

BLUE CROSS PLANNING STATEMENT

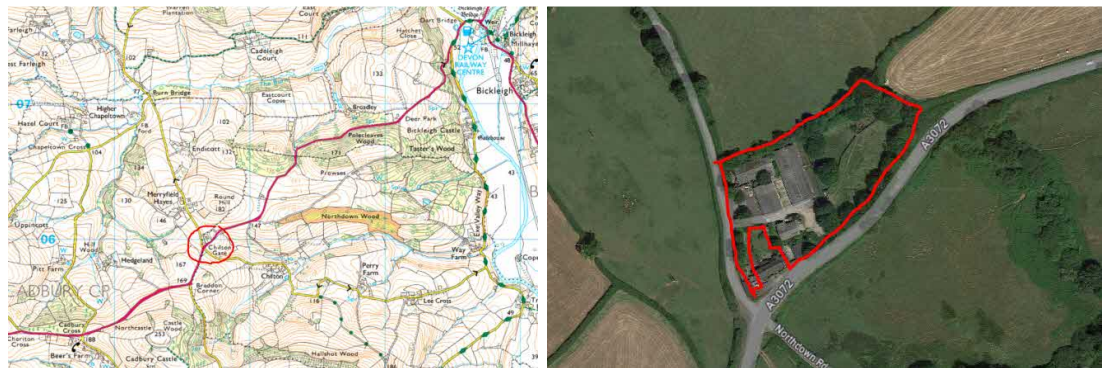
1.0 Introduction

- 1.1 This statement is to provide evidence in support of a Certificate of Lawfulness Planning Application to confirm Class E use at The Blue Cross, Chilton Gate Kennels, Bickleigh, EX16 8RS
- 1.2 The applicant, Press Properties Ltd, owns the site having purchased it from the Blue Cross Charity in February 2022. The site is currently vacant and has been since the charity closed the centre in April 2021. In planning terms, the last use is therefore that of the Blue Cross Animal Rehoming Service Centre which has existed since the site was acquired in October 1985.
- 1.3 The application consists of the following:
- Application form
 - Location Plan (drawing 01)
 - Block Plan (drawing 02)
 - Building Plans (see schedule and drawings in Appendix 3)
 - This explanatory statement

If further information, a site visit or explanations are required please contact the agent on 07748 515077.

2.0 Location and Characteristics of the site

- 2.1 The site is located adjacent to a cross roads on the A3072 about 5 miles on the Tiverton side of Bickleigh as illustrated below.



Images 1 & 2 – Site Location

- 2.2 The site consists of a range of single storey buildings mostly constructed between 1987 and 2007 by the Blue Cross for their own use (see drawing 03 with extract below) and an exercise area to the east. Note that the ownership includes the existing houses on the main road but this CLEUD application excludes those because they hold an open C3 planning use.



Image 3 extract from drawing 03

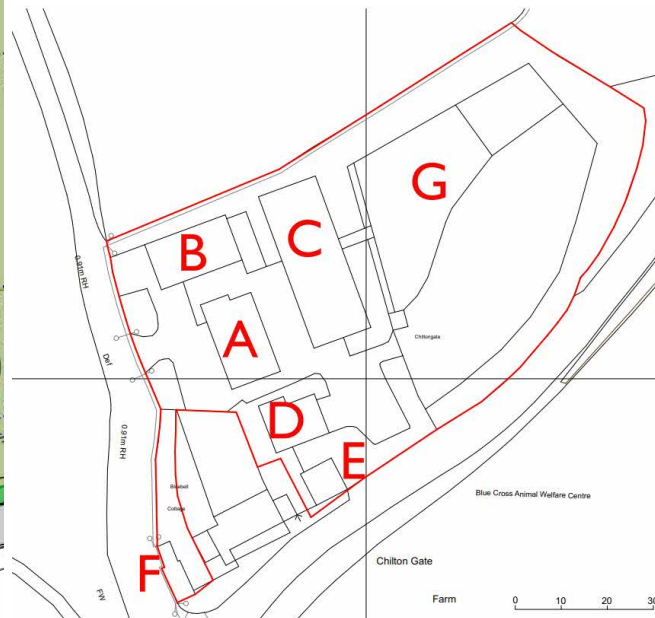


image 4 drawing 02 with annotation

- 2.3 The use of the site as an animal rehoming service centre is well known locally and clearly documented by the planning history (outlined below). For the 10 years before closure in 2021 the land and buildings were used as follows:

