DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-1053-18**	**Applicant:**	**Mrs Richardson**
Proposal:	Use of property to keep more than 6 dogs		
Location:	121 Battlefields Lane North Holbeach Spalding		
Terminal Date:	4th January 2019		

Planning Policies

Local Plan July 2016:

SG17 Protection of Residential Amenity

National Guidance

National Planning Policy Framework 2018

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	2
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

The application is for the keeping of over 6 dogs in a domestic dwelling located at 121 Battlefields Lane North, Holbeach, which is a semi-detached house that sits at the end of a line of residential dwellings. A small field also adjoins the property which has a Public footpath which runs directly adjacent to the length of the property.

The applicant breeds medium to large dogs and has confirmed that they keep labradors, cocker spaniels and two French bulldogs with 15 dogs in total. At the site visit a large breed guard dog was

also viewed in a kennel at the front of the house but the applicants have not included this breed in their information. They have confirmed that since January 2017 they have had four litters registered at the kennel club with two unregistered litters during that period, which averages at three a year. They have been at this property with these dogs for 2 years and during that period was unaware that planning permission was required.

Our Environmental Health officer has also confirmed that he does have some concerns with this particular property, although no formal complaints have been registered. The officer has confirmed that their concerns are with regards to the number of dogs and the and the location and proximity to neighbouring properties.

The back garden is a good size and is mainly fenced, although this is in poor condition with some gaps. There are neighbours next door and other residential properties in the near vicinity. The majority of dogs do appear to be in the garden (although the applicant has confirmed that some are family pets and reside inside) and from the site visit it is clear that any users of the public rights of way will trigger loud and extensive barking.

The site visit triggered a lot of barking and also a lot of dog waste was found on the public right of way but this, of course, could be from walkers using the path and not the applicants premises.

1 neighbour has objected on the current noise and disturbance from the dogs. The objections can be summarised as follows:
·Loud persistent barking and noise from applicant shouting at the dogs
·residential area
·unacceptable noise levels

Statutory consultations:

No objections received from statutory bodies. Environmental Protection have not formally responded but discussions have taken place directly with an officer and concerns with noise levels and the public right of way was discussed.

The primary planning consideration is whether the proposal would be harmful to the amenity of neighbours through noise disturbance and the potential odour from waste. The application is retrospective and the applicants have been keeping a number of dogs exceeding the permitted 6 for 2 years already. They only recently became aware of the need for permission. The objector appears to have had concerns for a while with the activity but no formal complaint has been made to the Council.
Controls can be applied through condition, however the case officer is very mindful that a public right of way runs the full length of the property and any users will trigger a high level of barking from the dogs. The applicants are in essence unable to control who walks the public right of way and are unable to change the route which runs directly adjacent to the dogs. The screening between the garden and the public right away is of a fairly poor standard and any walkers appear to agitate the dogs and create a high level of barking which can be considered as being harmful to the amenity of nearby neighbours in what is predominantly a residential area.

Although the officer is mindful that no official complaints have been made regarding the noise levels, it is considered on balance, that the existence of the public right of way, the poor screening between the dogs and the footpath (the use of which appears to naturally agitate the dogs) will cause some harm. Therefore, the keeping of 15 dogs in this residential area with the existing sensitivities, will result in an unacceptable level of harm to residential amenity through noise and disturbance. The objection that has been made appears to be regarding issues that are already being experienced, therefore a temporary permission in order to assess any harm over a 2 year period is not appropriate for this retrospective application.

It is felt that conditions will not be able to mitigate against this harm, therefore on this occasion a delegated refusal is considered appropriate.