

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-1123-20 **Applicant:** Mrs T Taylor
Proposal: Use of site for keeping of more than 6 dogs and use as dog grooming business - retrospective
Location: Gate House Clay Lake Spalding
Terminal Date: 8th March 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 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks retrospective permission for use of site for keeping of more than 6 dogs and dog grooming business at Gate House, Clay Lake, Spalding.

The total number of adult dogs is 14, all of them pets owned by the applicant and her daughter. No breeding nor commercial use is involved with the keeping of the dogs.

Site Description

The site is a corner plot onto the crossroads of Burr Lane, Clay Lake Bank and Spalding Drove. The area is predominated by open flat agricultural land although there is some residential development scattered along Burr Lane. The western end is mostly dense with ribbon development and the eastern end has a cluster of a few properties near the crossroads.

Gate House is a two-storey detached house facing south-east in close proximity to the highway. The rear garden/yard extends to the north adjoining Spalding Drove to the east. A drain delimits the site to the west.

There are two vehicular accesses. One is for the drive area where there is an outbuilding hosting the dog grooming business. Rail fencing bounds the drive. The other access is for the large yard that hosts kennels, a static caravan and further structures. Timber closeboard fencing of mixed heights enclose this part of the site.

History

None.

Consultation Responses

LCC Highways/SUDS Authority

No objection.

South Holland IDB

No objection.

Reminds the compliance with Board's byelaws.

SHDC Environmental Protection Officer

No objections.

SHDC Environmental Health Officer

No objection.

No dog barking complaints have been received. Should permission be granted, the keeping of dogs would be conditioned solely to the applicant and the number of adult dogs limited to 14.

Planning Considerations

Principle of development

The site lies on the countryside as set out in the Policies Map of South East Lincolnshire Local Plan (SELLP), 2019. Irrespective of spatial strategy considerations, the principle of accommodating more than 6 dogs for private use and a small-scale business dwelling house is acceptable.

Planning material considerations will contribute to ascertain whether the proposed development overtake the residential use of the property.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 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. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The dog grooming business is undertaken within the outbuilding sited in the drive area of the plot. It has a low pitch shed roof facing southwards and adjoining the gated access to the drive.

The scale and height of this detached unit is subservient to the main dwellinghouse. The roof consists of sheet corrugated panels and the walls are timber painted in pink. The overall design quality standards are not high, but it does not heavily detract from the built environment.

Immediately adjacent to the north, the gravelled yard hosts kennels where dogs owned by the applicant and her daughter would live. The land also contains a caravan and static mobile home which are not subject to this current application. On balance, the land to the rear of the house would remain incidental to the enjoyment of the dwellinghouse.

Residential amenity

Paragraph 127 of National Planning Policy Framework (2019) 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.

The number of adult dogs is up to 14. All animals would be for private use and no breeding business is intended. Two boarding kennels have been noted during the site visits and both structures accommodates the pets.

Policy 30 states amongst other matters that development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon the amenities of the area by way of noise pollution.

No mitigation measures might be incorporated to the boarding kennels and their setting. However, SHDC Environmental Health Officer has been consulted and there is no objection. No complaints have been received about dog barking and disturbance associated with the business. It has been only requested to limit the number of dogs up to the current number and restrict the keeping of dogs to the applicant.

With regards to the home-based business, one dog is groomed on average every working day. The applicant has indicated that the hours of opening are Monday to Friday from 5.30pm to 6.30pm and Saturday from 9am to 4pm. The customer usually travels to the site by car to drop off or pick up the pet. The motor vehicles are parked on the drive area.

Car parking provision

The drive area within the curtilage is spacious. In light of the use intensity, the dog grooming business would not entail any excessive pressure on parking demand. The customer cars can be easily parked on the driveway.

Planning Balance

The timber outbuilding where the dog grooming business is undertaken might be of higher design quality standards but it does not unacceptably detract from the built environment.

The keeping of up to 14 adult dogs is intense although the rear land to the house might be still used for incidental enjoyment of the dwellinghouse. Other ancillary development is present on the back

yard. No breeding activity for commercial reasons occurs.

The noise and disturbance associated with the business footfall is very low in view of the small scale of the business and low use intensity. No objection has been received about the dog barking associated with the keeping of private dogs. SHDC Environmental Health Officer has no severe concerns about noise pollution insofar as refusal should be made. On-street parking would not occur given the small scale of the business.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

Taking into account the above, this application contravenes Policies 1, 2, 3, 30, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Section 12 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this 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.