- A – Service centre Hub, reception, offices, veterinary and staff welfare facilities
- B – Cattery puppy unit, including pet/ future owner introduction room.
- C - Dog kennels. Laundry,
- D – Cat isolation unit (vets facilities)
- E - Ancillary storage
- F - Offices, training & meeting room
- G - Dog exercise area

Please see annotated plans listed in appendix 3 on page 17

- 2.4 The whole area of the red line on location plan was used for the charity's purpose of rehoming pets. No use as been made of the land since this time and therefore I suggest that this is the current planning use.
- 2.5 The definition of a planning unit is defined by the test within the *Burdle v Secretary of State for the Environment* (1972 3 All Er 244)

"that whenever it is possible to recognise a single main purpose of the occupier's use of his land to which secondary activities are incidental or ancillary, the whole unit of occupation should be considered"

The evidence above confirms that since its acquisition in 1985 the single main purpose of these premises has been to further the objectives of the Blue Cross Charity as an Animal Welfare Charity which provided animal rehoming and educational services to members of the public which use falls within paragraph E (c) (iii) of the use classes order – namely *any other services which it is appropriate to provide in a commercial, business or service locality.* **(see extract at Appendix 2 on page 6).**

3.0 History of the site

- 3.1 To document the 10 years use necessary for a certificate I will outline the planning history since the purchase of the site by the Blue Cross as indicated in the documents, I include further detail of relevant applications in appendix 2. All of the applications below were approved although two were not implemented.

- 3.2 Reference: 88/01222/FULL Decision Issued : 19/09/1988
Erection of kennels, reception block and septic tanks
- Reference: 89/02092/FULL Decision Issued : 19/10/1989
Siting of bunded oil tank
- Reference: 91/01852/FULL Decision Issued : 27/04/1992 (not built)
Erection of new kennel block and associated drainage facilities
- Reference: 97/01820/FULL Decision Issued : 09/02/1998 (not built)
Erection of a puppy and kitten block (existing building to be demolished)
- Reference: 98/00743/FULL Decision Issued : 24/06/1998
Erection of puppy and kitten block (Revised Scheme)
- Reference: 07/01334/FULL Decision Issued : 29/08/2007
Erection of extension to reception building and extension to cattery building

- 3.3 In the **appendix 2** from page 7 are extracts from some of these applications which clearly show that the use for over 10 years was as described above.

4.0 Conclusion

- 4.1 The buildings comprise the reception building which contains veterinary facilities surrounded by kennels, a cattery, a puppy and kitten unit and a cat isolation unit. The barn at the southwest corner of the site was used as a board room, staff room and storage in connection with the charity. The barn at the southeast corner of the site was used for storage in connection with the charity. The exercise area to the east is also an integral part of this use as shown by the plan 04.
- 4.2 There has been continuous and consistent use of the land and buildings shown on the location plan as an animal rehoming service centre for over 10 years.
- 4.2 Although the Blue Cross closed these premises in June 2021 due to changes in their operating model, the permitted use continues. The current use classes were last updated on 1st September 2020 when class E was introduced. The use we have described falls within Class E and therefore we are seeking a Certificated of Lawful Use to confirm this.

