DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H01-0687-19**	**Applicant:**	**Ms Sarah Lott**
Proposal:	Use of outbuilding as dog grooming studio - retrospective.		
Location:	The Station House 4 Backgate Cowbit		
Terminal Date:	6th September 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
30	Pollution

National Guidance

National Planning Policy Framework 2019

Sections 6 and 12 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0
RESIDENTS	0	3	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a retrospective application for the use of an outbuilding as a dog grooming studio at The Station House, 4 Backgate, Cowbit. Half is the outbuilding is within the curtilage of 4a Backgate and

is separated by an internal wall. None of the business operates on land or buildings under the ownership of 4a Backgate.

Site Description

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design. The building and outbuilding are not listed or subject to any Article 4 Directives.

History

None

Consultation Responses

LCC - County Highways & SUDS Officer

No objections

Cowbit Parish Council

Support

Members of the public - 3

Support - Do not feel any impact from the business as it currently operates.

Planning Considerations

- Principle of use
- Impact on amenity of neighbours

The business has been in operation on the site for 6 years, however the frequency of customers and demand for the service has led to a level of operation that necessitates a planning application. Opening hours are Monday to Friday 08:00 to 14:30. The business never operates on weekends or during school holidays as the applicant has children. Most clients arrive to the business on foot, but there is adequate parking on site for a number of cars. There are no local and national policies that specifically address relatively small businesses that operate inside or on the curtilage of a residential property.

There is not considered to be any material harm to neighbouring residential amenity from the existing business. No complaints have been received during the years of operation to the Environmental Health Department. The business is not considered to materially impact the character of the dwelling, outbuilding or the surrounding area.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2019.

A delegated approval is considered to be appropriate.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those

who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.