neighbouring the site to the north east.
- 2.3 The site is located within the Nottinghamshire Green Belt and adjacent to the Strelley Conservation Area.

## 3 Relevant Planning History

- 3.1 The application site has a detailed planning history, with the relevant historical applications being summarised in this section.
- 3.2 In 2011, planning permission (11/00200/FUL) was granted for the change of use of agricultural land to land used for the exercise of horses (construction of a manège) and erection of a replacement field shelter. This planning permission established the equestrian use on the site.
- 3.3 In 2013, planning permission (12/00646/FUL) was granted to construct stables and erect gates at two access points on the east boundary of the site.
- 3.4 In 2013, planning permission (13/00476/FUL) was granted to retain two poles to erect CCTV cameras.
- 3.5 In 2016, planning permission (16/00165/FUL) was refused for the construction of a barn and feed store. The applicant appealed the decision and this appeal was dismissed by the Inspector. One of the reasons for refusal was that the proposal represented inappropriate development in the Green Belt and no very special

circumstances applied. The proposal would not have preserved, and therefore would cause harm to the openness of the Green Belt.

- 3.6 In 2017, planning permission (17/00232/FUL) was granted for the extension of the existing stable block, which is positioned to the south of the wild cat enclosure.
- 3.7 Later in 2017 planning permission (17/00565/FUL) was granted for the enlargement of the approved extension after the building was being constructed larger than the originally approved plans.
- 3.8 In 2018 planning application 18/00123/FUL was refused for the installation of two gated accesses on the east boundary of the site. The access points are already in place however the proposed gates were considered to be of a size and design that did not have regard for the local context and was out of keeping with the character of the area.
- 3.9 In 2019, planning application 19/00243/FUL for the change of use of the site from equestrian to mixed use equestrian and the keeping of fully licensed wild cats, and to retain the secure enclosure, was voted for approval by the Planning Committee. This permission was granted in Jun 2020 and is subject to a unilateral undertaking whereby the owner undertakes to carry out the following obligations:
- Not to use the said Wild Cat Enclosure for any purpose other than the keeping of the three Wild Cats in possession of the owner at the time of the application.
  - On the death or relocation to premises elsewhere of all the Wild Cats to cease use of the Wild Cat Enclosure and to remove it within 3 months of the cessation of use.
- 3.10 In 2020, planning application 20/00388/FUL was granted permission by the Planning Committee for various alterations to the approved enclosure including the internal division of the enclosure, security doors and an additional link to the stables. At the same committee meeting planning permission 20/00422/FUL was also approved for gates to be erected at the existing access to the south part of the field.

#### 4 Relevant Policies and Guidance

##### 4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

4.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 2: The Spatial Strategy
- Policy 8: Housing Mix and Choice
- Policy 10: Design and Enhancing Local Identity

##### 4.2 **Part 2 Local Plan (2019)**

- Policy 8: Development in the Green Belt
- Policy 17: Place-making, design and amenity

#### 4.3 National Planning Policy Framework (NPPF) 2019:

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 12 – Achieving well-designed places.
- Section 13 – Protecting Green Belt Land

#### 5 Consultations

- 5.1 **Council's Environmental Health Officer:** The Environmental Health Officer has liaised with the Specialist Veterinary Advisor and supports the enlargement of the outside enclosure, provision of an additional den, the fencing and improved gate access in order to meet the welfare needs of the existing animals on site. In addition, it is noted that the alterations will improve safe access and security and general management of the facility. The large size of the additional den is necessary to allow the 2 existing lions to be co-housed, but also separated if required and to incorporate a double door entry system and additional safe access points into each of the indoor and outdoor areas.

Detail in respect of the fencing, gates, sliding door, walkway, below ground fence construction have been received by the Environmental Health Officer direct from the applicant, and as they are mainly arrangements within the fencing and dens are not likely to be significant from a planning perspective. The following information is also required from the applicant, but will be assessed separately from the planning permission:

- Heating
- Ventilation
- Drainage
- Internal layout and partitioning within the den and secure access lobby to this area
- Safe systems of work and revised procedures.