Nicholas Helsing Applicant

Included on the following pages:

Appendix 1 - use class in relation to this site (page 5)

Appendix 2 - extracts from application history (pages 6-16)

Appendix 3 - schedule of drawings showing site usage (page 17)

APPENDIX ONE - Use classes in relation to this site

For clarity I append below extracts from the Use Classes Order with the operative parts in connection with this application highlighted in blue. Class E is defined as following:

CLASS E. COMMERCIAL, BUSINESS AND SERVICE

Use, or part use, for all or any of the following purposes—

- (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,
- (b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
- (c) for the provision of the following kinds of services principally to visiting members of the public—
 - (i) financial services,
 - (ii) professional services (other than health or medical services), or
 - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
- (d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- (e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,
- (f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
- (g) for—
 - (i) an office to carry out any operational or administrative functions,
 - (ii) the research and development of products or processes, or
 - (iii) any industrial process,being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

The statutory objective of the Blue Cross Charity is TO ENCOURAGE AND PROMOTE KINDNESS TO AND THE PROTECTION OF ANIMALS AND TO EDUCATE THE PUBLIC IN RESPONSIBLE ANIMAL OWNERSHIP this is a service to the public that falls within Class E (c) 'the provision of the following kinds of services principally to visiting members of the public' (iii) 'any other services which it is appropriate to provide in a commercial, business or service locality'.

The above shows that the use of the animal welfare centre falls under the use class E.

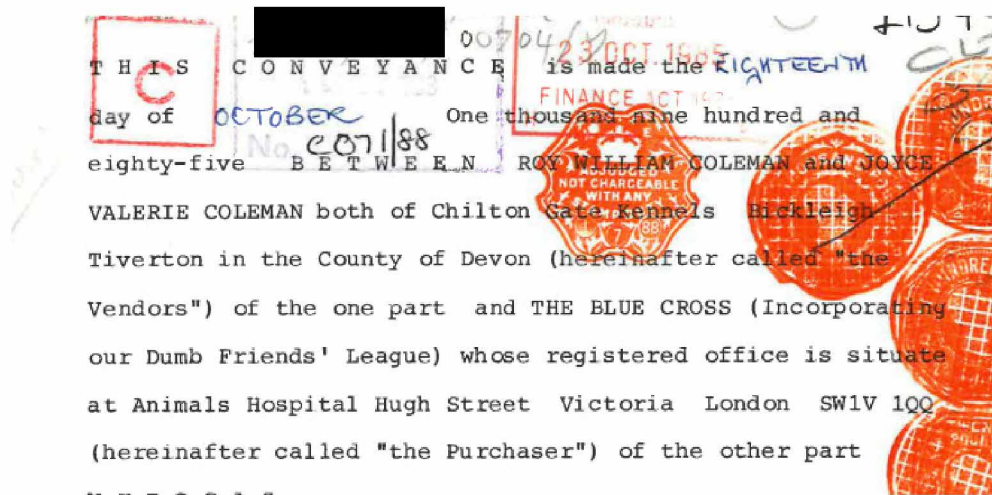
APPENDIX TWO - Historical information

Appendix 2 further detail from historical documents to support the application.

The Blue Cross Charity

The site was acquired by the Blue Cross (a company limited by Guarantee with no share capital Company number 00363197 on the 18th October 1985

Extract from Conveyance:



The charitable purposes of the previous owners, the Blue Cross Charity, are stated as:


“TO ENCOURAGE AND PROMOTE KINDNESS TO AND THE PROTECTION OF ANIMALS AND TO EDUCATE THE PUBLIC IN RESPONSIBLE ANIMAL OWNERSHIP.”

Further details can be found on the Charity commission website:

<https://register-of-charities.charitycommission.gov.uk/charity-search/-/charity-details/224392/charity-overview>

The charitable use of the premises is acknowledged by the grant of charitable rate relief by Mid Devon DC – Extract from rate demand below:


