

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 13 March 2019

(Author: Angela Simmonds - Planning Officer)

Purpose: To consider Planning Application H09-1244-18

Application Number: H09-1244-18

Date Received: 18 December 2018

Application Type: FULL

Description: Use of site for the keeping of more than 6 dogs (retrospective) and the erection of a kennel block (retrospective)

Location: 98 DOG DROVE NORTH HOLBEACH DROVE SPALDING

Applicant: Mrs C Holmes

Agent: Mrs C Holmes

Ward: Whaplode and Holbeach St Johns

Ward Councillors: Cllr M G Chandler
Cllr J Whitbourn

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H09-1244-18>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The applicant is a relative of a District Councillor.

2.0 PROPOSAL

2.1 The application is for retrospective permission for the keeping of more than 6 dogs and the erection of a kennel block. Both elements of the application are retrospective, it should be noted that the kennel was built within what is normally accepted as Permitted Development, however following discussions with officers it was agreed that planning permission is required as the kennel block falls just outside what is considered to be the domestic curtilage of the property.

2.2 The applicant submitted an amendment to the application for the keeping of more than 6 dogs to include the kennel block, with amended plans and photographs/measurements of the kennel block.

3.0 SITE DESCRIPTION

3.1 The site comprises a detached dwelling house, dog kennels, and commercial nursery buildings on Dog Drove North at Holbeach Drove.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South Holland District Local Plan, July 2006

The Council is in the process of finalising a new Local Plan (the South East Lincolnshire Local Plan). The new Local Plan has been through its formal Examination process and the final report from the Planning Inspectorate has now been received. However, the new Local Plan has yet to be formally adopted. The saved policies in the 2006 Adopted South Holland Local Plan therefore remain material. However, the new Local Plan is now considered to carry significant weight in the decision-making process.

Policy SG1 - General Sustainable Development
Policy SG17 - Protection of Residential Amenity

South East Lincolnshire Local Plan (scheduled to be adopted March 2019)

Policy 1 - Spatial Strategy;
Policy 2 - Development Management;
Policy 3 - Design of New Development;

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Guidance

National Planning Policy Framework (NPPF), February 2019

Paragraph 14 - The presumption in favour of sustainable development
Paragraph 17 - Core planning principles

Planning Practice Guidance (PPG), 2014

5.0 RELEVANT PLANNING HISTORY

- 5.1 H09-0468-10 - Siting of mobile home in association with nursery - Refused 30 July 2010 and dismissed on appeal.
- H09-1069-10 - Proposed glasshouse and storage shed - Granted 31 March 2011.
- H09-0019-12 - Siting of temporary mobile home in association with existing nursery - Granted 25 April 2012.
- H09-0693-15 - Erection of a dwelling - Approved following Committee overturn - Granted 03 December 2014.
- H09-0632-18 - Erection of new dwelling - Refused 07 September 2018 - currently at appeal.

6.0 REPRESENTATIONS

6.1 SHDC Environmental Protection

No comments to make on the application.

6.2 Public

At the time of writing the report, one objection has been received from a resident which can be summarised as follows:

- kennels are in plain sight and has already been built.
- noise from dogs travels and can be heard at their property.
- existing noise nuisance from 3 other neighbouring properties.
- noise from commercial and industrial vehicles.
- Spring/summer the windows are open and can hear barking and whining from dogs.

7.0 MATERIAL CONSIDERATIONS

- 7.1 The key material issues for consideration in this application are:
- Policy and Principles of Development
- The impact of the development upon neighbouring amenity.
- Design and layout of the kennel block
- 7.2 Policy and Principles of Development
- 7.3 The key policies relating to the determination of this application are;

South Holland Local Plan 2006 Policy SG1 - General Sustainable Development and Policy SG17 - Protection of Residential Amenity;

