DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-1100-22**	**Applicant:**	**Riovista**
Proposal:	Change of use from residential to residential/dog breeding/selling - retrospective		
Location:	26 Daniels Gate Long Sutton Spalding		
Terminal Date:	9th January 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
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 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an application seeking planning permission to change of use of a residential dwelling to keeping of up to 20 breeding dogs of the toy dog variety.

Temporary planning permission was granted back in 2018 which has now expired. The number and type of dogs remains the same.

Site Description

The application site is located on Daniels Gate within the Long Sutton settlement boundary. It comprises a two storey detached building sitting on a corner plot in a residential street. The property faces allotments on the opposite side of the road. The property is set in a modest sized garden which is well fenced and screened from neighbours.

History

H11-0494-18 - Application for change of use from residential to dog breeding/ selling, no structural changes inside or outside - Approved

Consultation Responses

LCC - County Highways & SUDS Officer

No objections.

Long Sutton Parish Council

The Council request that neighbours are consulted and any objections from them considered carefully.

Environmental Protection

No noise complaints have been received.

Residents

2no letters of objection have been received siting the following concerns:

·There is no parking outside the property so her customers park on the grass verge
·Noise from dogs

Planning Considerations

Principle of development and impact on character of the area

The dog breeding business has been operating since 2018 therefore the principle has already been established on the site. However, material planning considerations will contribute to ascertain whether or not the proposed use is acceptable long. No changes are proposed to the previously approved scheme (now expired).

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The key material considerations are addressed below.

Impact on neighbouring amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

2no local residents have objected siting concerns of noise from dogs barking. The concerns are noted and it is accepted that some noise is generated from the business, however, the noise is not considered to be of any greater scale to that of a large dog or even 6 large dogs which would be permitted. Observations of the premises included the careful containment of the dogs within the house and what seems to be supervised exercise outdoors.

As with the previously approved scheme the applicant has confirmed that the extent of breeding for each individual dog would be well spaced and in no way intense. Although the number of puppies at any one time cannot be estimated due to the uncertainties of individual dogs breeding seasons and the number of puppies born it is likely that breeding would be staggered over the months and the number of adult dogs can be limited to 20.

Furthermore Environmental Health was consulted and has not raised any objections with regards to noise or odours associated with the proposed business as they have not received any formal complaints since the business started operating.

As such the scheme could not reasonably be resisted and it is not considered that the proposed scheme unacceptably impacts neighbouring amenity.

Parking/Highway implications

2no letters of objection have been received siting concerns of lack of parking within the site and customers parking on the gras verge.

The concerns are noted, however, the Local Highway Authority has not raised any objections given the previous planning permission for the site. The number of dogs and the way in which the business would operate remains the same. The parking and access arrangements are not considered to be an issue as any collection of puppies purchased will be sporadic and not be any greater impact as a regular visitor to the property.

As such the proposed scheme is not considered to result in any unacceptable impact on highway safety/parking.

Planning Balance

The maximum number of dogs proposed is acceptable as the level of activity from the proposed business is considered to be within acceptable tolerances, not resulting in any adverse impact upon neighbouring amenity in terms of noise and disturbance or highway safety/parking implications. The business has been operating since 2018 and during this period no noise complaints have been received by Environmental Health.

Conclusion

Taking into account the considerations above, the proposed development is considered to comply with Policies 2, 3, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019 as well as Paragraphs 130 of the National Planning Policy Framework (NPFF), 2021.

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 approved under delegated powers.