The design has already been modified in order to increase the size of the new internal lion den to meet minimum size requirements for 2 lions to be housed together in this area. In order to allow safe access into this den by the keepers for cleaning, inspection and maintenance, an internal lobby and external door are required in the block construction; therefore, negating access through the external enclosure, where the animals will be secured during this process. Whilst this requires mainly internal alterations and is not a material planning consideration, a doorway will be needed on the south elevation (or possibly the west elevation, if space) and possibly a window on the south or west elevation and either a security door/gate/fence to restrict access from the hay store into the external enclosure area.

The applicant has been advised that any changes to the design will need to be approved before being undertaken (in respect of the licence as well as any relevant planning elements) and that the enclosure should not be occupied until a variation to the licence has been issued.

It is also suggested a condition that the animals should not be for public viewing is added to any permission granted. If the facility allowed public viewing of the animals (whether for payment or not and whether it met the criteria for requiring a zoo licence or not), there would be additional facilities required such as stand-off barriers around enclosures and increased footfall and visitor traffic which is likely to cause further noise and disturbance to local residents.

An enclosure to keep dangerous wild animals is not an essential reason for development in the Green Belt, but in this case the additions are both necessary for the welfare of the animals already on site and are required as part of the ongoing Licensing process in consultation with our specialist Veterinary Advisor.

In summary, if the animals continue to be kept on site, the Environmental Health Officer supports the proposal as the increased den and external enclosure is necessary to ensure continued compliance with the animal welfare requirements of the licence issued to keep such Dangerous Wild Animals. A condition in line with the original permission to remove the enclosure within a specified time period, after the removal or death of the existing animals, should be included on any permission granted.

A condition preventing public viewing of the animals should also be included. Reason: To protect the amenity of residents from noise and disturbance.

It is also requested that a note to applicant be included, as a reminder that there must be no bonfires on site, even as part of the construction process by contractors and that the new areas need to be subject to a licence variation.

5.2 **NCC Rights of Way Officer:** No objection. Has requested a standard informative note to be added to any permission granted.

5.3 **The Coal Authority:** No objection.

5.4 Eight properties either adjoining or closely linked to the site have been consulted and a site notice was displayed. 9 letters of objection have been received from members of the public in respect of this application, with 47 letters of support received. The reasons for objection can be summarised as follows:

- Danger of wild cats to local horse riders as they can scare the horses.
- They should already be in an enclosure that is suitable for their well-being.
- The enclosure is not safe.
- The wild cats pose a significant threat to the surrounding animals and people if they were to escape.
- Penguins have escaped from this property before.
- The animals should be in a proper sanctuary or zoo.
- The applicant should have prepared the correct enclosure for the animals prior to obtaining them.
- No roof on the proposed fencing.
- Witnessed bones from carcasses on the bridleway assumed to be related to the enclosure.
- The lions and puma are not rescue animals, they were purchased and smuggled in.

- The applicant does not have a good record of keeping animals, he has managed to kill 3 penguins, one capybara and one of his monkeys lost an arm.
- A member of staff at the site was mauled by the puma.
- The animals escape continuously.
- Unsuitable development in the Green Belt.
- The enclosure should not be allowed to move closer to the bridleway.
- Increased traffic has been caused by people trying to view the animals and TV crews.
- The site has a rundown appearance and creates smell pollution.
- The enclosure was deemed suitable in its present form by the applicant's advisers and the Council's Licencing Officer.
- The Born Free Foundation previously offered to take the lions.
- People and horses don't like passing the public right of way so close to the enclosure and there is no other way round this area.
- The very special circumstances that permitted the original permission should not have been valid as there was an offer from the Born Free Foundation to take the Lions.
- The proposed fence has an industrial appearance.
- Extending the enclosure will add to the smell pollution.
- The access to the north of the site is not a legal access.
- Roars from the big cats can be heard throughout the day.
- Loss of privacy to neighbouring properties due to increase in people visiting the area.

