

Report of the Chief Executive

APPLICATION NUMBER:	20/00388/FUL
LOCATION:	Land North of Home Farm Cottage and Park View Cottage, Main Street, Strelley, Nottinghamshire
PROPOSAL:	Retain additional internal fencing, security doors and animal access

This application has been called to Planning Committee by Cllr P Owen

1 Executive Summary

- 1.1 This application seeks permission to retain additions to the existing wild cat enclosure including internal fencing, an additional security door and a crawl tunnel between the stables and enclosure. The enclosure to which the additions have been constructed was granted planning permission in June 2020 following approval from Planning Committee for the change of use of the site to include the keeping of wild cats and to retain the enclosure.
- 1.2 The additions to the enclosure are required to control mixing issues between the animals that inhabit the enclosure, which include 2 lions and a puma. The enclosure was granted permission on the grounds that very special circumstances had been demonstrated due to animal welfare needs. The Environmental Health Officer has confirmed that the additions to the enclosure are required to meet the animal welfare and security requirements of the licence for keeping the animals.
- 1.3 The additions are considered to be relatively minor in respect of the existing enclosure and therefore are not considered to result in unacceptable additional harm to the openness of the Green Belt. It is therefore considered that the principle of development is acceptable in accordance with paragraphs 143 and 144 of the NPPF.
- 1.4 The proposal is considered to be acceptable in design terms, and due to the position of the enclosure away from the boundaries with neighbouring properties it is not considered to result in an unacceptable loss of amenity for the residents of neighbouring properties.
- 1.5 Overall the proposal is considered to be in accordance with the policies set out in the NPPF, Broxtowe Aligned Core Strategy (2014) and Broxtowe Part 2 Local Plan (2019) and the Committee is therefore asked to resolve that planning permission be granted subject to the conditions set out in the appendix.

1 Details of the Application

- 1.1 This application seeks permission to retain alterations to the existing wild cat enclosure. The original enclosure was granted permission on 25 June 2020, following its determination at Planning committee in June 2019, and again in June 2020. The changes from the previously approved scheme include the addition of an internal fence to divide the enclosure, a security door on the north west side of the enclosure, and a crawl tunnel on the south side of the enclosure to connect the enclosure to the existing stables.

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 wild cat enclosure. The enclosure has 2 links to 2 separate rooms within the stables, which provides the puma and lions with shelter.
- 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 recently 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 (ref: 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 (ref: 13/00476/FUL) was granted to retain two poles to erect CCTV cameras.
- 3.5 In 2016, planning permission (ref: 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 (ref: 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 (ref: 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.

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 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:** No objections as these changes were necessary to meet the animal welfare and security requirements of the licence for keeping the animals.
- 5.2 **Nottinghamshire County Council Rights of Way Officer:** No objection.
- 5.3 Five properties either adjoining or opposite the site were consulted and a site notice was displayed. Four responses have been received, all of which raise objections to the proposal. The reasons for objection can be summarised as follows:
- Inappropriate development of Green Belt Land
 - It was reported that all welfare requirements had been fulfilled. Will the division of the enclosure now not meet these requirements?
 - Work was carried out before permission was applied for.
 - Additional wild animals are being kept on the site.
 - The continued development of this piece of land is of concern.
 - A commercial business is being carried out from the site.
 - The enclosure is not fit for purpose.
 - A wild animal was reported to have escaped from the property previously.
 - The enclosure is not in keeping with the character of the area.

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 **Principle**
- 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 The original application for the enclosure was granted permission in June 2020, having been approved by the Planning Committee. It was determined that very special circumstances for the enclosure had been demonstrated due to the need to conserve the wild animals that inhabit it. In their supporting statement the applicant states that the additional fencing down the middle of the enclosure is required to control mixing issues between the animals. It is also stated that this required the addition of an extra control gate and a short covered run from the edge of the cage to a rear stable space where the lions are sheltered. The

Environmental Health Officer has confirmed that these amendments to the cage are necessary to meet the animal welfare and security requirements of the licence for keeping the animals. It is therefore considered that the amendments to the scheme can be considered as meeting the criteria for very special circumstances. It therefore needs to be considered whether the benefits of the proposal outweigh the harm to the Green Belt.