APPENDIX TWO - Historical information



Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP

Non-Domestic Rate Bill

2022/2023

<p>Date of Issue : 11-MAR-2022</p>	<p>To Contact Us:</p> <p>MDDC Reference Number: [REDACTED]</p> <p>Non Domestic Rates 01884 255255 Card Payments 01884 233000 Other Council Services 01884 255255</p> <p>email : revenues@middevon.gov.uk Visit us on-line at www.middevon.gov.uk</p> <p>MDDC offers a competitive local TRADE WASTE SERVICE for businesses in Mid Devon. For more details call 01884 234366 or go to www.middevon.gov.uk.</p>								
<p>THE BLUE CROSS FIELD CENTRE HOME CLOSE FARM SHILTON ROAD BURFORD OXFORDSHIRE OX8 4PF</p> <p style="text-align: right;"> 002732</p>									
<p>Description: KENNELS & PREMISES</p> <p>Property ID: [REDACTED]</p> <p>Property to which the bill refers: CHILTON GATE KENNELS BICKLEIGH TIVERTON DEVON EX16 8RS</p>	<p>Reason for Bill: Annual</p> <p>Rateable Value: [REDACTED]</p> <p>Rate in Pound: [REDACTED]</p> <p>Charge For Period: [REDACTED]</p>								
<p style="text-align: center;">NON DOMESTIC RATES ACCOUNT DETAILS:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Charge For Period</td> <td style="width: 20%;">[REDACTED]</td> <td style="width: 20%;">01-APR-2022 31-MAR-2023</td> <td style="width: 20%;">[REDACTED]</td> </tr> <tr> <td>Charity Relief</td> <td>[REDACTED]</td> <td>01-APR-2022 31-MAR-2023</td> <td>[REDACTED]</td> </tr> </table> <p style="text-align: right; margin-top: 20px;">AMOUNT DUE: [REDACTED]</p>		Charge For Period	[REDACTED]	01-APR-2022 31-MAR-2023	[REDACTED]	Charity Relief	[REDACTED]	01-APR-2022 31-MAR-2023	[REDACTED]
Charge For Period	[REDACTED]	01-APR-2022 31-MAR-2023	[REDACTED]						
Charity Relief	[REDACTED]	01-APR-2022 31-MAR-2023	[REDACTED]						

Following the acquisition of the site by the Blue Cross in the 1985's , the use of the premises has been as an animal rehoming in accordance with the charitable objectives of the owner.

Planning History

This use is substantiated by the planning history outlined in paragraph 3.2 of this document. To clarify their relevance I attach below extracts showing what the applications consisted of. Together these documents show the consistent use described in section two of this document.

