

Report of the Chief Executive

APPLICATION NUMBER:	19/00508/FUL
LOCATION:	BABBINGTON HALL, WESTBY LANE, BABBINGTON VILLAGE, NOTTINGHAM, NG16 2SS
PROPOSAL:	RETAIN POLY TUNNEL

This application has been brought before the Committee as the original permission was granted by Planning Committee in 2018.

1 Executive Summary

- 1.1 This application seeks permission to retain the poly tunnel that is used by Babbington Rescue for the training of rescue dogs as well as private training for dogs. In 2018, planning permission was granted to retain the poly tunnel for one year (18/00236/FUL). The one-year period has now elapsed.
- 1.2 The application site is located within the Green Belt and the poly tunnel is not appropriate development as defined by paragraphs 145 and 146 of the NPPF. However, the use of the poly tunnel in association with the established rescue centre to modify the behaviour of rescue dogs as well as helping owners train dogs to reduce the need for re-homing is considered to be very special circumstances that outweigh the harm to the Green Belt.
- 1.3 The poly tunnel is not considered to have any adverse impact on neighbouring amenity due to its position away from any neighbouring residential properties. The poly tunnel will be used in accordance with the established use of the site and therefore does not create any additional concerns in terms of noise generation.
- 1.4 The design of the poly tunnel is not considered to be harmful to the character of the area. It is in close proximity to large agricultural buildings and has been covered in a dark green cover to reduce its prominence.
- 1.5 Overall, the necessity of the poly tunnel to allow the effective training of rescue dogs to enable them to be re-homed is considered to represent very special circumstances for development in the Green Belt and the poly tunnel is not considered to be harmful to the character of the surrounding area. It is therefore recommended that planning permission be granted in accordance with the resolution contained in the appendix.

APPENDIX

1 Details of the Application

- 1.1 This application seeks permission to retain the poly tunnel at Babbington Hall. Babbington Hall is home to Babbington Rescue, a charity that seeks to find homes for lost, abandoned and unwanted dogs. The poly tunnel is used by the rescue centre to work with rescued dogs to overcome behavioural issues that have resulted from their past and to train dog owners both of rescued dogs and other dogs to ensure they are best cared for. The poly tunnel is principally used in the winter months to provide shelter for the trainers and stable conditions under foot to carry out the training. It also enables training to take place in the early evening when there is not always enough natural light for training to be done outside.
- 1.2 The poly tunnel has dimensions of 27.47m by 9.18m, with a maximum height of 3.73m and has a dark green cover. It is positioned in close proximity to the south west boundary of the site.

2 Site and surroundings

- 2.1 The application site is set within the grounds of Babbington Hall, in the south corner of the site adjoining Westby Lane. It is positioned approximately 13.7m from the boundary adjoining Westby Lane, and approximately 6.6m from the south west boundary of the site. The poly tunnel is positioned on a relatively flat part of the site, although the land slopes up significantly to the north east to where Babbington Hall and the rescue centre is located.
- 2.2 The site is located entirely within the Nottinghamshire Green Belt and within a Mature Landscape Area. The surrounding area largely consists of agricultural land, including Westby House Farm which operates to the south side of Westby Lane. There are a number of large agricultural barns directly opposite the application site to the south and a small number of residential dwellings, mainly to the east of the site along Westby Lane.

3 Relevant Planning History

- 3.1 It is understood that the site has been used for kennelling dogs since 1962. The application site has a detailed planning history and the details of the most relevant historic applications are outlined below.
- 3.2 88/00289/FUL - In 1988, planning permission was granted to construct a purpose built cattery building.
- 3.3 92/00404/FUL – In 1993, planning permission was granted for the refurbishment of the existing dog pens and an extension to form new pens and a feed store.
- 3.4 99/00543/FUL – In 1999, planning permission was granted to extend the residential element of Babbington Hall.