- 6.2.3 The main enclosure is a lawful structure, having been granted planning permission in June 2020. Therefore, the consideration as to the impact on the openness of the Green Belt needs to be made solely in respect of any additional harm caused by the amendments to the approved scheme. There is relevant case law in respect of this from a recent appeal decision for planning application 18/00808/ROC, at 176 Moorgreen for amendments to a bungalow which had previously been granted permission in the Green Belt. The application proposed to retain dormer windows and roof lights, which had already been added to the building without permission, and was refused by the Planning Committee in February 2019. In allowing the appeal for the amendments the Inspector noted that the proposal would have a significantly harmful effect on the Green Belt had the site been undeveloped. However, the bungalow was now an established component in the landscape, and the approved scheme and erected dwelling shared many characteristics. He also noted that the differences between the approved building and the built structure consisted of relatively minor changes. As such, the Inspector concluded that the amended scheme in so far as the changes to the original permission was concerned had a very limited harmful impact on the openness of the Green Belt.
- 6.2.4 The proposed internal fencing to divide the enclosure does not go beyond the footprint of the existing enclosure, and does not exceed the height of the existing enclosure. It is made of the same material that the original structure is made of, and therefore is not considered to cause additional harm to the openness of the Green Belt. The security door on the north west side of the enclosure is a relatively minor addition, and whilst it does slightly increase the footprint of the enclosure, due to its limited projection and height it is considered that this will not cause unacceptable harm to the Green Belt. The covered tunnel connects the south side of the enclosure to the existing stables. The two structures are already connected by one tunnel, which was approved as part of the original scheme. The new tunnel is of a similar style and size, with a reasonably low height. The connection of two structures that are sited reasonably close to each other ensures the addition does not project out further into the open countryside, and therefore is not considered to cause additional harm to the openness of the Green Belt.
- 6.2.5 Overall it is considered that the proposed additions to the existing structure are reasonably minor and as such do not cause unacceptable harm to the openness of the Green Belt. In line with the decision to grant permission for the original enclosure, and the similar reasons given for the additions, it is considered that Very Special Circumstances have been generated that outweigh the limited harm to the openness of the Green Belt. It is therefore considered that the principle of development is acceptable in accordance paragraphs 143 and 144 of the NPPF.

6.3 Design and Appearance

6.3.1 The additions are considered to be of a size and scale that are in keeping with the existing structure. They have been constructed using materials to match the existing enclosure and are not considered to be so substantial as to significantly increase the scale or appearance of the existing enclosure. The view of the additions from the public realm is limited and therefore it is considered that the proposal is not harmful to the street scene or the character of the area.

6.3.2 Overall it is considered that the proposal is acceptable on design grounds.

6.4 Amenity

6.4.1 The enclosure is approximately 95m from the nearest residential dwelling to the south of the site and approximately 45m from the nearest residential dwelling to the north of the site. Taking into account the distance that the enclosure is from the nearest neighbouring dwellings, and the relatively limited size of the additions to the enclosure, it is considered that the proposal will not result in any additional loss of amenity for the residents of any neighbouring dwellings.

6.5 Other matters

6.5.1 A number of objections have been raised on the grounds of the suitability of the enclosure for the wild cats and on the appropriateness of the wild cats living in this location. The application site has permission for the keeping of wild cats, as approved in June 2020, and the wild cats in question are fully licensed. Therefore, any refusal on the grounds of the enclosure not being suitable or the location not being suitable could not be sustained at appeal.

6.5.2 Planning permission 19/00243/FUL for the original enclosure and for the change of use of the land to allow for the keeping of wild cats is subject to a unilateral undertaking in which the applicant 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.

These unilateral undertakings will still be binding if planning permission is granted for the amendments to the enclosure. As the additions that form part of this application have become part of the enclosure, they would also have to be removed from the site in the cases identified above and within the unilateral undertaking. This application therefore is not required to be subject to a separate unilateral undertaking.

