

APPLICATION NO	PA/2017/302
APPLICANT	Mrs Jeanette Abraham, Axholme Cattery
DEVELOPMENT	Planning permission to change the use of cattery to living accommodation in connection with cattery
LOCATION	Cattery, Field Road, Crowle, DN17 4HP
PARISH	Crowle
WARD	Axholme North
CASE OFFICER	Andrew Willerton
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Significant public interest Officer discretion

POLICIES

National Planning Policy Framework: Paragraph 14 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. For decision taking this means approving proposals that accord with the development plan without delay or, where the development plan is absent, silent or out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as whole or where specific policies in the Framework indicate development should be restricted.

Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 28 states the growth and expansion of all types of business and enterprise in rural areas should be supported.

Paragraph 55 states that sustainable development should be promoted in rural areas. Isolated new homes in the countryside should be avoided unless there are special circumstances where it is demonstrated that there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 58 states that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should also respond to the local character and reflect the identity of local surroundings and materials and should be visually attractive and use appropriate landscaping.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 196 states that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise and that the National Planning Policy Framework forms a material consideration.

Paragraph 197 states that in assessing and determining development proposals local planning authorities should apply the presumption in favour of sustainable development.

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

Housing and Employment Land Allocations DPD:

Inset Map for Crowle

North Lincolnshire Local Plan:

RD2 (Development in the Open Countryside)

DS1 (General Requirements)

CONSULTATIONS

Highways Team: No objection or comments to make.

Drainage Team: No comments received.

Public Rights of Way: No objection.

Environmental Health: Recommends a condition in respect of contaminated land.

Licensing: No comments received.

TOWN COUNCIL

No response has been received. It should be noted that the town council did object to a previous application (PA/2017/24) which sought a variation of condition to permit permanent residence of the owners but was withdrawn due to a technical matter.

PUBLICITY

Neighbouring properties have been notified by letter and site notices posted. Nine letters have been received, of which five object to the proposal and four support it. Reasons for objection include:

- Previous applications for residential use of the site were refused and dismissed at appeal.
- Cats do not require 24/7 supervision except during illness and the current permissions at the site address this need.
- Technology, including CCTV, could permit the monitoring of the cats remotely thus there is no need to have permanent residential use of the site in connection with the business which was upheld at appeal.
- The applicants bought the property knowing they could not reside there permanently despite it being clear that the current permitted use of the site would not allow this.
- The number of cats that could board at the property does not require more than one person.
- The nature of the work is seasonal and permanent residential accommodation is not required.
- The statement of case is contradictory as, despite stating two people are required for emergency procedures, the partner of the applicant works elsewhere.
- The need for insurance purposes for 24/7 on-site supervision can be met under the current permission which includes staff accommodation.
- The cattery is not 'remote' – although outside the development limit, it is within 100 metres of residential properties.
- The application should be refused if local planning authority is to enforce policies that protect the open countryside.
- The site is in 'greenbelt' and outside the development limit where residential development is not permitted.
- It is stated that the footprint of the cattery will not be altered but, following a grant of permission, subsequent applications could be made to increase its footprint.
- If this proposal were granted it could set a precedent for future applications to be made which would compromise the open countryside.

The letters of support state the following:

- The business is supported and well used.
- The owners have resided there for months and no harm has been caused.
- There is no difference between the permitted use as a cattery with staff accommodation and as a live/work unit.
- In order to care for the cats properly there is a need for someone to be on site 24/7.
- It is better for staff to be on site for safety reasons rather than to travel at unsocial hours should it be needed.

- CCTV monitoring of the cats is not comparable to human monitoring.
- The live/work unit would provide accommodation for two people and not a family. It is unsafe for a single person to remain in the cattery overnight.

ASSESSMENT

This application site is Axholme Cattery, Field Road, Crowle, and is outside the development limit for the settlement as defined by the Housing and Employment Land Allocations (HELA) DPD. Planning permission is sought to change the use of a cattery to living accommodation in connection with a cattery.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003 and the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising Planning Practice Guidance (PPG).

