DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0447-21**	**Applicant:**	**Mr & Mrs R Smith**
Proposal:	Change of Use to Dog Training Area - Retrospective		
Location:	Cloudtenn Dtc Chapel Drove Holbeach Drove		
Terminal Date:	29th October 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
01	Spatial Strategy
02	Development Management
03	Design of New Development
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2 - Achieving Sustainable development;
Section 3 - Plan Making;
Section 4 - Decision Making;
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	0	1
SHDC INTERNAL	0	0	0	1
SHDC INTERNAL	1	0	0	0
RESIDENTS	5	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks retrospective full permission for change of use of land for use as dog training business with associated works at land off Chapel Drove in Holbeach Drove.

The proposal includes the following:
Gates to enclose the training area
Hard standing for parking

Training camps are for 3 days in May and September between the hours of 9am and 5pm. Classes from April to September are Monday - Friday for 4-6 hours total and October to March on Saturday/Sunday/bank holidays for 1-2 hours each day.

Site Description

The site is an open field in the open countryside located approximately 360 metres from the Holbeach Drove settlement boundary. The land in question is located off Chapel Dove, opposite St Clares Nursery and Sunny Home. There are a number of trees along the sites north-east and south-west boundaries but the majority of the site is fairly open. There are a number of residential dwellings scattered along Chapel Drove.

History

No relevant planning history.

Consultation Responses

LCC Highways/SUDS Authority

Initially further information was requested with regards to the classes and camps. Following the submission of the requested details the Local Highways Authority has not raised any objections but has requested 2no informatives to be attached to any planning permission.

SHDC Environmental Health

Objection as the application site is close to residential properties and we have received a noise complaint from one of the residents. A subsequent investigation has shown that noise from dog barking and raised voices is clearly audible at the complainant's property. Given the location it is highly unlikely that any noise mitigation measures will have a significant impact.

Members of the public

5no objections have been received siting the following concerns:

·Noise from dogs barking
·Concerns of the land being used for camping and a caravan site which could set precedent
·Noise from vehicles and people shouting
·The narrow road is not suitable for the traffic generated from this business
·No bin on site so concerns over how dog waste is disposed of
·The camps last more than the 3 days stated on the application form
·The use will devalue nearby properties
·Safety concerns

Planning Considerations

Principle of development

Policy 1 of SELLP 2019 is aimed to identify the most sustainable locations for new development. Settlement boundaries have been defined to provide a degree of certainty to the community and to developers where such locations are. Any location outside the settlement boundaries is classed as countryside. Following the Policies Map of SELLP 2019, this is the case with the application site.

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 sequential-based approach has been applied to justify the need of locating the proposed development at the application site and not elsewhere. Neither any statement has been provided to demonstrate the extent to which the development proposals achieve sustainable development.

Therefore, the proposed development fails to comply with the local spatial strategy set out in Policy 1 of SELLP 2019. Notwithstanding this, further assessment should be made with regards to other planning material considerations.

Impact upon the character of the area

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 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, among other considerations. Likewise, Policy 2 of the SELLP states that 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.

The site is arable land in the open countryside. The adjoining land consists of open flat fields that characterise the landscape. There is no visual evidence that the site was previously developed. In this context, the development proposals will entail surface treatment (hardstanding for the parking area) and means of enclosure across the site (fencing). Albeit being mobile structures, the caravans and trade stands would also appear on the site. The development will not be in keeping with the intrinsic character and beauty of the rural landscape that the site lies within. This application is therefore contrary to the above-mentioned policies concerning design, layout and character of the local area.

Highway safety

A number of objections have been raised with regards to concerns over traffic generated from the proposed use and whether the existing road is suitable to accommodate the additional vehicles. the concerns are noted, however, the Local Highway authority has not raised any objections to the scheme. As such it is considered that chapel Drive would provide safe and suitable access to the proposed development site and is able to accommodate the passing of two-way vehicle movements.

In light of the Highways Authority consultation response, it has been demonstrated that highway safety will not be unacceptably undermined should permission be granted and therefore the application is considered to comply with policies 2 and 36 of the SELLP.

Residential amenity

Policy 2 of SELLP (2019) states that proposals requiring planning permission for development will be permitted provided that considerations are met, specifically in relation to impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion, among others. Likewise, residential amenity is one of the issues when considering proposals on the ground of design and layout following Policy 3 of SELLP (2019). Furthermore, Policy 30 states that development proposals will not be permitted where they would lead to unacceptable adverse impacts upon the amenities of the area by way of noise and light levels. Paragraph 130 of National Planning Policy Framework (NPPF), 2021 sets out that proposals should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among others.

A number of objections have been received from local residents with one of the most recurrent

issues being concern of noise and disturbance associated with dog barking, people and vehicular traffic.

There are a number of dwellings in close proximity of the application site, with the closest one located only a few metres away (Sunny Home). The site is only approximately 350 metres from the residential dwellings within the Holbeach Drove settlement boundary. SHDC Environmental Health Officer has been consulted and expressed concerns about the potential impact from noise on the surrounding residential properties given the site is close to residential properties. It was also advised that a noise complaint has been received from one of the residents. A subsequent investigation has showed that noise from dog barking and raised voices is clearly audible at the complainant's property. Given the location it is highly unlikely that any noise mitigation measures will have a significant impact.

In summary, the potential use intensity is such that it might potentially create excessive noise and disturbance from dog barking and vehicular traffic to the residents in the locality. The development is therefore considered contrary to Policies 2, 3 and 30 of SELLP (2019) as well as Paragraph 130 of National Planning Policy Framework (NPPF), 2021.

Planning Balance

The site is within close proximity to a number of residential dwellings and the noise and disturbance from dog barking and vehicular traffic is considered to result in unacceptable impact on the residents in the locality.

Conclusion

The site is on land designated countryside and no justification of the development proposals at such location neither their benefits in terms of sustainable development have been provided.

There are concerns about the impact of the development upon the residential amenity of the neighbours nearby by reason of noise and disturbance.

Taking into account the considerations above, the proposed development is contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 as well as Paragraphs 130 of the National Planning Policy Framework (NPFF), 2021.

It is accordingly recommended to refuse this planning 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.

RECOMMENDATION

The application is refused under delegated powers.