

DECISION DELEGATED TO DEVELOPMENT MANAGER

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Application No: H23-1295-16 **Applicant:** Mr Bruce
Proposal: Proposed building for the breeding of pet rabbits and guinea pigs, plus wormery
Location: Land Off Whale Drove Whaplode Drove
Terminal Date: 17th February 2017

Planning Policies

Local Plan July 2016:

SG1	General Sustainable Development
SG2	Distribution of Development
SG4	Development in the Countryside
SG13	Pollution and Contamination
SG14	Design and Layout of New Development
SG15	New Development: Facilities for Road Users, Pedestrians and Cyclists
SG17	Protection of Residential Amenity

National Guidance

National Planning Policy Framework 2012

Paras 6, 7, 8, 14 and 17;
Sections 2, 7 and 11.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	210	1	0	8

CASE OFFICER ASSESSMENT

Proposal:

Full planning permission is sought for the erection of a new single storey brick built building for use for the breeding of pet rabbits and guinea pigs, plus wormery.

The proposal would introduce 120 breeding does as the basis of a new herd. The rabbits would be bred exclusively for the pet trade and the applicant has indicated that the operation would comply with RSPCA guidance on the health and welfare of rabbits. The proposal would also incorporate a wormery, which would utilise the rabbit droppings to produce high quality fertiliser through vermiculture. The applicant has indicated that both the worms and fertiliser would be sold to add to the financial saleability of the overall operation.

The application is a re-submission of a previous application for a rabbit breeding facility and associated dwelling which was refused and dismissed on appeal (ref. H23-0403-15).

Site Description:

The proposed building would be sited on land (some 1.3ha) situated on the northern side of Whale Drove some 1.6km to the south of the village of Whaplode Drove. It is predominantly meadow. A dismantled railway line runs through the rear section, which is partially occupied by trees.

Material considerations:

The main issues in this case are:

- 1) Whether the use would accord with planning policies which seek to achieve sustainable patterns of development and to protect the countryside;
- 2) Amenity issues, including the likely effect upon the amenity of nearby residents;
- 3) Highway safety;
- 4) Other matters such as animal welfare.

Planning Policy:

The site is located in open countryside. Saved Policy SG1 of the South Holland Local Plan, 2006 indicates that planning permission will be granted for development where the Council is satisfied that it is consistent with the principles of sustainable development and where, inter alia, South Holland's essential character and main environmental assets are not damaged.

Saved Policy SG2 of the South Holland Local Plan likewise indicates that all proposals for development must be located having regard to sustainable development principles. They should adopt a sequential approach which gives priority to the use of previously developed land and building within defined settlement limits, then to greenfield land within defined settlement limits and finally to land adjacent to defined settlement limits. Wherever possible, development should be served by a choice of transport modes, including public transport.

Saved Local Plan Policy SG4 indicates that planning permission will only be granted for new development in the open countryside if it is essential in the proposed location and cannot reasonably be accommodated within a defined settlement limit. Development that would result in unacceptable impact upon the landscape character of the area will only be permitted where the need for the development outweighs its impact, and no other site exists to accommodate the proposed development. It indicates that some types of use are appropriate in the countryside, principally those that are essentially rural in character, including agriculture. The aims and objectives of this policy are to minimise the loss of agricultural land and to safeguard the open countryside for its own sake and protect its intrinsic character. Whilst it is realised that it is essential to encourage rural enterprise, it should not lead to activity of such a scale as to promote unacceptable increases in movements by motor vehicles or unacceptable impact upon the countryside.

The above policies are consistent with advice within the National Planning Policy Framework, 2012. Paragraphs 6 and 7 indicate that the purpose of the planning system is to contribute towards the achievement of sustainable development. Paragraphs 7 and 8 indicate that there are three dimensions to sustainable development; namely, economic, social and environmental. Whilst paragraph 28 of the Framework stresses that local planning authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well designed new buildings, they should only do so if the development is sustainable. One of the core planning principles within paragraph 17 of the Framework is to manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus development that is in a location that is sustainable.

Another core principle within Paragraph 17 of the Framework is that the planning system should recognise the intrinsic character and beauty of the countryside.

