DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H19-0830-25**	**Applicant:**	**Mr & Mrs C Winch**
Proposal:	Use of site for breeding a maximum of 14 dogs with a maximum of 6 litters per year & ownership of more than 6 dogs		
Location:	319 Broadgate Sutton St Edmund Spalding		
Terminal Date:	28th October 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
07	Improving South East Lincolnshire's Employment Land Portfolio
28	The Natural Environment

National Guidance

National Planning Policy Framework December 2024

Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

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
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1

CASE OFFICER ASSESSMENT

Description of Proposal

This is a full planning application seeking permission for use of the site for breeding a maximum of 14 dogs with a maximum of 6 litters per year. This figure of 14 dogs is a "worst case scenario", with no more than 12 dogs typically being on the site at any one time. This application seeks a temporary permission for a period of no more than 5 years.

Site Description

The site is partially within the settlement boundaries of Sutton St Edmunds, as outlined within the South East Lincolnshire Local Plan, 2019, although the actual location where the dogs would be kept would be located outside of the settlement boundaries. The site forms backland development and comprises a detached dwelling and a detached garage building. The site is accessed via a private drive between no's 132 and 317 Broadgate.

Relevant History

H19-0900-18 -Full - Erection of detached dwelling - Approved 24/10/18.

H19-0425-23 - Full - Use of site for breeding a maximum of 14 dogs with a maximum of 6 litters per year and extension to garage to form unit for housing dogs and for storage of feed - Approved 01/08/23

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Highway and Lead Local Flood Authority

"No objection. This proposal is for the use of site for breeding a maximum of 14 dogs with a maximum of 6 litters per year & ownership of more than 6 dogs and the access and parking arrangements remain unchanged. Adequate provision for car parking and turning space has been provided within the limits of the site to enable vehicles to enter and leave in a forward gear; therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety"

North Level Internal Drainage Board

"Please note that North Level District Internal Drainage Board has no objections to the above planning application."

SHDC Licencing

"The applicant is currently licensed for dog breeding so on that basis we do not have any comments on the planning application"

Environmental Protection

Comments were made by the Environmental Protection Department requesting an acoustic assessment. Upon clarification that the proposed use is currently in situ and has been for some time, these comments were withdrawn. No subsequent comments have been made.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have

been received.

Key Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is partially within the settlement of Sutton St Edmund which is classed as an "other service centre" within Policy 1. Within the settlement, development will be permitted that supports Sutton St Edmund's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within other service centres will normally be limited to Committed sites and infill.

The portion of the site located outside of the settlement boundaries would be located within the Countryside for the purposes of Policy 1. 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."

The principle of keeping dogs as an incidental use to the enjoyment of a dwelling house is acceptable, irrespective of positioning outside of settlement boundaries or otherwise. However, the application would involve some level of business use, as puppies would be sold. As such, Policy 7 is relevant here.

Policy 7 relates to Improving South East Lincolnshire's Employment Land Portfolio, within this policy it states that "new employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings." The policy then goes on to state "where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non allocated sites may be acceptable provided" certain criteria is met.

The proposal is not a new use. It has operated from the site for at least a period of seven years in one form or another. This proposal seeks a further period of time for a temporary permission, as opposed to an expansion of the business in any form. In any event, the proposal would involve the use of existing structures, and so would broadly be in keeping with the provisions of Policy 7 in this regard.

Assessing the proposal against Policy 1, the proposal necessitates the site as it must display a relationship with the host dwelling. Likewise, as stated previously, the use is already well established on the site, with permission H19-0425-23 most recently granting permission for the use from the site. As there has been no material change to the provisions of the SELLP or NPPF in the interim which would impact upon whether this proposal may be judged to be within a sustainable location, it is considered that it would be improper to resist the application on the grounds of Policy 1. Moreover, whilst not wholly within the settlement boundaries, the site displays a strong relationship with the settlement, functionally acting as an extension to the settlement

For these reasons, the proposal is considered to be acceptable in principle, subject to an assessment against other relevant policies.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments 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 other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the NPPF and require 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. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposed dog breeding use, while not common in the area, would not be out of keeping. While the locale has a primarily domestic character, the rural nature would somewhat naturalise the proposed use. Within rural areas, mixed use sites, particularly involving the keeping of animals is common. The lack of visibility of the site would further reduce the character impact of the development.

In any event, the use is well established in the area, without significant harm arising. As the proposal would not change the use in any way, there would be no further character harm arising as a result of this proposal.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF states that development 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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The site is within a low-density residential area in a fairly remote location. The dogs are currently kept in a kennel block, located to the rear of the property. While this kennel block is relatively close to the border of the adjacent property to the east (approximately 20 metres at its closest), it is an adequate distance of over 50 metres to any neighbouring dwellinghouse. The field where the dogs are exercised is further away from any neighbouring property, standing at over 75 metres from the nearest dwelling. It is considered that this distance is sufficient as to reduce the potential impacts of noise pollution. There is a significant level of screening between the property and any neighbours, which should further muffle any noise that may arise.

H19-0425-23 granted a temporary permission for the use for the keeping of 14 dogs, with a maximum of six litters per year, for a period of two years. In this time, no noise complaint has been received by the Council relating to this site. This shows that the use can operate from the site without significant amenity impact. Prior to this, the use had been present on the site for approximately five years, also without any complaints received regarding noise.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards. No additional parking would be required. The use is already well established and there would be no change in the circumstances or access. On this basis, the proposal is considered to have no severe adverse impact upon the highway network.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: (...) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states that "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate. The process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South-East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan, including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the SELLP is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is outside of any identified hazard zone.

Paragraph 176 of the NPPF states "Applications for some minor development and changes of use should also not be subject to the sequential test, nor the exception test set out below". Footnote 62 clarifies that minor development means: "householder development, small non-residential extensions (with a footprint of less than 250m2) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate".

There is therefore no need to apply the sequential or exceptions test. In any event, the site is not within a hazard zone identified on the SFRA, and therefore the tangible risk of flooding on site is considered to be minimal.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan, or
(c) the development is exempt from the biodiversity gain condition.

The proposal would impact less than 25sqm of area habitat, and less than 5m of linear habitat. As such, the proposal is exempt from the need to demonstrate biodiversity net gain under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Other Matters

The Applicant has indicated that they would be agreeable to the permission being temporary in nature, should the application be approved. On the basis that this would provide greater control over the development and use of the site, this is considered appropriate.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents the continuation of a well-established use on the site. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

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.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with the SELLP when taken as a whole, as well as Sections 9, 12, 14 and 15 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.