- 3.5 04/00174/FUL – In 2004, planning permission was granted to erect timber stabling at the site. The stables were positioned in the more built up area of the application site, to the north east of Babbington Hall.
- 3.6 08/00286/FUL – In 2008, planning permission was granted to construct a new kennel block and to extend the curtilage of the kennelling operation including the change of use of land from agriculture. This application was determined by Planning Committee with the case for very special circumstances being put forward due to the demand for the nature of the applicants work in housing rescue dogs, notably from a number of neighbouring authorities. In this case it was noted that the positioning of the extension to the kennels would not project significantly further into the open countryside when seen in context with the existing buildings on the site. A condition was attached to this permission stating that the development shall only be used for the kennelling of rescue dogs, and for no other purpose.
- 3.7 09/00095/FUL – In 2009, planning permission was granted by Planning Committee for the construction of a new building incorporating a reception, office, education centre and staff facilities. Whilst it was established that the development was inappropriate in the Green Belt, it was concluded that the requirement for the facilities in supporting an established kennelling facility represented very special circumstances which outweighed the harm to the Green Belt.
- 3.8 10/00752/FUL – In 2011, planning permission was granted by Planning Committee for a kennel block and run to replace a building of the same purpose. The proposal was once again established to be inappropriate development in the Green Belt, but it was concluded that very special circumstances existed by virtue of the fact that modern kennelling was required to provide appropriate facilities at the site. A condition was attached to this permission stating that the development shall only be used for the kennelling of rescue dogs, and for no other purpose.
- 3.9 18/00236/FUL – In 2018, planning permission was granted for the poly tunnel. Planning permission was granted for one year as the building was not considered suitable for permanent retention and to allow the applicant time to find a suitable permanent option.

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 10: Design and Enhancing Local Identity

4.2 **Saved Policies of the Broxtowe Local Plan (2004):**

4.2.1 The Part 2 Local Plan is currently under preparation. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved.

- Policy E8: Development in the Green Belt
- Policy E14: Mature Landscape Areas

4.3 Part 2 Local Plan (Draft)

4.3.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has been examined, with the Inspector’s report imminently expected. The Inspector issued a ‘Post Hearing Advice Note’ on 15 March 2019. This note did not include a request that further modifications be undertaken to Policies 17 and 30 but has suggested changes to other policies, including Policy 8. Whilst this is not the inspector’s final report, and the examination into the local plan has not been concluded, it does mean Policies 17 and 30 can now be afforded moderate weight, with Policy 8 being afforded limited weight.

- Policy 8: Development in the Green Belt
- Policy 17: Place-making, design and amenity
- Policy 30: Landscape

4.4 National Planning Policy Framework (NPPF) 2019:

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

5 Consultations

5.1 Council’s Environmental Health Officer:

No objection raised.

5.2 Rights of Way Officer:

No objection raised.

5.3 Six properties either adjoining or opposite the site were consulted and a site notice was displayed beside the site on 3 September 2019. Six responses from members of the public have been received, two of which raise objections, one of which raises no objection and three which support the application. The reasons for objection can be summarised as follows:

- The poly tunnel is not being used solely for rescue dogs.
- Increased traffic on the lane.
- The poly tunnel is not used in the summer months.
- It is not in accordance with Green Belt policy.

The reasons for support can be summarised as follows:

- The rescue centre provides an invaluable service to the community in rehabilitating and rehoming unwanted pets and the poly tunnel is required for this.
- The poly tunnel is in keeping with its surroundings.

6 Assessment

6.1 The main issues for consideration are whether or not the proposal is appropriate development in the Green Belt and if not, whether very special circumstances exist that would outweigh the harm of the development, the design and appearance of the poly tunnel and any impact 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 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 set out a list of exemptions to inappropriate development, although the proposal would not fit into any of these categories. Therefore, the proposal would need to satisfy paragraph 144 to be considered acceptable.