In respect of the proposal, the Planning Statement indicates that it is related to agriculture. However, the breeding of pet rabbits does not fall within the definition of agriculture as defined within Section 336 of the Town and Country Planning Act, 1990.

Assessing the proposal against the above national and local planning policies, it is acknowledged that local planning authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well designed new buildings. In this respect, it is accepted that the proposal would help an existing business to expand and develop. However, the proposal needs to be sustainable.

It has not been satisfactorily demonstrated that there is an essential need for the proposal in this location in the open countryside. Although it has been indicated that the rabbits need a quiet environment, this could still be achieved on a site within or closer to a defined settlement limit. The site is in an isolated location and is not currently occupied by buildings. It is not close to a main road network and has poor public transport links. Workers would most likely visit the site by motor vehicle. Although it has been indicated that most sales would be via the internet it is likely that there would be frequent visits to the site by members of the public to view/collect rabbits, guinea pigs, etc. This is considered to be contrary to one of the core planning principles of paragraph 17 of the Framework to make the fullest use of public transport. Moreover, the reliance on the motor car would increase carbon emissions, contrary to the requirements of the environmental role of planning.

It is also noted that no business plan has been submitted with the proposal. On the basis of the Inspector's comments in respect of the previous appeal decision for the site, there is doubt over whether the business could run profitably and be sustainable over the longer term. This is taking into account matters such as construction costs of the building and any possible future dwelling which may well be required by the applicant on security grounds.

In conclusion, therefore, it is considered that there is no essential need for the development in this location and that the proposal is not acceptable in terms of sustainability.

Finally, the proposal would have a harmful effect upon the present open and rural character of the countryside. If permitted, it would encourage further applications of a similar nature along Whale Drove, including an associated dwelling, which would then be hard to resist, contrary to Local Plan Policy SG4.

Amenity Issues:

The proposal would introduce 120 breeding does as the basis of a new herd. The rabbits would be bred exclusively for the pet trade and the applicant has indicated that the operation would comply with RSPCA guidance on the health and welfare of rabbits. The proposal would also incorporate a wormery, which would utilise the rabbit droppings to produce high quality fertiliser through vermiculture. The applicant has indicated that both the worms and fertiliser would be sold.

The rabbits would be kept in open pens with solid floors. They would have wood shavings as bedding and would be cleaned out on a weekly basis. The waste would be utilised for breeding worms for local fishing purposes.

The nearest residential properties are situated some 300 metres to the South-East. Environmental Protection has been consulted and raises no objections. It is considered that the amenity of nearby

residents would not be materially harmed, subject to safeguarding conditions relating to noise and a restriction on the burning of waste.

Highway Issues:

The application site is some considerable distance outside of the boundary of the nearest settlement and is accessible only by the use of narrow rural roads that, in places, are significantly deteriorated by the effects of drought damage. The County Highways Authority has indicated that although the vehicle movements associated with the proposed development alone may not be great, and not have a demonstrably severe impact upon the local highway network, approval of the application without a substantiated need for the proposed use to be in such a remote location would be likely to set an unwelcome precedent. This is in the sense of uncontrolled development on any other piece of land along Whale Drove and in the open countryside, to the detriment of highway safety.

Other Matters:

A significant number of objections and a petition containing tens of thousands of signatures have been submitted on moral, ethical and welfare grounds. However, the courts have previously determined that such considerations are not normally material to a planning decision.

The applicant has indicated that the operation would comply with RSPCA guidance on the health and welfare of rabbits. Nevertheless, if any issues were to arise concerning the welfare of the rabbits they would be dealt with under separate legislation, including the Animal Welfare Act, 2006. The latter contains general laws relating to animal health/well-being and places a duty of care on owners, breeders, etc to ensure they take reasonable steps in all the circumstances to meet the welfare needs of their animals to the extent required by good practice. There is also a Code of Recommendations for the Welfare of Rabbits, which continues to apply under the Animal Welfare Act.

Conclusion:

The proposal is a new business use in the open countryside that does not align with the aims of national and local planning policy to seek to concentrate new development in sustainable locations and protect the open countryside for its own sake. The proposal therefore fails to accord with Policies SG1, SG2 and SG4 of the South Holland Local Plan, 2006, which seek to achieve sustainable development and protect the countryside. These policies are in accordance with advice within the National Planning Policy Framework, 2012.