

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H19-1281-21 **Applicant:** Mr J Cranstoun

Proposal: Change of use from residential to residential/dog breeding including the change of use of agricultural land - retrospective

Location: Model Cottages 211 - 213 Broadgate Road Sutton St Edmund

Terminal Date: 18th March 2022

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 2021**

Section 12. Achieving well-designed places

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	2
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	2
SHDC INTERNAL	0	0	0	1

RESIDENTS	1	0	0	0
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CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks retrospective permission for change of use from residential to residential/dog breeding including the change of use of agricultural land.

A maximum of 15no dogs are proposed, including 3 of the applicant's own dogs. Puppies would be bred and sold after 8 weeks.

All appointments would be between 8am and 4.30pm with evening appointments under exceptional circumstances. The business would operate on a one viewing at a time basis.

Site Description

The application site is located on Broadgate Road in Sutton St Edmund. The site is located outside any settlement boundary and within the open countryside. It comprises two identical semi-detached dwellings of red brick construction. There is a gravelled driveway to the front/side providing off-street parking for several vehicles. The site is partially enclosed by hedging and trees. The immediate area is primarily open countryside but there are a few scattered dwellings along the road. The closest properties are to the south, approximately 65 metres from the existing site boundary.

History

H19-0411-08 - Proposed rear single-storey extension - Approved

Consultation Responses

South Holland Internal Drainage Board

No comments as the site lies outside the Internal Drainage District of the South Holland Internal Drainage Board and therefore does not meet our threshold for commenting.

North Level Internal Drainage Board

No comments.

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

Environmental Protection

No objection but would suggest that if permission is granted number of adult dogs on site to be limited to 15 and that the permission be made personal to the applicant.

Public

One letter of objection has been received from a local resident siting the following concerns:

- Safety issues as the fence in place is not high enough to contain the dogs
- Noise disturbance

Planning Considerations

Principle of development

The site is within the countryside as set out in the South East Lincolnshire Local Plan (SELLP), 2019. The principle of keeping dogs as an incidental use to the enjoyment of a dwelling house is acceptable. However, material planning considerations will contribute to ascertain whether or not the keeping of up to 15 dogs is sympathetic with the predominant use at such a location.

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.

Design and layout

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 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; and 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 states 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.

The proposal is not considered to encroach unacceptably upon the open fields. The proposed curtilage extension is not considered to be significantly out of character or detract from the landscape and setting. The change of use of the land does not require any material works to the land. Should the proposed use cease then the land could return to agricultural use without any harm having occurred during the time of the proposed use. As such this aspect is considered acceptable.

The dog breeding business is undertaken within an existing outbuilding sited within the existing residential curtilage of the dwellings. As such the proposal is not considered to materially change the appearance of the dwelling.

In summary, the proposals are acceptable within the locality and comply with Policy 2 of the SELLP and Section 130 of the NPPF.

Residential amenity

Residential amenity is one of the key principles of design and development management as set out in Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) (SELLP). Likewise, Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that developments should ensure a high standard of amenity for existing and future users, among other considerations. Additionally, Policy 30 of the SELLP states 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 (amongst other matters).

One letter of objection has been received from one local resident siting concerns of noise disturbance and safety issues as the fence in place is not high enough to contain the dogs. The concerns are noted, however, it is not considered that the proposal generates significant safety concerns as the site seems to be well enclosed. With regards to noise disturbance the closest neighbour is some 65 metres from the application site. Given this and the maximum number of dogs it is not considered that the proposed scheme results in any significant noise impacts. In addition Environmental Protection has not raised any objections provided the number of dogs on site is limited to 15 and the permission is made personal to the applicant. This will be secured by conditions.

As such the proposal is on balance considered to comply with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Car parking provision

The Local Highway Authority has not raised any objections to the proposed scheme as the applicant has demonstrated within the supporting statement, that there will be sufficient parking available for appointment based viewing between the hours of 11:00 am-4:30pm with only one appointment viewing at a time and will have a minimal impact upon the highway network. The existing parking

and access arrangements are satisfactory with suitable visibility to allow drivers intending entering the highway to judge if it is safe to complete the manoeuvre. Therefore, it is considered that the proposals would not have an unacceptable impact upon highway safety.

Planning Balance

The proposal will not materially harm the character or appearance of the locality or amenity of nearby residents. 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. 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 site benefits from sufficient off-street parking and the business would operate on a one customer at a time basis.

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 on balance complies with Policies 1, 2, 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.

RECOMMENDATION

That the application be approved under delegated powers.