6.2.2 Babbington Rescue is a not for profit Community Interest Company. Over 85% of the rescue centre is self-funded from the boarding kennels and shop on site with money produced from dog training also going back in to the running of the rescue centre. The applicant has operated at Babbington Hall for 14 years and at their peak in 2012/13 were dealing with in excess of 1300 dogs per year, of which 95% came in through the local councils of Broxtowe, Erewash, Amber Valley, Gedling and Nottingham City. They now deal with 700 to 800 dogs per year on a controlled basis.

6.2.3 The poly tunnel is used as a space to exercise the rescued dogs at the centre to help avoid them from going “kennel crazy” which often results in the dogs being put to sleep. The applicant claims that the use of the poly tunnel in the early part of last year helped to reduce the rate of dogs being put to sleep from one every six weeks to one in the year to August last year. The applicant has provided a schedule of all the dogs to have benefitted from the poly tunnel since September 2018, which equates to 74 dogs.

6.2.4 The applicant has highlighted that the use of the poly tunnel as a unique training facility in the area enables them to save dogs from being put down.

6.2.5 With regards to the positioning of the poly tunnel, it is claimed by the applicant that it needs to be positioned away from the noise of the kennels to enable them to work with the dogs in the space. Flat ground is also required and therefore this is the only area within the site that can be used. There are no existing spaces of a more permanent form within the existing site that can be used for this work.

- 6.2.6 Since being granted temporary permission in 2018 the applicant has covered the poly tunnel with a dark green cover, which was not available to them at that time. This has significantly reduced the prominence of the structure, helping it to blend in with its surroundings. The poly tunnel is positioned in close proximity to the south west and east boundaries of the site which in combination with its relatively low height, reduces its impact on the surrounding area. Opposite the site to the south of Westby Lane are a number of large agricultural buildings. Taking into account the proximity of the poly tunnel to these buildings and its size in relation to them, it is considered that it does not result in significant additional harm to the openness of the Green Belt.
- 6.2.7 Overall, it is considered that the poly tunnel is an important facility for the established rescue centre which it will be operated in association with. The position of the poly tunnel within the site is justified by the applicant's need for flat ground in a location a suitable distance from the existing kennels. The poly tunnel has been covered in a dark green cover, greatly reducing its prominence and enabling it to better blend in with its surroundings. It is also located in close proximity to large agricultural buildings and therefore is not considered to greatly reduce the openness of the Green Belt. Taking the above into account, it is considered that very special circumstances exist that clearly outweigh the harm to the Green Belt.

6.3 Amenity

- 6.3.1 The development is positioned in the south corner of the site and is not in close proximity to any residential dwellings. Therefore, it is not considered that the proposal will result in an unacceptable impact on any neighbouring properties with regards to a sense of enclosure or loss of privacy.
- 6.3.2 Since permission was granted in September 2018, no complaints have been raised with the Environmental Health department in respect of unacceptable levels of noise coming from the poly tunnel. The poly tunnel is not used for long-term occupancy by the resident dogs, only for a few hours at a time. The long-term keeping of the dogs remains at the kennels at the site, which is an established use. The condition to restrict the hours of use will be repeated to ensure training does not take place late at night.
- 6.3.3 Overall, it is considered that the proposal will not have an unacceptable impact on neighbouring amenity.

6.4 Design and Appearance

- 6.4.1 The poly tunnel is of a standard design for this type of development, which is ordinarily found in association with agricultural uses to help extend the growing season for crops. As it is often associated with agricultural use, it is not uncharacteristic to find a building such as this in the open countryside where it would be considered as appropriate development in principle as a building for agriculture. However, in these scenarios, it is likely that the poly tunnel would be in closer proximity to other agricultural buildings.

6.4.2 Taking into account the agricultural surroundings, including the working farm to the south of the application site with a number of large agricultural barns in close proximity to the road, it is not considered that the design of the development is itself out of character with the surrounding area and if the poly tunnel was to be used for agricultural purposes, it would be considered appropriate development and therefore acceptable. Furthermore, the dark green covering enables the poly tunnel to blend in to its surroundings, ensuring it is not overly prominent in the surrounding area.

