DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H03-0858-22**	**Applicant:**	**Mr & Mrs J Digweed**
Proposal:	Use of site for the breeding of dogs and erection of eight kennels and one whelping kennel - retrospective		
Location:	The Paddocks Blue House Farm Main Road		
Terminal Date:	18th November 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2021

12 - Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a retrospective change of use application at The Paddocks, Blue House Farm, Main Road, Deeping St Nicholas for the breeding of dogs, as well as the erection of eight kennels and one whelping kennel. The proposal seeks to retain kennels that contain a sleeping room and a run. The kennels measure 4.73 metres in depth and 14.5 metres in width. The maximum lean to height of the kennels is 2.2 metres. The whelping kennels measure 4.37 metres in total width and 2.9 metres in depth. The maximum lean to height of the whelping kennels is 2.3 metres. The site is surrounded by a close boarded fence that is 1.8 metres in height. The kennel buildings are metal with 100mm Kingspan insulation.

The dogs are for sale solely to the police and are trained for crime prevention and crime detection on site. The site is not being visited by members of the public.

SITE DESCRIPTION

The proposal is outside of defined settlement limits and the surrounding area is predominately rural, characterised by non-nucleated linear development of varying ages and designs. The site is in Environment Agency Flood Zone 2 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H03-0967-18

Section 192 Lawful Use Certificate - Change of use from domestic dwelling to Children's Home catering for no more than 4 young people - Approved - 14 November 2018.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

No objections - *"The proposal is for use of site for the breeding of dogs and erection of eight kennels and one*
whelping kennel - retrospective and it does not have an impact on the Public Highway or Surface Water Flood Risk."

South Holland District Council - Environmental Protection

"No objection but ask that should permission be granted: it be made personal to the applicant and, the total number of adult dogs on site be restricted to 8."

Deeping St Nicholas Parish Council

"Deeping St Nicholas Parish Council have received no objections regarding this application."

Member of the public

Noise - Especially during summer months when windows of the house are open.

The dogs bark at us and our dog when we walk along the adjacent pavement.

PLANNING CONSIDERATIONS

Principle of development

The site is in a predominately rural location which lends itself to the proposed use. The adjacent road, which is a major thoroughfare, will help to reduce any noise on site. No official noise complaints have been made to the Environmental Protection Department since the site commenced operation over one year ago. The principle of development is considered acceptable in this location.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:
1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout of the buildings is considered to be acceptable for the site. Some trees have been removed within the site but it cannot be determined whether they were removed to facilitate this proposal or before such time. As the site is situated behind established frontage boundary trees and a 1.8 metre high close boarded fence around the kennels, there is not considered to be a material impact on the character and appearance of the surrounding area.

2. The design and orientation is considered to be appropriate for the kennel use.

3. The kennel buildings are metal with 100mm Kingspan insulation. These materials of construction are common for kennel and cattery buildings.

4. The existing access is not being altered and there is not considered to be a material increase in traffic as the sole visitors to the business will be the police forces to which the applicant has a contract to train and provide dogs.

5. The capacity of existing community services and infrastructure is not impacted by the business.

6. The nearest residential properties are 105 metres to the west, 85 metres to the north, and 105 metres to the east. No official noise complaints have been made to the Environmental Protection Department since the site commenced operation over one year ago. The buildings are well shielded from public view so there is not considered to be a visual intrusion impact from the kennels.

7. The site is in Environment Agency Flood Zone 2 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. There is not a requirement to raise finished floor levels in this area.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.
Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:
1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;

6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the relevant criteria the following can be observed:

1. A sense of place is not impacted by this proposal. The size, scale and layout of the buildings is considered to be acceptable for the site. Some trees have been removed within the site but it cannot be determined whether they were removed to facilitate this proposal or before such time. As the site is situated behind established frontage boundary trees and a 1.8 metre high close boarded fence around the kennels, there is not considered to be a material impact on the character and appearance of the surrounding area.

5. Adequate space remains for cycle and bin storage and ample parking provision for the dwelling and business remains.

11. The nearest residential properties are 105 metres to the west, 85 metres to the north, and 105 metres to the east. No official noise complaints have been made to the Environmental Protection Department since the site commenced operation over one year ago. The buildings are well shielded from public view so there is not considered to be a visual intrusion impact from the kennels.

12. The site is in Environment Agency Flood Zone 2 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. There is not a requirement to raise finished floor levels in this area.

This application accords with SELLP Policy 3.

PLANNING BALANCE

It is considered that this retrospective application is acceptable on this site. As no official complaints have been made to the Environmental Protection team since the use commence over one year ago then a temporary one year permission is not considered necessary in this instance. The kennels will not generate a material increase in traffic and are well shielded from public view. This application is considered to accord with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for approval.

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.