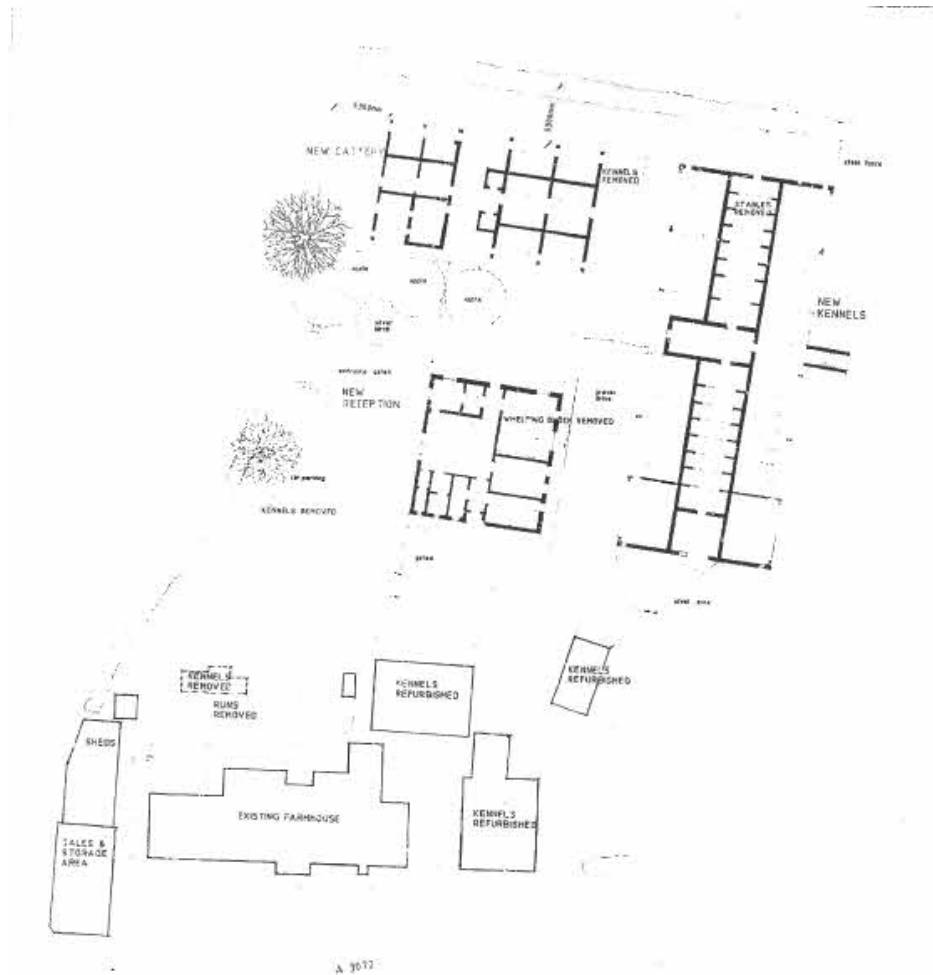
Reference: 88/01222/FULL

Erection of kennels, reception block and septic tanks

Date Decision Issued : 19/09/1988

Decision :Grant permission

APPENDIX TWO - Historical information



Plans of kennels and reception building for the Blue Cross

The planning officer included the following comments in his report dated 10th August 1988.

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OBS:

The application relates to the existing kennels at Chilton Gate on the A3072 Birkleigh - Crediton Road which are now run by the Blue Cross Animal Welfare Group. It is proposed to erect new kennels and reception block at the rear. I can see no objection to the proposal in view of the existing use. The proposed buildings will provide a new cattery (16 cages) New kennels (32 cages), An isolation and whelping unit and a new reception and treatment area. The buildings will be fairly extensive but will be of a higher visual

88/1222

Quality than the existing buildings on the site. I may have queried the veterinary area with the agents and they have advised that for the most part this would be used for kennel based animals they would not wish to preclude public use. I do not consider that a minor rise to a great increase in traffic over and above the use of the kennels and I can see no objection to this. I agree with the ~~Town~~ ^{Parish} Council that a landscaping condition would be appropriate.

Reference: 89/02092/FULL

Siting of bunded oil tank

Date Decision Issued : 19/10/1989

Decision : Grant permission

Reference: 91/01852/FULL

Erection of new kennel block and associated drainage facilities

Date Decision Issued : 27/04/1992

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Decision :Grant permission

The planning officer report 25.3.92 includes the following statement.

SUPPORTING INFORMATION

● Kennel block replaces 2 existing bldgs no longer suitable for modern kennel use. Proposed to demolish one of these and use other as a store. Also proposed to improve existing drainage on site by installing small catch pit to the east of the proposed building, which will trap solids, which can be collected and disposed of separately.

Note to Committee.

Kennel proposed for 10 No. dogs replaces ¹⁶ existing kennels - net reduction in number of dogs housed on site. Building located within courtyard formed by existing buildings so will be totally screened.

This permission was not implemented.

Reference: 97/01820/FULL

Erection of a puppy and kitten block (existing building to be demolished)

Date Decision Issued : 09/02/1998

Decision :Grant permission

The planning application included the following statement in the planning application form dated 8.12.97.

9A. EXISTING / PROPOSED USES (tick all existing and proposed uses that are the subject of this application)

Existing Uses	Proposed Uses
<input type="checkbox"/> Housing	<input type="checkbox"/> Housing
<input type="checkbox"/> Tourism	<input type="checkbox"/> Tourism
<input type="checkbox"/> Shopping	<input type="checkbox"/> Shopping
<input type="checkbox"/> Financial/Professional	<input type="checkbox"/> Financial/Professional
<input type="checkbox"/> Food and Drink	<input type="checkbox"/> Food and Drink
<input type="checkbox"/> Business/Offices	<input type="checkbox"/> Business/Offices
<input type="checkbox"/> Industrial	<input type="checkbox"/> Industrial
<input type="checkbox"/> Storage/Distribution	<input type="checkbox"/> Storage/Distribution
<input type="checkbox"/> Institutions	<input type="checkbox"/> Institutions
<input type="checkbox"/> Assembly/Leisure	<input type="checkbox"/> Assembly/Leisure
<input type="checkbox"/> Agriculture	<input type="checkbox"/> Agriculture
<input type="checkbox"/> Other (specify)	<input type="checkbox"/> Other (specify)
<input checked="" type="checkbox"/> <u>ANIMAL WELFARE</u>	<input checked="" type="checkbox"/> <u>ANIMAL WELFARE</u>

← Also answer Question 9B
← Also answer Question 9C
← Also answer Question 9D

This planning application was not implemented.