6.5 Access

6.5.1 Visitors to Babbington Hall access the site from the top of Westby Lane, and this will remain the case for anyone using the poly tunnel. Babbington Hall is open to the public and has an onsite shop which attracts a number of visitors. It is considered that the addition of the poly tunnel does not result in a significant amount of additional traffic accessing the site on a daily basis.

6.5.2 The Highways Authority has confirmed that they have not received any complaints or enquiries in respect of the amount of traffic using Westby Lane in the last year.

7 Planning Balance

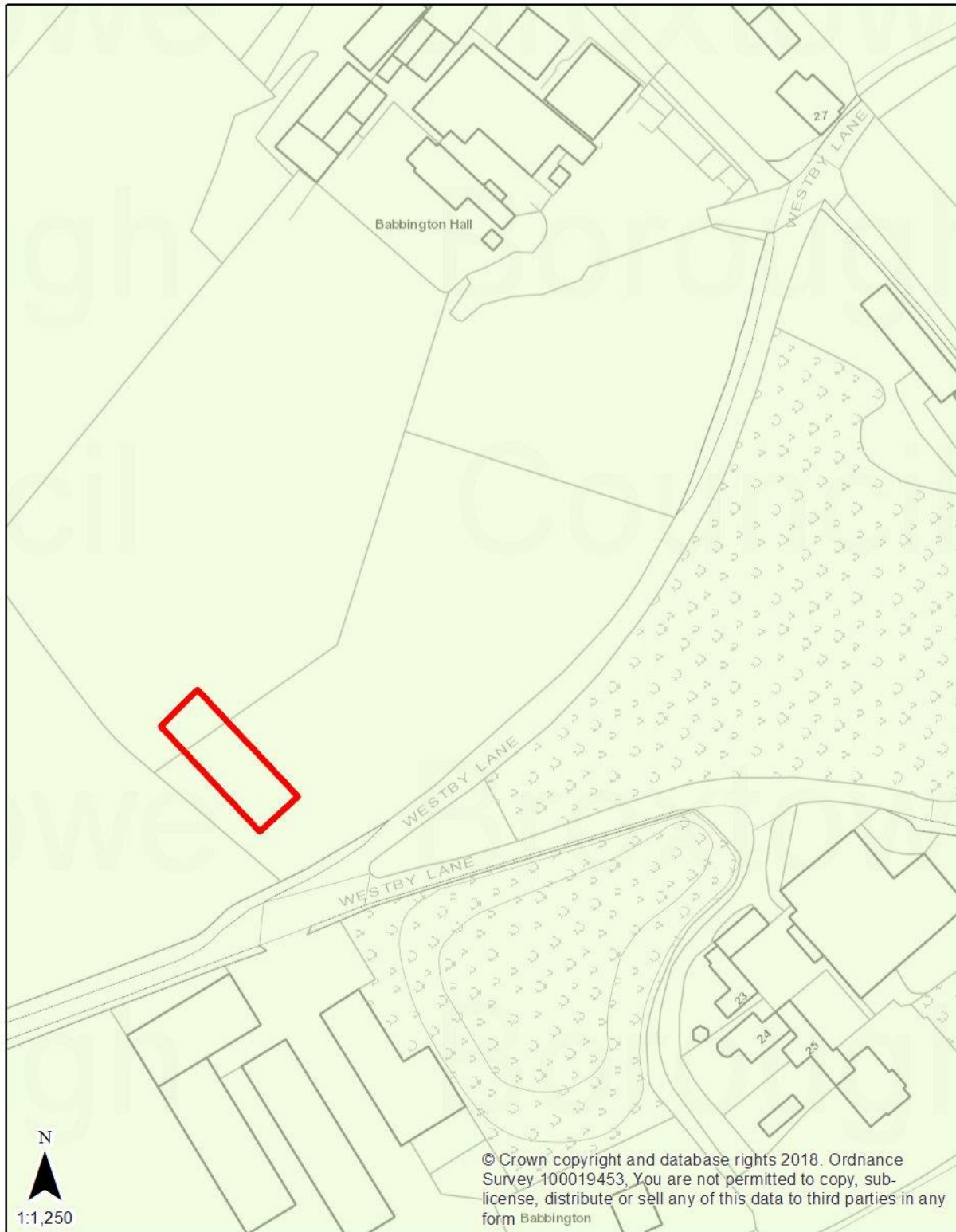
7.1 The benefits of the proposal are that the poly tunnel provides an important training facility that enables Babbington Rescue to work all year round on behaviour modification and training their rescue dogs as well as helping dog owners look after their dogs, thus reducing the chances of dogs needing rehoming in the future. Babbington Rescue is a not for profit Community Interest Company and they work with nearby local authorities to take in stray and rescue dogs from the surrounding area.