The reasons for support can be summarised as follows:

- Animals are not a problem to local users of the bridleway.
- Enclosure cannot be seen from bridleway.
- The animals are well looked after.
- It will help enrich the lives of the animals.
- The applicant is very dedicated to the animals.
- Conservation of this kind is very important and the animals are better off here than in zoos.
- It will help the applicant to carry on his good work to eventually re-house to regional zoos or give a chance after rehab to return the animals back to their natural environment.
- The animals are part of the village.
- The proposal is in the best interest of the animals.

It should be noted that the above comments are those received from members of the public, who are always able to make comments on planning applications and no evidence has been supplied to support these comments. Matters such as obtaining and keeping of animals by the applicant are not material planning considerations and therefore must be disregarded in making any decision on this application which must be decided on planning grounds. Other matters such as noise, smell, traffic and loss of amenity have been dealt within in the report.

Amended plans were received on 12 February 2021, and a re-consultation was carried out. In response to these 11 further responses from member of the public have been received, 6 of which are in support of the proposal, and 5 of which object

to it. The reasons identified have been covered in the responses to the original plans.

## 6 Assessment

6.1 The main issues for consideration are whether or not the proposal is appropriate development in the Green Belt, the design and appearance of the enclosure and the impact of the proposal on neighbouring amenity.

### 6.2 **Green Belt**

6.2.1 Paragraph 143 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. 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. Paragraphs 145 and 146 identify a range of exceptions to inappropriate development, although the keeping of wild cats and associated facilities are not identified within these paragraphs. Therefore, in accordance with Paragraph 143 of the NPPF very special circumstances would need to be demonstrated for this proposal to be considered acceptable.

6.2.2 In 2020, planning permission 19/00243/FUL was granted permission to retain the puma enclosure and for the change of use of the land to allow the keeping of wild animals. As this proposal represented inappropriate development in the Green Belt, a case for very special circumstances was put forward by the applicant, stating that without the enclosure the wild cats would have to be put down as there were no suitable alternatives for places to keep them. The Planning Committee resolved to grant planning permission, against officer advice. Later in 2020, a revised application was submitted to retain various alterations to the enclosure, required as the enclosure had to be adapted to allow the keeping of two lions, in addition to the puma that already resided there. As the amendments represented relatively minor alterations to the enclosure, which did not significantly increase its footprint or size, this application was recommended for approval, with the Planning Committee resolving to grant the permission.

6.2.3 The applicant states that the proposed lion's den is designed to allow easier access to an enlarged enclosure area as the lions approach a mature size and require more space for animal welfare reasons. The applicant goes on to state that the erection of a 3m high perimeter fence around the field to the north of the stables, that will include the existing enclosure, will allow a larger enclosure for the wild cats.

6.2.4 The key considerations for this proposal in respect of the Green Belt, are whether or not very special circumstances apply for the new den and enlarged enclosure, and if so, whether or not the benefits of these very special circumstances outweigh any potential harm to the Green Belt.

6.2.5 In granting permission for the original enclosure, the Planning Committee determined that very special circumstances had been demonstrated, the benefits of which outweighed the harm to the Green Belt. Whether or not very special circumstances outweigh harm of development to the Green Belt is a matter of

balance, and therefore the balance needs to be assessed again for this proposal, given the scale of development has now increased from the original permission that was granted. The applicant claims that the increased enclosure is necessary for the welfare of the lions. The Council's Environmental Health Officer also acknowledges that the larger den and enclosure area are required to meet the welfare needs of the animals.