South East Lincolnshire Local Plan (scheduled to be adopted March 2019) Policy 1 - Spatial Strategy;
Policy 2 - Development Management; Policy 3 - Design of New Development.
- These policies, along with guidance contained in the NPPF (2019) seek to control development in terms of spatial location, design and protection of neighbour amenity.
- 7.4 The development carried out is within an area where hobby keeping of dogs is acceptable in principle, i.e. in a rural location, the design of the structures is acceptable considering they are in a cluster of buildings and the distance to neighbours properties and intervening features would make it very unlikely there would be material loss of amenity.
- 7.5 The impact of the development upon neighbouring amenity
- 7.6 The application site covers a large area and consists of the applicant's dwelling, a large garden area and an existing garden nursery business. The nearest neighbours are located to the north and south of the site and at a reasonable distance that would make it very unlikely that there would be a material loss of amenity, and the site benefits from mature and existing screening to an extent. This is not considered to be a heavily populated area and dwellings are typically spread out with large amenity space.
- 7.7 The dogs are well contained within the site and the applicant has kept the dogs for a number of years. There are no complaints registered with Environmental Health regarding any noise nuisance emanating from this site. The unannounced site visit by a planning officer, revealed no concerns with regards to the dogs and after the initial excitement of the arrival of a stranger the dogs became calm and very quiet.
- 7.8 The existing timber clad nursery building is fairly large and screens the newer dog kennel structures from the main road. The kennel structures are also set well back from the main road and benefit to an extent from screening by vegetation on the property boundary. There are further substantial commercial/nursery buildings set behind the area of the property where the kennels are sited and overall the new buildings are seen within a substantial cluster of existing built form.
- 7.9 The applicant keeps 13 dogs on site and they fall under the working dog category, consisting of gun dogs such as Labradors. The dogs are very much kept as family dogs and are regularly exercised and taken out as part of the families gun dog hobbies. Occasionally the applicant breeds a litter of puppies to sell however this is considered as being as a hobbyist breeder rather than a commercial venture.
- 7.10 The resident objections has been duly noted and considered, however due to the location of the site, the extent of the garden land, the lack of no immediate neighbours and the general high standard of care of the dogs it is considered that on balance the number of dogs and the location of the kennel does not have any negative impacts on the amenity of neighbours. It is considered that is the permission is restricted to the maximum of 13 adult dogs and the permission is made personal to the applicant, that in planning terms the keeping of more than 6 dogs is acceptable.
- 7.11 Design and Layout

7.12 The dog kennels are constructed from metal with Perspex style roofing, with the structures set on a concrete base. The kennel has been built within what is ordinarily accepted as Permitted Development however, due to the location falling outside of what is considered domestic curtilage permission is required. The structure sits amongst other larger buildings and its area is approximately 60 sq metres with the height of 2.1 metres. The walls are insulated panels with UPVC doors and windows. It is considered to be in keeping with the surrounding buildings and is well screened from the main road. On this basis it is considered to be an acceptable size and design and has no negative impacts on the amenity of the area.

7.13 Conclusion

7.14 In conclusion, the principle of the development is acceptable and the design and siting are appropriate. There is not considered to be any material loss of amenity likely to result from this development. The proposals are acceptable and planning permission should be granted.

8.0 RECOMMENDATIONS

8.1 Grant permission subject to those conditions listed at section 9.0 of this report.

9.0 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Plan received on 11th February 2019

Photographs of kennel with dimensions received on 11th February 2019.

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

2. This permission shall operate for the benefit of Mrs C Holmes and the use hereby approved shall be terminated at such time as Mrs C Holmes ceases to occupy the premises.

Reason: This Condition is imposed so that the Local Planning Authority retains control over the future use of the land as permission on this particular occasion is granted due to the particular standard of care demonstrated by the applicant in respect of the dogs.

3. The number of dogs on site shall not exceed 13 (Thirteen) adult dogs at any one time and an 'adult' dog shall be defined as any dog over the age of 15 months.

Reason: In the interests of residential amenity.

This condition is imposed in accordance with Policy SG17 of the South Holland Local Plan, 2006.

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post: Richard Fidler , Development Manager

Telephone Number: 01775 764428

Email rfidler@sholland.gov.uk

Appendices attached to this report:

Appendix A

Plan A

MapThat Scale Print Title

