

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0073-25 **Applicant:** H Gregory

Proposal: Demolition of existing cattery building

Location: Blazegate Kennels Orchard Lea Blazegate

Terminal Date: 26th February 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

The proposal seeks to establish if prior approval is required for the demolition of a cattery building on land at Blazegate Kennels. The building comprises a single storey building which has been constructed using wood, wire netting and a felt covered roof.

The application is submitted on the basis that the proposal complies with Schedule 2, Part 11, Class B of the (General Permitted Development) (England) Order (GPDO) 2015 (as amended). One of the conditions of Class B is that the applicant must apply to the relevant local planning authority (LPA) to establish if prior approval is required for the proposed demolition (B.2(i)). The application therefore seeks to comply with this requirement.

Site Description

The site comprises land at Blazegate Kennels, located to the north of Blazegate, between Lutton, Chapelgate and Long Sutton. There is a dwelling, Orchard Lea, located to the east of the site. There are no other dwellings located next to the site.

Relevant Planning History

H06-1431-04: (Full Application) Retention of kennels - approved 22 December 2004

H06-1114-08: (Full Application) Proposed replacement kennels - approved 19 December 2008

Consultation

There is no specific requirement to consult statutory consultees for a demolition prior approval application. As such, no specific consultation has been undertaken.

Public Representations

One of the conditions of Class B is that the applicant must display a site notice for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the LPA (B.2(iv)). The applicant displayed a site notice at the site on 22 January 2025. The notice therefore expires on 12 February. No letters of representation have been received from members of the public.

Key Planning Considerations

National and local planning policies are not relevant in this case as the application seeks only to establish if prior approval is required for the demolition of the building within the site. It is therefore only necessary to assess the proposal against the requirements of Class B.

Whether the Proposal Accords with the Conditions of Class B

Class B of Part 11 of the GPDO indicates that any building operation consisting of the demolition of a building would be considered permitted development, subject to conforming with the relevant limitations of the class. The proposed demolition is assessed against these criteria below.

"(a)the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support;"

The existing building is not unsafe and still appears to be structurally sound.

"(b)the demolition is "relevant demolition" for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area)"

The proposal would not be considered relevant demolition due to its positioning outside of any identified Conservation Area.

*"(c)the building is used, or was last used, for a purpose falling within
(i)article 3(6)(p) (drinking establishments etc.) of the Use Classes Order; or
(ii)article 3(6)(q) (drinking establishments with expanded food provision) of that Order;*

The building has permission to be used as kennels under permission H06-1431-04 and H06-1114-08.

*"(d) the building is used, or was last used, for the purpose of
(i) a concert hall;
(ii) a venue for live music performance; or
(iii) a theatre"*

The building has not been used as any of the above.

*"(e) the demolition relates to a statue, memorial or monument ("a commemorative structure") in place for a period of at least 10 years on the date of any proposed demolition, other than a commemorative structure
(i) that is a listed building;
(ii) that is a scheduled monument;
(iii) within a cemetery, on consecrated land, or within the curtilage of a place of public worship;
(iv) within the grounds of a museum or art gallery; or
(v) within the curtilage of a dwellinghouse"*

The demolition would not relate to a statue, memorial or monument.

The proposal therefore represents Permitted Development as it does not exceed any of the limitations set out under B.1.

Whether Prior Approval is Required for Demolition

According to the submission, the applicant has submitted the current application as the garages are in disrepair and are not well used. The proposed method of demolition is non-explosive and will be carried out by the applicant. The building comprises a single storey building which is constructed from wood, wire netting and a felt covered roof. The materials are proposed to be removed from the site and recycled where possible. The building has no footings and as such ground level will not change. For these reasons, it is considered that prior approval is not required for the proposed demolition.

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.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with the provisions of Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015, and as such is permitted development.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved

under Delegated Authority. Prior Approval is therefore not required.