Reference: 98/00743/FULL

Erection of puppy and kitten block (Revised Scheme)

Date Decision Issued : 24/06/1998

Decision :Grant permission

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The planning application dated 5th May 1998 includes the following description of the existing and proposed uses.

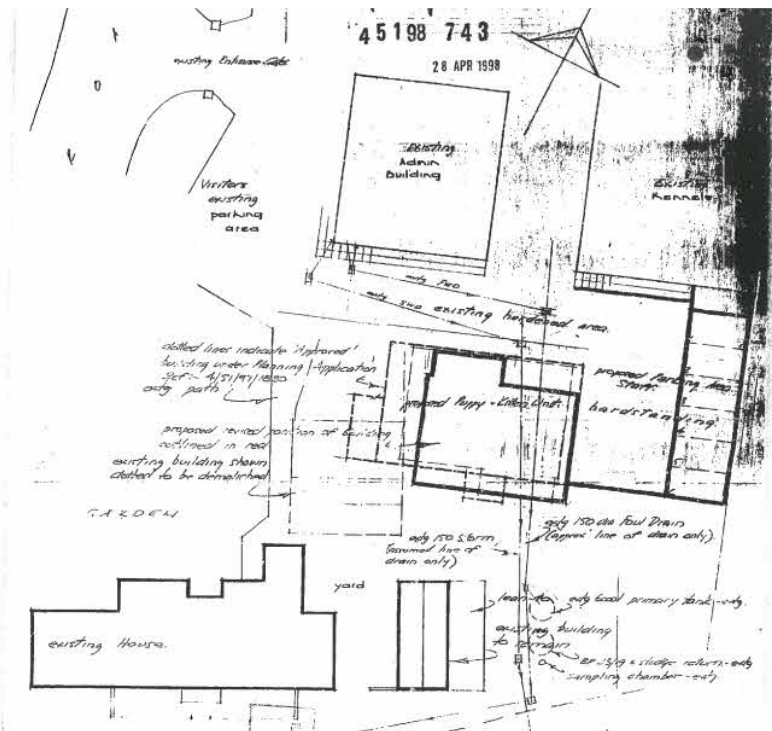
EXISTING AND PROPOSED USES (Tick all existing and proposed uses that are the subject of this application)

Existing Uses	Proposed Uses
Housing	Housing
Tourism	Tourism
Shopping	Shopping
Financial/Professional	Financial/Professional
Food and Drink	Food and Drink
Business/Offices	Business/Offices
Industrial	Industrial
Storage/Distribution	Storage/Distribution
Institutions	Institutions
Assembly/Laure	Assembly/Laure
Agriculture	Agriculture
Other (specify) ↓	Other (specify) ↓

Also answer Question 9B
Also answer Question 9C
Also answer Question 9D

ANNA KIELPARE
28 APR 1998

This application was granted and implemented.



Reference: 07/01334/FULL

Erection of extension to reception building and extension to cattery building

Date Decision Issued : 29/08/2007

Decision : Grant permission

The planning application dated 5th July 2007 includes the following description of the existing and proposed uses.

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18. EXISTING/PROPOSED USE OF BUILDINGS/LAND	
a) Existing use of building/land	ANIMAL WELFARE CHARITY
b) If vacant, the last previous use	
c) Proposed use of building/land	

19. FLOORSPACE					
Would the proposal create any new floorspace? (if yes, please indicate floorspace - gross internal measurement)					
				YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
FLOORSPACE	Existing	To be Demolished	New Build	Total	
Industrial	m2	m2	m2	m2	
Office	152 m2	m2	72 + 13 m2	237 m2	
Retail	m2	m2	m2	m2	
Warehousing/Storage	m2	m2	m2	m2	
Residential	m2	m2	m2	m2	
Other	CARPORT 90 m2	m2	46 m2	136 m2	
TOTAL	m2	m2	131 m2	m2	

This is the latest application on the Mid Devon planning records. The design and access statement states that the Blue Cross animal welfare charity have owned the site since 1985 so this is a long established use.