The current permitted use of the site is as a cattery with 24/7 staff accommodation which results from two permissions: PA/2004/1690 allowed the erection of a licensed cattery at the site; and PA/2007/1588 permitted a small single-storey extension to the east of the main block to provide 24-hour staff accommodation. Other relevant planning history includes the following:

- PA/2006/1341, which sought permission to site a static caravan adjacent to the cattery for residential purposes, was refused and subsequently dismissed at appeal.
- PA/2012/0634, which sought permission to change the use of the cattery to a dwelling, was refused.
- PA/2012/1113, which sought permission to change the use of the cattery to a cattery with living accommodation, was refused and subsequently dismissed at appeal.

Under local planning policy CS3 of the NLCS and the Inset Map for Crowle as defined by the HELA DPD, the application site is in the open countryside for the purposes of planning. Policies CS1, CS2 and C3 of the NLCS and policy RD2 of the NLLP seek to regulate and control development in the open countryside. These policies combined restrict residential development in the open countryside to that which is deemed essential for the efficient operation of agriculture or forestry. In this case, residential development in association with the operation of a cattery is not considered to fall within such criteria.

However, paragraph 55 of the NPPF states that planning authorities should avoid isolated new homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near to their place of work in the countryside. In this case, the cattery forms an existing business in the open countryside and the NPPF would permit such a worker to reside permanently at their place of work provided that there is a justified essential need which forms the main issue for assessment.

The main issue for consideration with regard to the determination of this application is whether the applicant has a substantiated justified need to reside at the cattery on a permanent basis for its operation.

In order to assess the above, it is paramount to consider the decisions taken under PA/2012/1113 as that application was principally for the same development as is being considered now. That application was refused for the following reason:

The site is located outside the development boundary of Crowle within the open countryside. The local planning authority does not consider that there is a functional need for a dwelling to be located on the site. The functional need can be achieved by the existing accommodation located on the site and by the use of modern fire alarms and equipment and the use of CCTV. The proposal will create a dwelling in the open countryside which is considered to be an unsustainable location for residential development for which there is no overriding justification in this case. Accordingly, the proposal is contrary to paragraph 55 of the National Planning Policy Framework, policies CS1, CS2 and CS3 of the North Lincolnshire Core Strategy and policy RD2 of the North Lincolnshire Local Plan.

The above reason for refusal of the application was upheld by an inspector at appeal. The main argument centred on whether there was a functional need for the owners of the business to reside at the cattery. This was deemed not to be the case as modern technology could address such a need given that the then owners of the cattery lived in a property on Lindsey Drive approximately 100 metres away from the cattery. The inspector, within their appeal decision, notes that this is not dissimilar to what occurs between a farmhouse and livestock units. It was therefore considered that the need to reside at the cattery on the basis of security, general care of the cats and to deal with emergencies was unsound. Furthermore, it was considered that the cattery had permission for 24/7 staff accommodation as and when such a facility was required.

However, the circumstances of the case have since changed and the present owners of the cattery (the applicant and her spouse) do not reside or own a property on Lindsey Drive as was the case previously. It is evident that there is a justified need, to an extent, for the cattery to have a staff presence on a 24/7 basis given that PA/2007/1588 was approved. Furthermore, the applicant has provided details of the need for a 24/7 staff presence at the site whenever cats are boarded. This is a requirement of the North Lincolnshire Licence Conditions for Cat Boarding Establishments, the Feline Advisory Bureau, and the cattery business insurance.

Condition 3 of PA/2007/1588 prohibits the use of the staff accommodation on a permanent basis and can only be used when carrying out duties connected to the cattery operation. The applicant, as the owner and employee of the business, is required to be on the site whenever cats are boarded. The applicant has supplied a register which indicates that, since taking on the business in June 2016, the facility has been relatively well used and there are few occasions when no cats have boarded. The applicant is therefore required to be on site on a more or less permanent basis.

However, the business is in the ownership of the applicant and her spouse. The applicant has provided financial information which demonstrates that the business is viable and generates a modest profit, yet it does not generate sufficient income to provide for two people. The applicant states that her spouse works as a teacher to supplement income yet also assists in the running of the cattery when not working as a teacher.

