

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H02-1136-20	Applicant:	Mrs J Henfrey
Proposal:	Erection of breeding kennels for 10 dogs		
Location:	Greystones Common Drove Crowland		
Terminal Date:	8th March 2021		

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

Section 2. Achieving sustainable development.
Section 12. Achieving well-designed places.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	2
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks permission for erection of breeding kennels for 10 dogs at Greystones, Crowland Common, Crowland, Spalding.

There are currently kennels on site and the development is aimed to consolidate the canine activity and constitute a dog breeding business. Some of the dogs are for private use and would also take part in dog shows.

Site Description

Greystones is a two-storey detached house with subsequent extensions. It benefits from spacious drive area to the front and garden laid in lawn to the rear. The residential plot abutts the crossroads of Crowland Common (east) and an unadopted track that borders the curtilage (south).

Broadlands is a bungalow opposite the track. An Hendra is a residential property approximately 172 metres to the north. A farm yard for agricultural storage is opposite Crowland Common and one further is flanked by An Hendra and the curtilage. Open agricultural fields predominate the character of the area.

To the rear of the residential plot, a set of containers and timber sheds onto the southern boundary which is ancillary to the horse stables further back. A row of timber structures and dog runs with metal fencing to the rear adjoins the northern boundary. A yard area with untreated surface is at centre of the curtilage. A farm gate provides access to the adjacent paddock land where the kennels are proposed.

History

H02-0289-16 - Occupation of dwelling by persons not employed in agriculture (Condition 2 of H02-0292-74) - Approved

Consultation Responses

Members of the public

One resident has made a representation objection the proposals in the following terms:

- Pest control should be carried out in view of past vermin events.
- The existing vehicular access is not fit for purpose. Large vehicles usually damage the neighbouring verge under different ownership.
- Increase of noise and disturbance associated with the dog barking.

SHDC Licensing Officer

No objection.

Reminds the request of a licence should the kennels constitute a dog breeding establishment under the Animal Welfare.

SHDC Environmental Protection Officer

No objection.

Crowland Parish Council

No objection.

LCC Hihgways/SUDS Authority

No objection.

Reminds that statutory planning consultation response with regard to surface water risk is only on major applications.

Planning Considerations

Principle of development

The site lies on the countryside as set out in the Policies Map of South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 of SELLP, 2019 is aimed to steer new development to the most sustainable locations. It defines a settlement hierarchy from which a sequential approach should be applied. The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. The nearest urban settlement is Crowland, approximately 1.43km to the south-east of the site. The site therefore lies on land designated countryside.

This policy states that "in the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits."

No justification has been made about whether the dog breeding business should be necessary at such location. As a result, the appropriateness of the development would be determined upon the extent to which it meets the wider sustainability objectives. To do so, the proposals are assessed against each dimension of sustainable development set out in Paragraph 8 of the National Planning Policy Framework (2019).

1. Economic

The development would contribute to the diversification of the rural local economy because it would create a business that differs from traditional land farming. Furthermore, the construction of the kennels and associated works would create employment opportunities to tradesman albeit in the short term.

2. Social

The dog breeding business would be in principle profitable and become the main source of income to the applicant who resides on site. Overall, it would allow opportunities to prevent unemployment in rural locations.

3. Environmental

The nature of the business would not detract from the rural character of the area. In terms of design, the proposed kennel building would be of substantial footprint although no cumulative impact is anticipated given the scale of the existing agricultural buildings in its setting. The flood risk vulnerability of the development is low against the flood risk probability at such location.

On balance, the principle of developing kennels for dog breeding business is acceptable at such location and the development would achieve sustainable development in accordance with Policy 1 of SELLP, 2019 and Paragraph 8 of NPPF, 2019.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The proposed development mostly consists of a large outbuilding that host dog kennels for 10 adult dogs.

The footprint of the development would be nearly 32 metres in depth, 11.70 metres in width and 3.80 metres in apex height. The eaves would range between 2.30 and 2.85 metres high. The building would be set back 15 metres from the public road and 23.70 metres from the dwellinghouse footprint. The longest elevations would face north-west and south-east.

The kennel building would not appear higher than the green clad agricultural storage in the adjacent farmyard to the north-west. It would be positioned in alignment with the development footprints on the western side of Crowland Common.

The material schedule would not be at odds with the visual amenity in the surroundings. Green corrugated steel sheeting UPVC plastisol coated would be used for the walls and roof. Aluminium for windows and steel for secure doors. The resulting appearance would be similar to the highest storage unit in the neighbouring farm yard. Additionally the roof of the new building would be also tantamount to it, with an unequal gable pitch.

The existing farmyard has a built form that would somewhat mitigate direct views from the public to the proposed development coming from the north-west. The bulk of the proposals would not be perceived as dramatically disruptive upon the open fields in conjunction with the existing development in its setting.

Residential amenity

Policy 30 states amongst other matters that development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon the amenities of the area by way of noise pollution.

The number of additional dogs would be 10 after carrying out the proposed development. The kennel building would be separated 128 metres and 66.5 metres from An Hendra to the north-west and Broadgate to the south-east respectively.

To mitigate any disturbance with the nearest neighbours, the dog runs of the kennels would face northwards where the separation distance with neighbour is longer. SHDC Environmental Health officer has been consulted in this respect and no objection has been raised.

Highways safety

The main grounds of the resident objection are based on highway safety through the existing vehicular access on the track.

LCC Highways Authority has been consulted and no objection has been raised. In fact, it has been stated that no cumulative impact would occur upon the highway safety of the public road by reason of the development. Any concern about vehicular traffic and privately-owned verges in an unadopted highway is purely a civil matter between parties.

Other matters

Other grounds of the resident objection are vermin events because of the existing horse stables & dog kennels on the application site. This is not a planning material consideration and should be appropriately addressed by SHDC Licensing Team when licence is requested for the dog breeding business. In any case, the applicant has provided a Certificate of Training for Rodent Control to dissipate any concerns about such impact.

Planning balance

Overall, the principle of developing additional kennels for a dog breeding business is acceptable at such rural location.

The scale and height of the development would not cause any undue harm upon the rural character of the area. The appearance would have somewhat resemblance to an existing building in the neighbouring farmyard to the north-west. No significant noise pollution would be generated by the additional kennels. SHDC Environment Health officer has been consulted and no objection has been raised. Therefore, the amenity standards of residents nearby would not result undermined.

On balance, no adverse impacts of granting permission to the scheme would significantly and

demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

For the reasons above, this application is in accordance with Policies 1, 2, 3 and 30 of South East Lincolnshire Local Plan (2019) as well as Section 2 and 12 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this application via delegated powers.

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.