- 6.2.6 The proposed perimeter fence to allow the enlarged enclosure will have a maximum height of 3m, with a cranked top, wooden posts at 4m centres and mesh security fencing. The fencing is not typical of anything that would generally be seen in a countryside location, and whilst it is argued by the applicant that it would be largely screened from view from the public realm this does not discount harm to the openness of the countryside, which is characterised by the absence of development. Furthermore, it is considered that fence will not be entirely screened from view from the public realm due to its substantial height and the nature of the hedging around the site meaning full screening is not guaranteed. Whilst the existing enclosure has some impact on the character of the application site, the proposed development is considered to go significantly beyond this, adding substantial additional harm due to the development of such an industrial style security fence to what is currently a relatively open field.
- 6.2.7 The applicant states that the enlarged enclosure is required for the welfare of the big cats. However, no evidence has been provided to suggest that suitable alternative locations have been researched for such a large enclosure, that may be more appropriate than this Green Belt location. In response to planning application 19/00243/FUL for the original enclosure, the Council were contacted by the Born Free Foundation, stating that they would be willing to work with the applicant to secure lifetime care for the lions in their big cat sanctuary in South Africa. Whilst it is not known if such an offer still exists, it does indicate that alternative solutions are either currently available, or have previously been available to the applicant when considering the optimum location to ensure the optimum welfare for the wild cats.
- 6.2.8 Whilst more space for the wild cats may be required to keep the animals, it is considered that the benefits of the proposal do not outweigh the significant harm to the openness of the Green Belt, in particular caused by the 3m high perimeter fence that would be erected around the site. Should more space be required to support improvements for the welfare of the animals it is considered that alternative locations should be sought that do not have the constraints associated with this site, notably its location within the Green Belt. No evidence of such alternatives being sought has been provided.
- 6.2.9 Whilst the alterations to the enclosure under planning reference 20/00388/FUL were considered to be relatively minor, the same cannot be said for the development proposed under this application. The proposed lion den will be a breeze block extension to the existing stables, 4m wide and 6m in length, with a maximum height of 2.8m. This represents a reasonably significant addition to the existing stable block, which is already substantial in size. As stated previously, it is also considered that the perimeter fence required for the enclosure also goes beyond what would be considered a minor addition to the already approved enclosure.

6.2.10 The comments of the Council's Environmental Health Officer in support of the proposal are noted. However, these comments are based on the licencing requirements for keeping the animals, and do not provide a full account of all the matters that need to be considered in the determination of this application, notably the design and appearance of the enlarged enclosure, and whether or not it is inappropriate development in the Green Belt.

6.2.11 Overall, it is considered that the proposal represents significant harm to the Green Belt due to the size, scale and design of the Lion's Den and enlarged enclosure which requires a 3m high fence around the perimeter of the site. It is considered that this harm is not outweighed by any other considerations, and therefore the proposal is inappropriate development in the Green Belt and contrary to Policy 8 of the Broxtowe Part 2 Local Plan (2019).

### **6.3 Design and Appearance**

6.3.1 The proposed lion's den will represent a reasonably large addition to the existing stables at the application site. The stable building is already a reasonably large structure, and it is considered that further addition to this for purposes related the keeping of wild cats is not in keeping with the character of the surrounding area. Whilst part of the proposed development to the west side of the stables is also identified as being for a hay storage, this alone may be acceptable as it could be constructed using materials that are more sympathetic to the rural surroundings. However, due to the proposed use as a lion's den, the building is required to be of substantial construction and therefore has an appearance that is considered to be out of keeping with the character of the area.

6.3.2 The proposed security fencing will have a significant height, as would be required to ensure the safety of the site in respect of its use for the keeping of wild cats. However, the height of the fence, along with the proposed materials and cranked top would give the fence a robust appearance that is considered to be out of keeping with similar development that is typically required around fields for the keeping of horses or other animals for agricultural purposes. The proposed fence will go around the perimeter of the field to the north of the stables, which due to its height and design would represent a substantial development that would significantly alter the character of the application site, which beyond the existing enclosure, is that of a largely open field.

