DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H12-0965-18**	**Applicant:**	**Mr D & Mrs C Fowkes-Grange**
Proposal:	Use of domestic dwelling to keep more than 6 dogs		
Location:	3 Barholme Avenue Lutton Spalding		
Terminal Date:	21st December 2018		

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	1
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	1	1	0	2

CASE OFFICER ASSESSMENT

The application is for the keeping of over 6 dogs in a domestic dwelling located at 3 Barholme Avenue, Lutton, which is a semi-detached house in a residential cul-de-sac in a rural area of the district.

The applicant breeds small and toy breeds on a comparatively small scale as only 2 of the existing 9 dogs are breeding bitches whilst the others are mainly rescue dogs, 2 of which are elderly and of

failing health. One further breeding bitch is proposed in the future therefore if mindful to approve a condition restricting to 10 adult dogs would be appropriate.

The applicant has had this number of dogs at the property since January 2016 and have had no complaints. Our Environmental Health officer has also confirmed that no complaints have been received about this particular property.

The back garden is only modest in size but has a high solid fence. There are neighbours backing onto the property with gardens separating them. The applicant appears to be conscientious in controlling the dogs and assures the Council that they are not left outside on their own at all and when they are left on occasion they are secured in the house in either crates, the living room and also a room upstairs.
The site visit was unannounced and despite the case officer being a stranger the dogs were calm and more importantly very quiet.

Representations:

2 neighbours have objected on the potential for noise and disturbance from the dogs. It is worth noting that the objections are not from immediate neighbours and they are based on future issues and not any current ones.
The objections can be summarised as follows:
·Outdoor space not large enough
·Quiet residential area
·Create unacceptable noise
·Don't want a dog breeding establishment nearby
·Not a place for a commercial venture
·Concerns with waste from dogs.

The Parish Council have also objected with concerns on waste disposal and also concerned as no limit on dogs confirmed.

1 letter in support has been received from the immediate neighbour who confirmed that in the last 3 years they have had no issue at all with any noise or smells from the dogs.

Statutory consultations:
No objections received from statutory bodies. Environmental Protection have been fully appraised and have no objections subject to imposing a temporary and personal permission to the applicants and a limit on numbers to 10 specifying small/toy breeds.

Material Considerations:

The primary planning consideration is whether the proposal would be harmful to the amenity of neighbours through noise disturbance and odour from waste. The application is retrospective and the applicants have been keeping a number of dogs exceeding the permitted 6 for a number of years already. They only recently became aware of the need for permission.
Controls can be applied through condition which can restrict the number and breed and also make it temporary and personal to the applicant if thought to be acceptable in planning terms.

Conclusion:

On balance, due to the breed of dogs and the measures in place to control the dogs and any possible noise impacts by the applicant, the application is considered to be acceptable in planning terms subject to the imposition of a personal and temporary permission along with a condition to control the number of adult dogs and also the type of dog. A delegated approval is considered appropriate in the circumstances.