Planning policy dictates that isolated homes in the open countryside should not be permitted except in justified circumstances. In this case it is considered that there is a justified need for overnight staff accommodation which would meet the requirements as set out in paragraph 55 of the NPPF. It is evident that there has been a change in circumstance since the application in 2012 was refused and subsequently dismissed at appeal in that the current owners of the business, and its sole employee(s), do not reside or have the option to reside at a property within close proximity of the cattery. It is considered that this change in circumstance and the evidence put forward by the applicant is sufficient to substantiate a justified need to reside at the cattery on a permanent basis. It is considered unreasonable to expect the current owners as sole employee(s) to vacate the currently permitted staff accommodation at times when no cats are boarded which is required under the present permissions.

However, for the application to be permitted it is essential that residential development in the open countryside is strictly controlled given the exceptional and personal case put forward by the applicant in conjunction with her operation of the cattery. It is recommended, through the imposition of planning conditions, that the occupation of the residential unit is restricted to the applicant and her spouse whilst the cattery is the main occupation of the applicant and reverts back to staff accommodation should the applicant no longer be the owner of the business. It is further recommended that conditions be imposed to restrict the separation of the residential unit of the cattery and to require vacation of the residential unit should the cattery business cease to operate. An additional condition is recommended to revoke any permitted development rights associated with a residential dwelling to prevent any expansion of the current building footprint without the prior consent of the planning authority.

A number of objections and letters of support have been received from the public and are noted. Planning history has been discussed and regard had to the decision made in 2012 for similar development. It is acknowledged that the site is outside the Crowle development limit and in a location where residential development is not ordinarily supported; however, in exceptional circumstances it can be acceptable, which is considered to be the case with regard to this application. Whilst the present permissions at the site would allow 24/7 residential care of the cats, it would not allow permanent staff accommodation. As the owners act as the sole employee(s), it is unreasonable to expect them to not permanently reside at the cattery whilst it is in operation. Matters relating to potential expansion or further residential development cannot be considered and would each require planning permission in their own right and should be determined on their own merits at the time of submission.

In conclusion, paragraph 55 of the NPPF supports residential development in rural locations provided that there is an essential need for a rural worker to live permanently at their place of work. It is considered, in this case, that the applicant has provided sufficient information to demonstrate such a need. It is not considered that the proposal would cause harm to neighbouring properties or to the character and appearance of the open countryside, provided strict conditions are imposed upon any grant of permission. In the interests of supporting an existing rural business, having regard to paragraphs 28 and 55 of the NPPF, it is considered that this proposal is acceptable in planning terms and should be supported.

RECOMMENDATION Grant permission subject to the following conditions:

1.
The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.
The development hereby permitted shall be carried out in accordance with the following approved plans: 'Site Location Plan' drawing no. PA/2017/302/01 and 'Block Plan' drawing no. PA/2017/302/02.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.
The cattery with living accommodation hereby permitted shall only be occupied on a permanent basis by Mrs Jeanette Abraham solely or with her spouse, provided always that the Axholme Cattery is the sole or main employment of Mrs Jeanette Abraham.

Reason

This application is justified by the personal circumstances of the applicant in connection with the needs of the business and in order to regulate and control residential development on the site, which lies in the open countryside, in accordance with saved policy RD2 of the North Lincolnshire Local Plan (2003) and policies CS1, CS3 and CS3 of the North Lincolnshire Core Strategy (2011).

4.
The use of the site as a cattery with permanent living accommodation shall cease and revert back to a cattery with staff accommodation (as permitted under PA/2007/1588) when no longer occupied by Mrs Jeanette Abraham solely or with her spouse.

Reason

This application is justified by the personal circumstances of the applicant in connection with the needs of the business and in order to regulate and control residential development on the site, which lies in the open countryside, in accordance with saved policy RD2 of the North Lincolnshire Local Plan (2003) and policies CS1, CS3 and CS3 of the North Lincolnshire Core Strategy (2011).

5.
The living accommodation hereby permitted, as part of a cattery with living accommodation, shall at no time become a separate unit of residential accommodation and shall at all times be connected and used in connection with the Axholme Cattery.