We provide the following extracts from the officer's report dated 4.7.2007 (filed as a DAS but would appear to be an officer report on the application).



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INTRODUCTION

This Design & Access Statement (DAS) accompanies an application for the extension to the existing reception and cattery buildings at The Blue Cross Centre, Chilton Gate, Bickleigh, Tiverton, Devon, EX16 8RS.

DESIGN PRINCIPLES and CONCEPTS

USE

The use for both extensions will provide more updated and enhanced facilities to the existing centre.

The works to the reception building will encompass improved staff welfare, provision to provide a public welfare clinic and on-site operating for Blue Cross owned animals.

The extension to the cattery will enable prospective cat adopters a "home-room". This will allow a greater interaction between the cats and adopters, making the potential adopters visit far more interactive, enjoyable and relaxing.

The public's expectations of an animal welfare organisation are far greater today than 10 years ago. Consequently, this means that all aspects of the organisation have to be considered, not only the animal buildings.

AMOUNT of DEVELOPMENT

Currently all of the animal buildings on the site are single storey with a rendered finish.

The site covers a total area of approximately 3.2 acres.

The current level of animal building development on the site is:

Reception =	152m ²
Cattery =	175m ²
Kennels =	492m ²
Isolation =	120m ²

TOTAL = 939m²

The new extensions will add an additional:

Reception =	72m ²
Cattery =	48m ²

TOTAL = 939m² + 120m² = 1059m²

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LAYOUT

The site has well defined boundaries and existing building lines.

The proposed location of the buildings is considered the best use of the land and resources. The layout maintains a compact central core of buildings.

The public access remains as unchanged.

SCALE

The proposed two extensions have a scale that is in keeping with other buildings on the site. The sizes of the extensions are:

RECEPTION:

Total Floor Area = 78m²

Ridge Height = 5.7 metres

Roof Pitch = 22 degrees

CATTERY:

Total Floor Area = 48m²

Ridge Height = 4.1 metres

Roof Pitch = 22 degrees

The footprint is considered the optimum in terms of cost-effectiveness for the Charity and space requirement to enable dogs to interact with potential owners.

LANDSCAPING

Since purchase of the site in 1985, the Charity has undertaken an extensive programme of tree and shrub planting to reinforce hedgerows and provide shading to some open areas.

The trees to the external boundaries provide a dense line and are a mixture of poplar, willow, ash, laurel & sycamore.

There are numerous pockets of lawn on the site. These have been deliberately left to provide a natural and open feel to the site. These areas are used for open days etc.

On completion of the project the aim will be to re-plant new shrubs in front of the cattery to partly compensate for the shrubs removed during the development.

The aim at all Blue Cross centres is to provide a practical, pleasing working environment for its 15 paid staff and all visitors.

The Blue Cross employs a local person to maintain its grounds.

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APPEARANCE

The predominate character of the buildings are of single storey, with a simple architectural design to give an agricultural "feel". The roofing to all of the animal buildings is a cement based profiled sheeting.

The external finishes are coloured render on blockwork.

The proposed extension will follow with the current design.

ACCESS

Inclusive Access:

All Blue Cross centres have to be fully accessible to all members of the public; this is a prerequisite.

The core working area is considered level with no steep gradients. This makes it fully accessible to all in the community.

The centre has hard surface paving to provide smooth, even and well-laid surfaces to avoid tripping to all buildings and areas for staff and members of the public.

Seating is provided at several locations around the site for people to rest.

External lighting is provided to all areas and pathways.

The proposed building will have fully accessible entrance and emergency exit doors. The internal surfaces are proposed to be industrial grade vinyl sheeting with anti-slip properties.

There will be emergency lighting within and at exit points of the building.

The main reception building has a fully accessible ramp.

Transport & Car Provision:

The centre is situated in a rural location. The nearest village being Cadeleigh, this is approximately 2.5 miles distance.