6.3.3 Overall, it is considered that the proposal would be out of keeping with the character of the area and therefore contrary to the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

### **6.4 Amenity**

6.4.1 The extension of the proposed enclosure will bring it closer to the nearest neighbouring dwelling to the north of the site. However, the proposed fencing will be approximately 20m from the front elevation of the neighbouring property, with the intervening bridleway in between. It is therefore considered that the proposal will not result in an unacceptable sense of enclosure or loss of light for the residents of the neighbouring dwelling.

- 6.4.2 A number of objections have been received on the grounds that the keeping of wild cats in this location presents a danger to the public and that the location is unsuitable for the keeping of wild cats. The puma and the two lions that inhabit the existing enclosure are fully licenced, and the safety elements of keeping them in the enlarged enclosure have been considered by the Environmental Health team and has been found to be acceptable. It is therefore considered that a refusal on the basis that the animals represent a danger to public health and safety could not be sustained on appeal.
- 6.4.3 Objections have also been raised on the grounds of noise generation and smell created by the keeping of wild cats. The site has a lawful equestrian use and stables to enable the keeping of multiple horses. Whilst the enclosure would bring the site usable for the lions to within closer proximity of the neighbouring property to the north, the main areas used for sleeping and where the cleaning out takes place will remain close to the existing enclosure, which is set further away from neighbouring residential dwellings. It is therefore considered that the proposed development would not result in a significantly different impact on the amenity of neighbouring residents in terms of noise and smell, than the enclosure which has been previously approved.
- 6.4.4 Objections have also been raised on the grounds that the lions and puma result in significantly more traffic to the area as members of the public hope to see the animals. The original permission included a condition that the animals are not to be made available for viewing by members of the public. Furthermore, the outcome of this application would not change the fact that the existing enclosure would still house the animals. Therefore, it is considered that additional traffic to the area would not be a reason for refusal of this application that could be sustained on appeal.
- 6.4.5 Overall, it is considered that the proposed development would not result in an unacceptable impact on the amenity of neighbouring residents.

## **6.5 Unilateral Undertaking**

- 6.5.1 The applicant and other land owners signed a Unilateral Undertaking for planning permission 19/00243/FUL, committing to remove the enclosure on either the death of the enclosure or their being rehomed elsewhere. The applicant has offered to extend this undertaking to the development proposed as part of this application. In order to achieve this a new agreement would have to be signed, which the applicant has agreed to. However, this is not considered to be of such significant benefit as to overcome the harm associated with granting permission for the proposed development.

## **6.6 Other Matters**

- 6.6.1 The Environmental Health Officer notes that whilst the proposed lion's den is of an acceptable size, some alterations may be required to meet the requirements of the licence. These include the provision of an internal lobby, external door and possibly a window and security gate to the hay store. Should permission be granted it is considered that these matters could be dealt with by way of a condition, with details

to be submitted to and approved by the Local Planning Authority prior to the first use of the new den.

- 6.6.2 Comments were made by members of the public in respect of how the animals were obtained, and the keeping of the animals. Members of the public are always able to make comments on planning applications and no evidence has been supplied to support these comments. Matters such as obtaining and keeping of animals by the applicant are not material planning considerations and therefore must be disregarded in making any decision on this application which must be decided on planning grounds.

