

## **GROUNDINGS OF APPEAL**

### **Ground (g)**

The site is in the Green Belt. It is accepted that the proposed development constitutes inappropriate development in the Green Belt and, that substantial weight must be attributed to this harm to the Green Belt. However, bearing in mind that the definitional harm arising from inappropriate development relates to the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open, the additional weight to be attributed to the actual loss of openness will vary according to: the scale of development; its visibility; and its permanence.

In this case, although the proposed development would involve some loss of openness in spatial terms, the kennel building (rather than as alleged, a stable building) would not be prominently located or obtrusive in the landscape. Other than at close range, the building would be relatively well screened from public view by the topography of the surrounding area and existing vegetation. As such, the visual impact on openness would be limited and, could be further mitigated by the provision of tree/hedgerow planting along the site boundaries.

The development would conflict with the Green Belt purpose of assisting in safeguarding the countryside from encroachment. However, the degree of encroachment is limited by the modest scale of the proposed building and the limited public views that would be available into it. The proposed development would not add to the sprawl of large built-up areas; contribute towards the merging together of neighbouring towns; affect the setting and special character of a historic town; or, divert development which would otherwise assist in urban regeneration. Thus, apart from encroaching into the open countryside, the proposed development would not affect any of the other purposes of including land in the Green Belt.

### **Any Other Harm**

The test for countryside harm must be whether the development causes unacceptable harm which cannot be made acceptable with additional

landscaping. In this case, the site is not widely visible and, the impact of development on the character and appearance of the surrounding countryside is experienced within a limited visual envelope, restricted by the local topography and existing vegetation. Opportunity exists for further landscaping, in the form of tree and hedgerow planting, along the boundaries of the site which would help assimilate the development into its semi-rural surroundings.

### **Other Material Considerations**

The site is occupied by [REDACTED] and [REDACTED], together with their 4 children. The kennel building provides secure and weatherproof accommodation for the family's children. One of their children suffers from ADHD. He has no sense of danger and, would not be able to play outside un-supervised without secure fencing along the boundary with Crossley Street.

It is consistent with caselaw in *Stevens v. SSCLG [2013] EWHC 792 (Admin)* that the best interests of children should be a primary consideration in this application, although not necessarily the determinative factor. Their best interests would be for the site to be developed as proposed. It would give them the best opportunity for a stable and secure family life, with opportunities for safe play and personal development.

### **Very Special Circumstances**

On balance, the family's need for secure accommodation for their dogs, and a secure boundary along the road frontage, personal circumstances; and the needs of the children, clearly outweigh harm to the Green Belt and any other harm. Very special circumstances therefore exist to justify the granting of planning permission.

**Ground (g)**

The appellant would be unable to obtain alternative accommodation for his 8 dogs within 3 months. In the event that kennel accommodation could not be secured within 3 months, the family's dogs may have to be disposed of, causing harm to the emotional well-being of the 3 eldest children. A period of at least 6 months is required.