7 Planning Balance

7.1 The additions to the enclosure will ensure the enclosure meets the requirements of the applicant's licence to keep wild cats on the site. It is considered that the principle of development in the Green Belt can be supported, that the design and

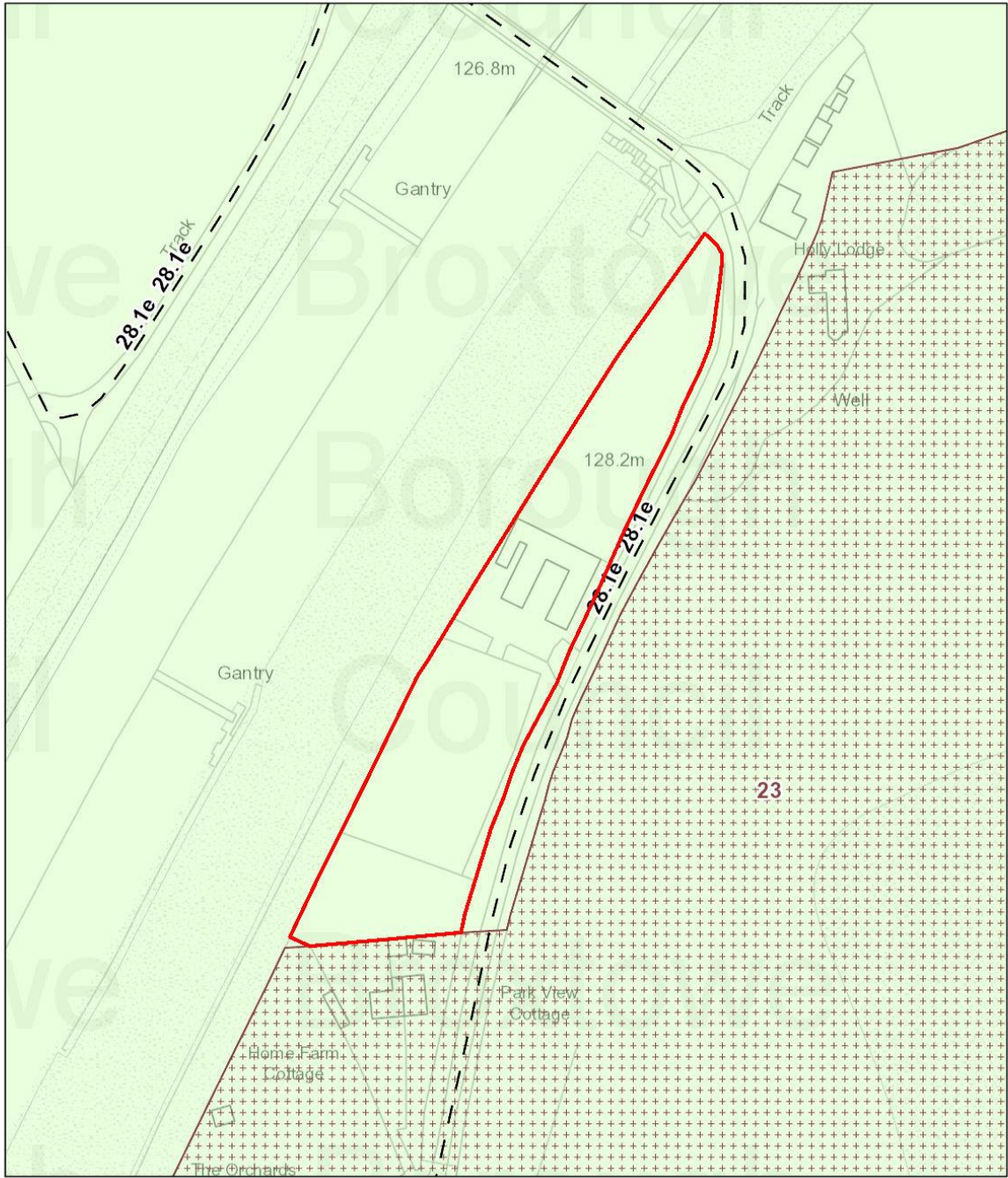
appearance of the proposal is acceptable and that it will not result in an unacceptable loss of amenity for the residents of any neighbouring properties. On balance it is therefore considered that the proposal is acceptable.

8 Conclusion





- 8.1 It is considered that very special circumstances have been demonstrated for the additions to the existing enclosure, that outweigh the limited harm to the openness of the Green Belt. It is considered that the proposed additions are acceptable in terms of design and appearance relative to the existing structure and that they will not result in an unacceptable loss of amenity for the residents of any neighbouring properties. Overall it is therefore considered that the proposal is acceptable and planning permission should be granted.