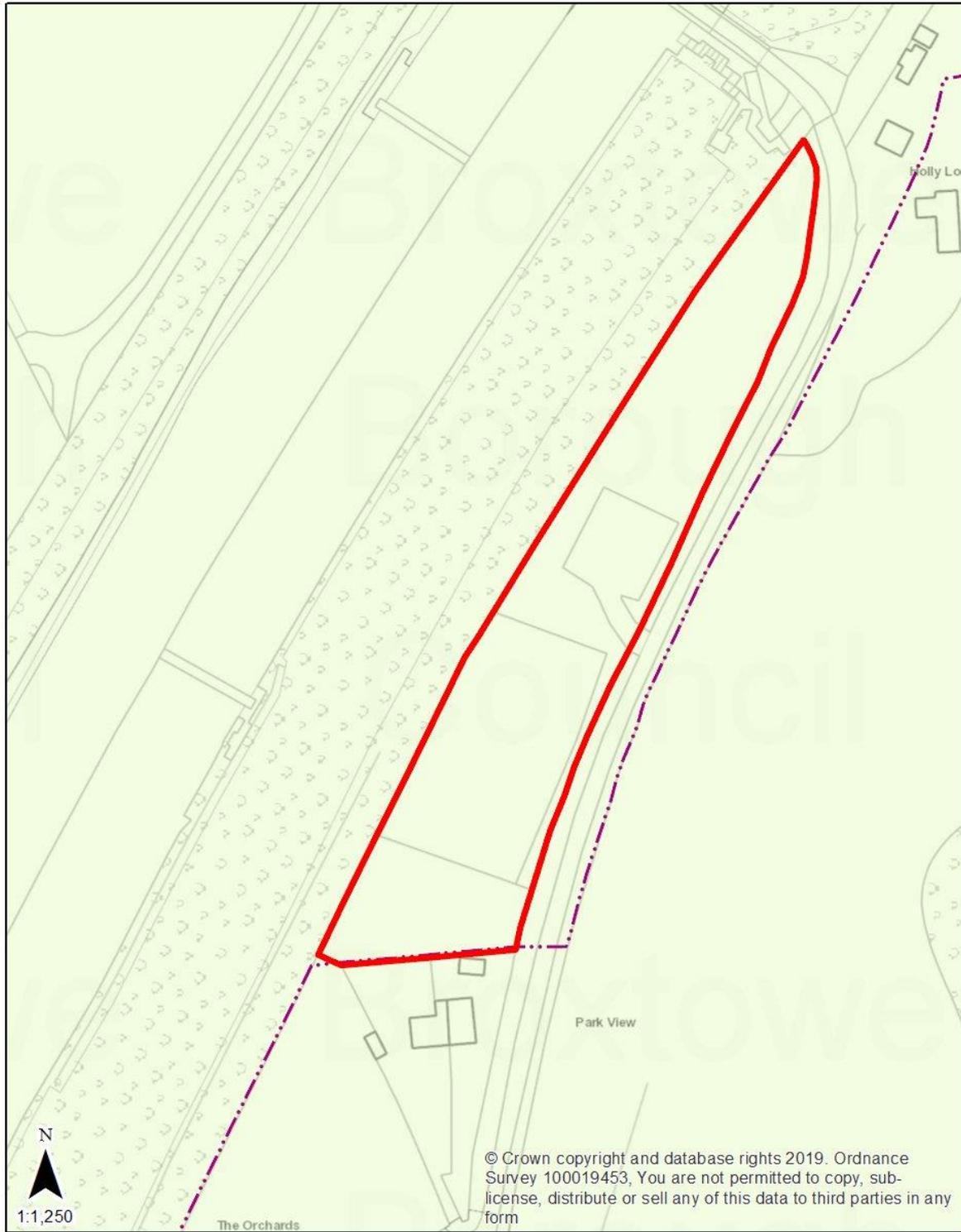
## 7 Planning Balance

- 7.1 The benefits of the proposal are that it will provide additional space for the lions, contributing to the welfare of the animals.
- 7.2 The negative impacts are that the size and design of the extended enclosure and lion's den represents significant harm to the openness of the Green Belt and is not in keeping with the rural nature of the surrounding area. The proposal represents inappropriate development in the Green Belt.
- 7.3 On balance it is considered that the benefits of extending the animals enclosure are not outweighed by the harm to the openness that characterises the Green Belt.