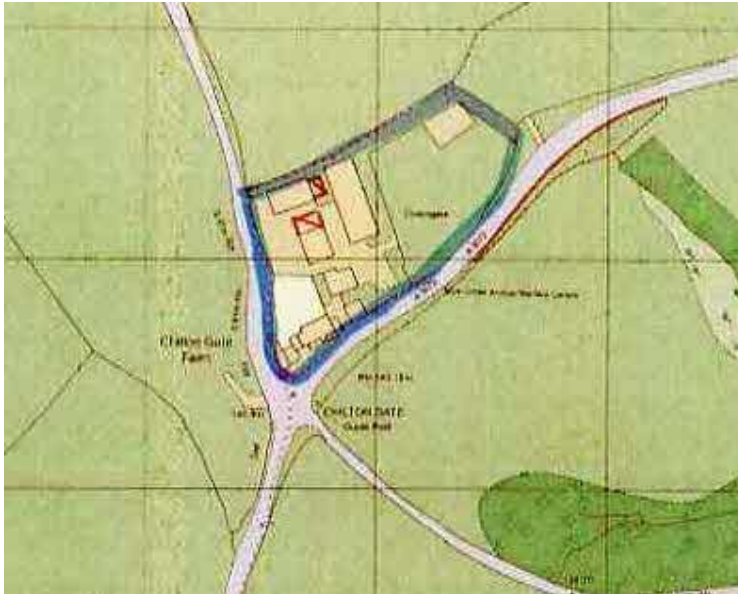
Due to the nature of the work carried out by the Charity, the majority of visitors come to the centre using their own car.

A typical radius of operation for the centre is 30 miles.

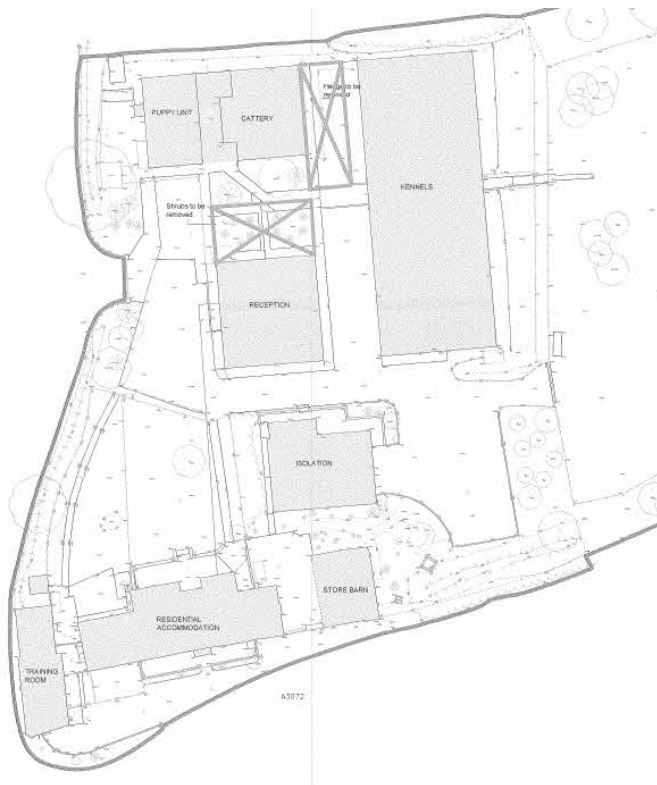
The public transport network is considered too infrequent for practical purposes.

The site location plan appears below showing the extensions in red

APPENDIX TWO - Historical information



The plan from this application reflects the current layout of the site shown in images 3 & 4.



APPENDIX 3 - Schedule of drawings

Drawing Schedule (the following drawings are included for reference)

Drawings showing current arrangements by Florian Winkler ARB

J 853 / 01 Location plan

J 853 / 02 Block plan

J 853 / 03 Existing site plan

J 853 / Su 01 Training Room plan

J 853 / Su 02 Reception plan

J 853 / Su 03 Cattery / Puppy unit plan

J 853 / Su 04 Kennels plan

J 853 / Su 05 Isolation unit plan

J 853 / Su 06 Storage barn plan