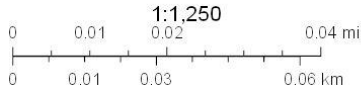
<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	The development hereby permitted shall be retained in accordance with the Site Location Plan (1:1250), drawings numbered 00419.01 (1:100, 1:200), 00419.BP (1:500), and photographs title Crawl Tunnel Dimensions and Secure Gate Access Dimensions; received by the Local Planning Authority on 2 and 20 July 2020. <i>Reason: For the avoidance of doubt.</i>
2.	There shall be no general exhibition or viewing of the animals. <i>Reason: To protect nearby residents from excessive disturbance or operational nuisance.</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.

20/00388/FUL - Land North of Home Farm Cottage, Strelley



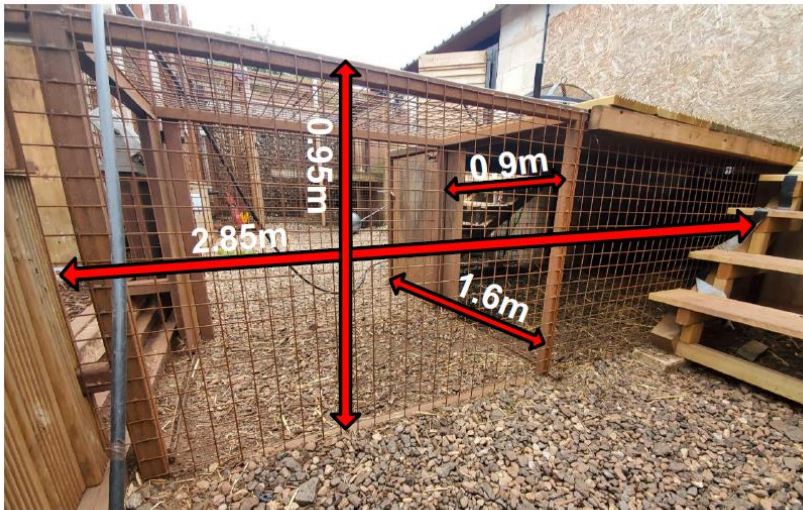
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-  INTERNAL: PCO Applications
-  Green Belt
-  Conservation Areas
-  Recreational Routes



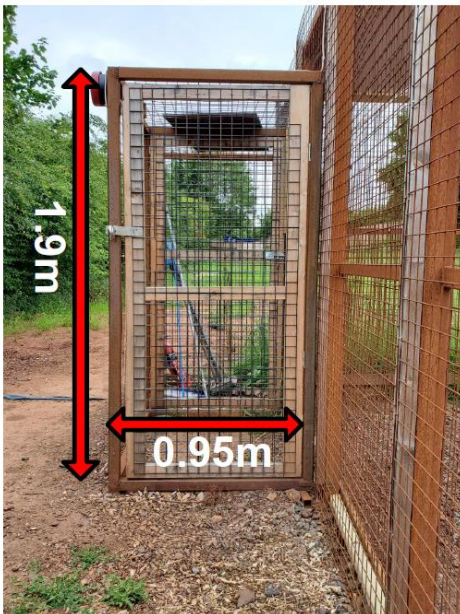
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Ordnance Survey 100019453