## 8 Conclusion

- 8.1 The proposal is considered to be inappropriate development that is harmful to the openness of the Green Belt. Whilst the applicant has put forward a case for very special circumstances it is considered that the benefits of the proposal do not outweigh the substantial harm to the openness of the Green Belt.

<p><b><u>Recommendation</u></b></p>
<p><b>The Committee is asked to RESOLVE that planning permission be refused for the following reasons and that that enforcement action be taken to remedy the breaches of planning control.</b></p>
<p><b>1. The site lies within the Nottinghamshire Green Belt where inappropriate development is by definition harmful and should not be approved except in very special circumstances. In the opinion of the Local Planning Authority the proposed stable extension to facilitate the lion’s den, and 3m high fencing to extend the wild cat enclosure, represents inappropriate development and it is considered that very special circumstances have not been demonstrated to justify the granting of planning permission in this instance. The application is therefore not in accordance with Broxtowe Part 2 Local Plan (2019) Policy 8 and the NPPF paragraphs 143 – 146.</b></p> <p><b>2. The proposed extension to the stables to facilitate the lion’s den, and the fencing to extend the enclosure, by virtue of their size, design and appearance represents substantial and robust structures that have a dominant impact on the application site and are out of keeping with the rural character of the surrounding area. Accordingly, the proposal is contrary to the aims of the Broxtowe Aligned Core Strategy (2014) Policy 10 and the Broxtowe Part 2 Local Plan (2019) Policy 17.</b></p>
<p><b>NOTE TO APPLICANT</b></p>
<p><b>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</b></p>



**Legend**

-  Site
-  Conservation Areas (Local Plan)
-  Green Belt (Local Plan)