Reason

In order regulate and control residential development on the site, which lies in the open countryside, in accordance with saved policy RD2 of the North Lincolnshire Local Plan (2003) and policies CS1, CS3 and CS3 of the North Lincolnshire Core Strategy (2011).

6.

Notwithstanding the provisions of Classes A, B, C and E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, or any order re-enacting that order with or without modification, no extensions or alterations shall be made to the building or outbuildings erected on the site.

Reason

For the avoidance of doubt and to regulate and control development on the site, which lies in the open countryside, in accordance with saved policy RD10 of the North Lincolnshire Local Plan (2003).

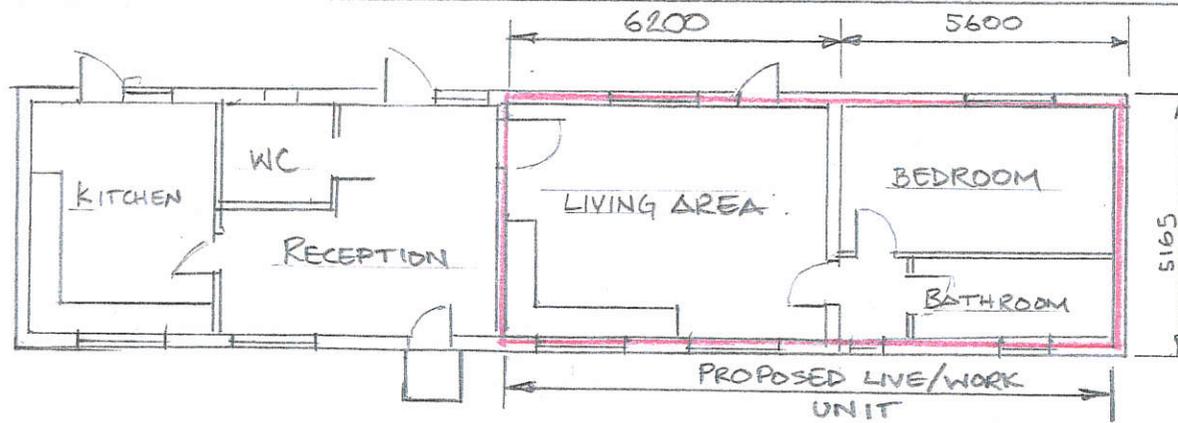
Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

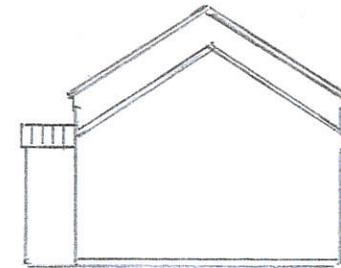
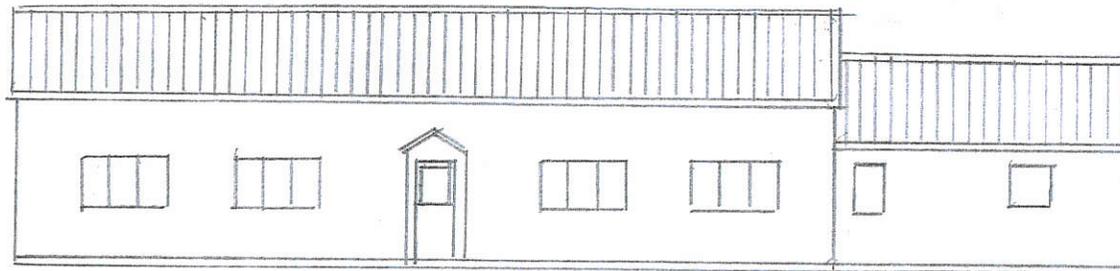
PA/2017/302 – Site Location



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FLOOR PLAN
(EXISTING BUILT FOOTPRINT)



FRONT ELEVATION



PROPOSED EXTENT OF LIVE/WORK UNIT
WITHIN EXISTING BUILT FOOTPRINT

DEVELOPMENT CONTROL SECTION
- 2 MAR 2017
DATE RECEIVED
Referred To