Photographs



view from west

Crawl Tunnel



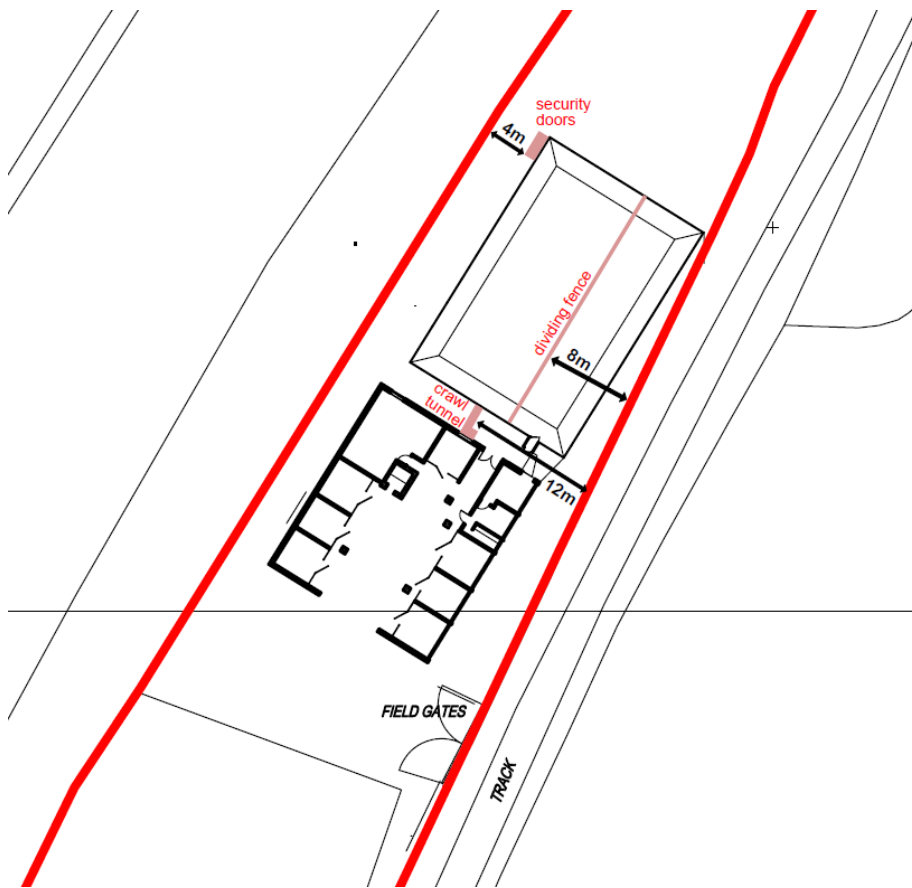
view from south

Security Door

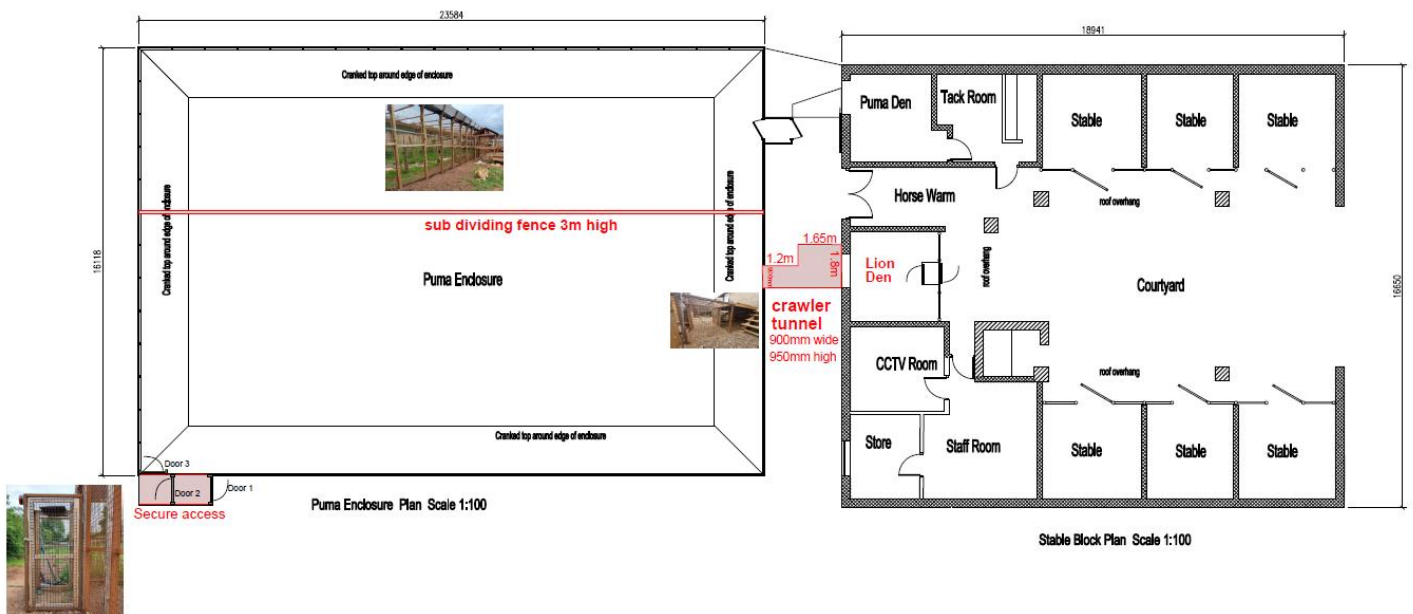


view from west

Plans (not to scale)



Block Plan



Floor Plan