7.2 The negative impact is that the poly tunnel is inappropriate development in the Green Belt. However, the poly tunnel is relatively low in height, positioned in close proximity to the site boundaries and has a dark green cover, reducing its prominence in the surrounding area. On balance, it is therefore considered that the benefits of the poly tunnel amount to very special circumstances that clearly outweigh the harm by reason of inappropriateness.

8 Conclusion

8.1 Overall, it is considered that very special circumstances have been demonstrated that clearly outweigh the harm to the Green Belt by reason of inappropriateness. It is therefore considered that the scheme is acceptable and planning permission should be granted.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	The development hereby permitted shall be retained in accordance with the Site Location Plan (1:1250) and Elevations and Floor Plan (1:200); received by the Local Planning Authority on 9 August 2019. <i>Reason: For the avoidance of doubt.</i>
2.	The poly tunnel hereby permitted shall not be used except between the hours of 09.00 – 18.00 Wednesday to Sunday and 09.00 – 20.00 on Mondays and Tuesdays. <i>Reason: To protect nearby residents from excessive operational noise.</i>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.



Legend



Site



Green Belt (Local Plan)

Photographs



Front of poly tunnel

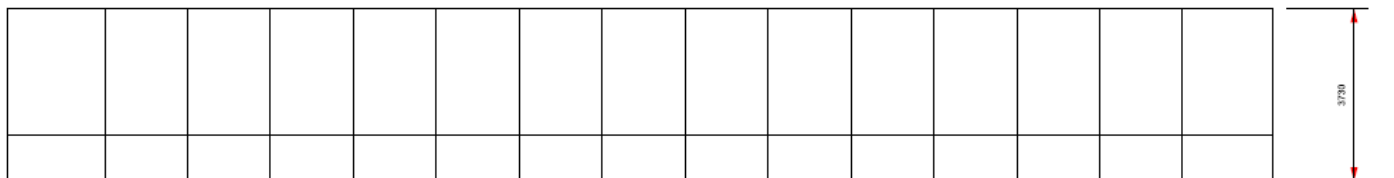


North east side of poly tunnel

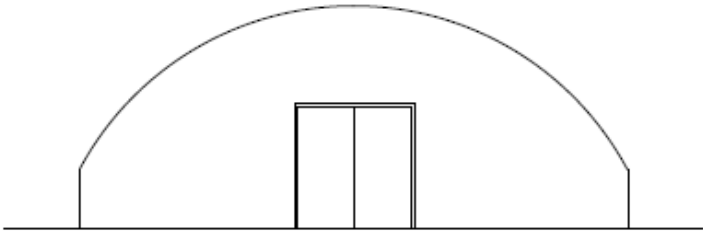


Photo of poly tunnel taken from the north east of the site.

Plans (not to scale)



Side elevation



End elevation