Photographs



Existing enclosure



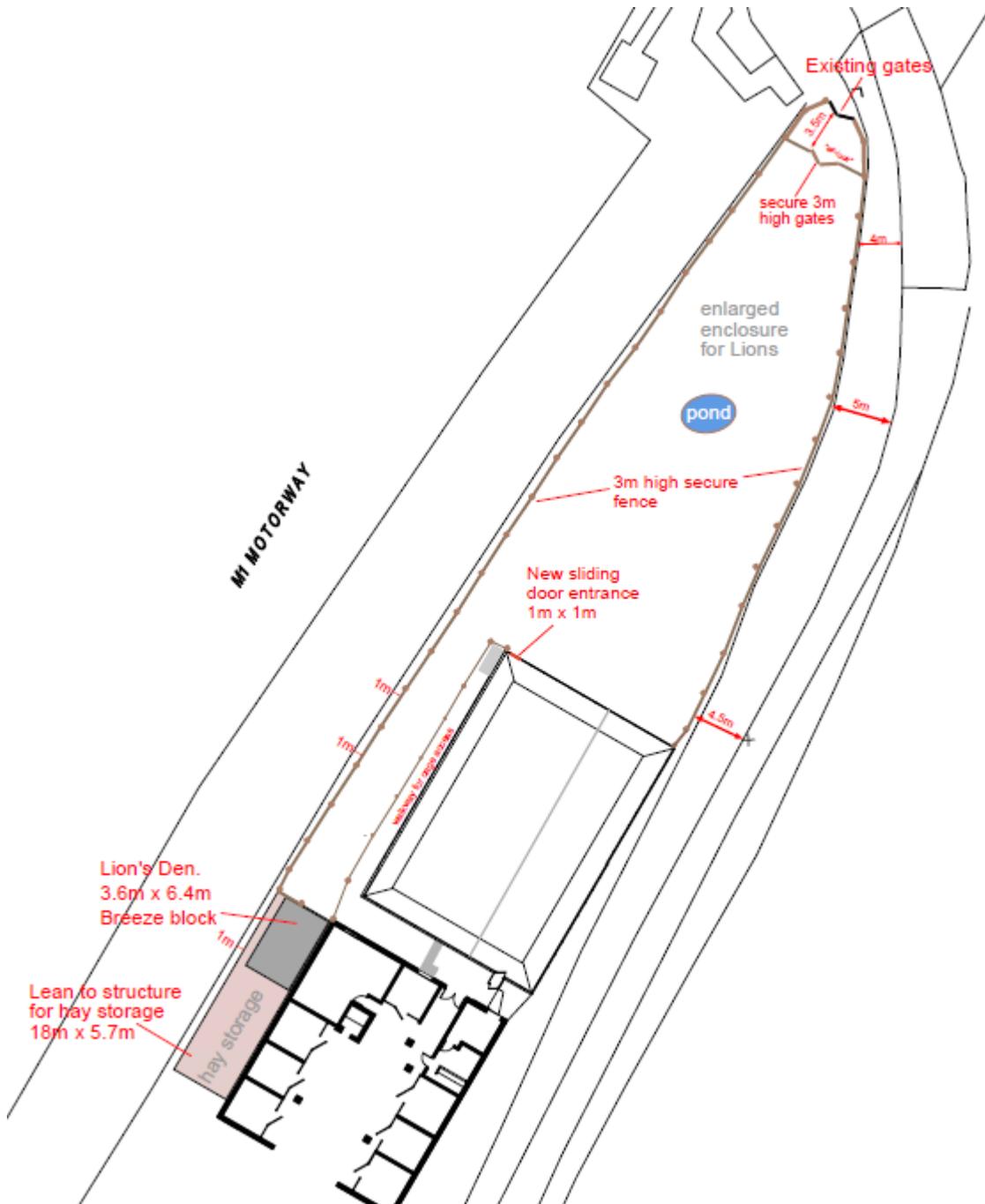
Existing enclosure



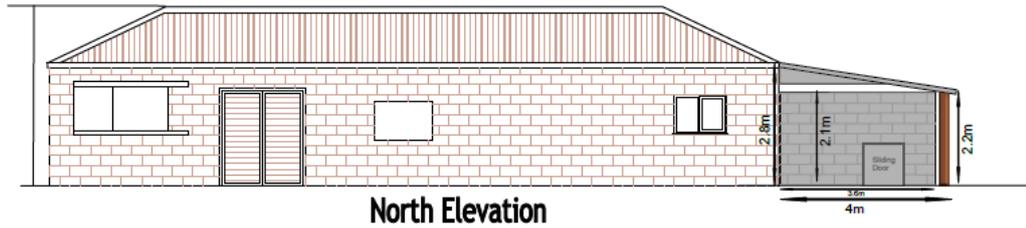
View towards stables and enclosure from bridleway.

**Plans (not to scale)**

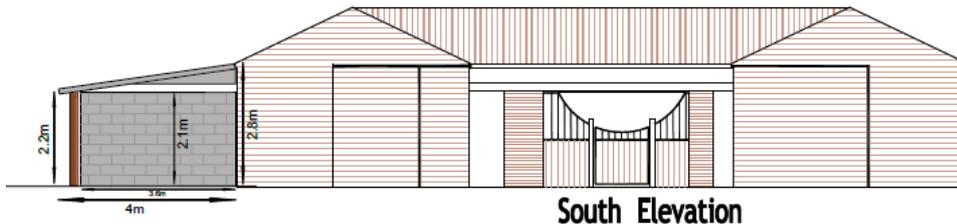
Block Plan



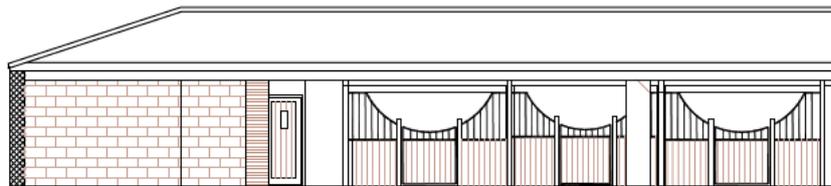
Elevations for Lions Den



North Elevation



South Elevation



West Elevation From Courtyard

Fence Details

