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Proposed Replacement of Existing Cattery with One Residential Dwelling at The Cats Cradle, Windy Arbour, Kirk Langley, DE6 4NP

Introduction and Background

1. This statement is in support of a full planning application for the development as described in the heading above. It provides further details about the proposal; identifies the main issues and the relevant local and national planning policies and guidance. It should be read in conjunction with the submitted plans, prepared by Mark Blood Building Design and the Ecology Assessment, prepared by Drs Sutherland and Bodnar.

2. The Council is currently dealing with a separate application for two dwellings on the site (AVA/2021/1259). Following discussions between the agent (Mark Blood) and Council officers, it has been agreed to submit this application for one dwelling, which is likely to be more acceptable to the Council. Whilst pre-application advice is not binding, applicants should expect it be objective and to have a reasonable expectation that it will follow through to the final decision.

The Site and its Surroundings

3. The application site, which covers some 1,900 square metres is situated in the countryside, on the A52 between Kirk Langley and Brailsford. It is currently an established cattery with the main

building of 29 pens with capacity for 90 cats. The applicant lives on the site in an adjacent dwelling.

4. The existing main cattery building is single-storey structure that is positioned close to the adjacent field boundary on the north-eastern side of the site (see photo below). The site also includes a detached garage.



5. Although the site is within the countryside in terms of planning policy, it is part of a row of ribbon development of residential dwellings located on its north-western side. In that regard, it is not

'isolated'. The site is not in the Green Belt, a conservation area, or area of high landscape value.

The Proposal

6. The proposal is to demolish the existing cattery building and adjacent garage and construct one detached two-storey dwelling. The dwelling would have three bedrooms and would largely occupy the site of the existing cattery building.

7. Access to the site will be via the existing access and on-site parking for residents and visitors will be provided. It should also be noted that there is a bus-stop close to the site frontage.

8. It is proposed to retain the existing hedge along the site frontage.

The Development Plan and Other Relevant Policies and Guidance

9. It is a statutory requirement that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, the Development Plan comprises the Amber Valley Local Plan 2006 (LP) and the Kirk Langley Neighbourhood Plan. Some of the policies of the LP are now out of date, because of its age.

10. Material considerations include the provisions of the National Planning Policy Framework 2021 (NPPF). Where there is any conflict between the LP and the other documents, the NPPF and the NP should be afforded greater weight.

11. The relevant policies of both the Development Plan and the NPPF are referred to below in relation to the main issues.

The Main Issues and the Case for the Applicant

12. These are considered to be:

i) The principal of the development and

ii) The effect of the proposal on the character and appearance of the area.

Each of these is addressed in turn below

The Principle of the Development

13. The 'golden thread' that applies throughout the planning process, is the principle of sustainable development. The objectives of sustainable development are defined in paragraph 8 of the NPPF. These objectives are economic, social and environmental i.e. to build a strong economy; support communities and protect the environment. This is reflected in Policy LS1 of the LP, which is pre the NPPF, but requires (amongst other things) new development to be well related to existing patterns of development; to re-use previously developed land; and to minimise travel by car between home and work. The Policy also seeks to ensure that new development protects and enhances the natural environment.

14. The general thrust of the LP in terms of the location of new housing is to avoid new development in the countryside, unless the dwellings are required for uses that are appropriate to a rural location. With regard to the Kirk Langley NP, it is noted that Policy HOUS2 directs new housing development to sites within the built framework of the village and that housing development in the countryside will not be supported unless it accords with paragraph 79 of the NPPF. Paragraph 79 seeks to ensure that housing in the countryside is located where it will enhance or maintain the viability of local communities and services.

15. Whilst the provisions of the NPPF and the NP are similar, it is noted that the LP was adopted prior to the current drive for new housing as required by paragraph 60 of the NPPF. The NPPF (paragraph 69) also supports the development of small and medium sized sites that can make an important contribution to the housing requirement of the area.

16. It is accepted that the application site lies outside of the built framework of the village. However, as stated in paragraph 5 above, the proximity of other dwellings nearby means that the site is not isolated in planning terms.

17. In addition, the site can be regarded as 'previously developed' land (as defined in Annex 2 of the NPPF) and, in that respect, it should not be

compared to development on a greenfield site within the countryside. The proposal will be an economic use of land, without any harm being

caused to the landscape or the character of the area (see further reasoning below).

18. Paragraph 8 of the NPPF states that sustainable development has three overarching objectives: economic, social and environmental. With regard to the economic objective, the proposal will provide short-term benefits by the creation of work during the demolition and construction phases. In addition, there will be longer term benefits by the retention of local spending by the occupants of the dwelling.

19. In terms of the social objective, the proposal will ensure the provision of small units of accommodation, which the NP seeks to provide.

20. With regard to the environmental objective, this is considered to have two strands: the protection of the landscape and accessibility. The impact on the landscape is covered in detail below. In terms of accessibility and the use of motor vehicles, there are already vehicle trips generated by the existing cattery. These include customers vehicles and suppliers. Whilst this activity fluctuates, it is contended that the trips generated one small household will not be significantly different. In addition, the proximity of the bus-stop provides an opportunity to use public transport for trips.

21. Furthermore, it is now reasonable to assume that the growth of electric vehicles means that concerns over motor vehicle trips and the impact on the environment should be less of a concern. This should open up opportunities for development in the countryside.

22. For the reasons given above, it is concluded that the material considerations referred to above outweigh any policy conflict.

Character and Appearance

23. Policies EN7 and EN8 of the LP generally require new development to protect the character and appearance of the countryside and the local landscape. These accord with paragraph 174 of the NPPF, which (amongst other things) requires planning decisions to recognise the intrinsic character and beauty of the countryside.

24. In addition, Policy HOUS4 (Housing Design) of the NP requires new housing to be of high-quality design, appropriate to their local context. Policy ENV2 also seeks to protect local landscapes and local character. This is also reflected in paragraphs 127 and 174 of the NPPF.

25. It is considered that the proposal will result in a significant improvement to the appearance of the site. Whilst the existing cattery building is functional, it has little in the way of aesthetic quality. The proposed dwelling will be constructed of facing bricks and plain tiles (subject to further approval), which will reflect the character of the area.

26. The new dwelling will be taller than the existing building, but nevertheless, they will not be particularly visible in the landscape, nor will they be clearly visible from the road (due to the existing hedge). Post and rail fencing (as existing) will form the boundary and the parking/manoeuvring areas will be surfaced in a bonded gravel finish. These fencing and surfacing are appropriate for this rural location. The double fronted 'cottage' style design incorporating small dormers at eaves level is also in character with the area. Consequently, the development will readily assimilate into its surroundings.

27. Accordingly, it is concluded that the proposal will not have an adverse impact on the character or appearance of the site or on the local landscape.

Other Matters

28. The proposal is supported by an ecological assessment. The document speaks for itself, but it concludes that there are no significant issues and that a biodiversity enhancement scheme is recommended, in the form of bat boxes and bird boxes incorporated into the development.

29. Consequently, the proposal accords with the aims of Policy ENV3 of the NP and with Section 15 of the NPPF, which both generally seek to protect and enhance biodiversity.

Conclusion

30. For the reasons given above, it is concluded that the proposal can be regarded as a sustainable form of development. It will provide one small dwelling on a brownfield site, improve the appearance of the site and there not cause harm to the character or appearance of the area.

31. Therefore, it is requested that planning permission be granted.

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