

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H07-0765-19 **Applicant:** Mrs S McLellan
Proposal: Use of site for the keeping of more than 6 dogs (retrospective)
Location: 22 North Road Gedney Hill Spalding
Terminal Date: 30th October 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

Section 12. Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks retrospective permission for use of site for the keeping of more than 6 dogs at 22 North Road, Gedney Hill, Spalding.

The applicant is a Kennel Club assured dog breeder. The kennels host adult dogs. Puppies are also born on site and stay approximately 8 weeks in a low fenced area to the rear of the property. The number of dogs is up to 12 comprising adult dogs and puppies.

The applicant has been breeding and caring for dogs through all year since they purchased and moved to the property in 2007. This activity is stated to be for private reasons/personal hobby and by no means for business purposes.

Site Description

The area is purely residential. The property is a detached bungalow forming part of a well-defined frontage development along the northern-east side of North Road. The site boundaries shape a sizeable long linear narrow curtilage.

From front to rear and adjacent to the southern-east boundary, there is a garage, garden sheds and the puppies' area to the rear of the house. The kennels with fenced paddock land are located approximately 34 metres away from the house as well as neighbouring properties. The remainder of the site consist of further paddock land.

There is at least 3 metre high conifer hedgerow in the first half of the northern-east boundary adjacent to No. 24. Identical boundary treatment is in the rear half of the southern-west boundary. The remainder sections on both boundaries have planting of at least 2 metre height or wire fencing with concrete posts and overgrown shrubs. The site is heavily obscured and views from the adjacent land are inexistent.

History

H07-1272-79 - Residential development (4 plots with access at North Road) - Approved

Consultation Responses

SHDC Environmental Health

No objection subject to a condition to limiting the number of adult dogs to twelve.

Lincolnshire County Council as Highways and Local Flood Authority

No objection.

Residents

Three representations have been made by members of the public, objecting to the proposal in the following terms:

- There have been episodes of noise and disturbance due to dog barking, owner's shouts and animal movements between the paddocks and the kennels.
- Concerns about further noise and disturbance should the number of dogs be allowed to be more than six.
- The siting of kennels is at odds with the residential area.
- The dog kennels constitutes a dog breeding business.

One further representation has stated that no objection is currently made providing that the number of adult dogs up to twelve will not be exceeded.

Planning Considerations

Principle of development

The site location is within the built-up area of Gedney Hill and its settlement boundaries as set out in the Policies Map of South East Lincolnshire Local Plan, 2019. Therefore, the principle of development is acceptable unless planning material considerations indicated otherwise in

accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

Impact upon residential amenity

This is the main consideration given the nature of the development within its location and objections received. As mentioned above, the kennels are located approximately 34 metres away from the house as well as neighbouring properties on each side. After careful assessment including a site inspection, SHDC Environmental Health Officer has no objection subject to a condition to limiting the number of adult dogs to twelve should permission be granted. There has been no enforcement action taken neither noise complaints has been received in SHDC Environmental Health team.

In view of the separation distances and the consultee response, it is considered that there would be no unacceptable impact of the dog caring and breeding activity to the adjacent neighbours by virtue of nuisance and disturbance.

Design and layout

The kennels are a concrete block with a shed roof. The walls are painted in cream colour. Corrugated green steel sheets with timber fascia form the roof structure. UPVC has been used for the door and windows. There are outdoor runs to the side of the kennels fenced with metal fencing. Although the kennels could be enhanced, the design and layout are considered acceptable in account of the use of the development and the low visual impact perceived by adjacent residents.

Conclusion

Taking into consideration on balance the mentioned above, it is concluded that the proposal is in accordance with Policies 1, 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and Section 12 of National Planning Policy Framework, 2019.

It is therefore recommended to approve this application via delegated decision.

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.