Andrew Burgess Planning

Planning and Development Consultant

PLANNING STATEMENT

ON BEHALF OF

MUNDICAO BOARDING KENNELS

LAND AND BUILDINGS AT
THE MELROSE
DOWSDALE BANK
SHEPEAU STOW
SPALDING
LINCOLNSHIRE
PE12 0TZ

CHANGE OF USE FROM AGRICULTURAL, BUSINESS AND RESIDENTIAL TO KENNELS AND DOG TRAINING INCLUDING NEW KENNELS, CONVERSION OF CONTAINER INTO RECEPTION AND CONVERSION OF GARAGE INTO FOOD PREPERATION AND STORAGE.

JANUARY 2023

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CONTENTS

1. INTRODUCTION

2. SITE DESCRIPTION and RELEVANT PLANNING CONSIDERTAIOS

3. ASSESSMENT BASED ON NATIONAL and LOCAL PLANNING POLICY

4. SUMMARY and CONCLUSION

APPENDICES

Appendix 1 - Planning Committee Report 9 March 2022.
Appendix 2 - Photographs of the site.

PLANS

Site Location Plan Drw No MUN 18 L

Block Plan Drw No MUN 18 0

Reception Building Plan and Elevations Drw No MUN 18 1 Floor Plan Kennel 1 Drw No MUN 18 2

Elevations Kennel 1 Drawing No MUN 18 2.1

Floor Plan Kennel 2 Drawing No MUN 18 3

Elevations of Kennel 2 Drawing No MUN 18 3.1 Proposed Floor Plans Drw No MUN 18 4

Proposed Elevations Drawing. No MUN 18 4.1

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1. INTRODUCTION

1.1 This Planning Statement is prepared on behalf of Mundicao Boarding Kennels to support a planning application for permanent planning permission for,

Change Of Use From Agricultural, Business And Residential To Kennels And Dog Training Including New Kennels, Conversion Of Container Into Reception And Conversion Of Garage Into Food Preparation And Storage.

1.2 The Boarding Kennels have been in use since 2019 and planning permission was originally granted for a twelve month period under planning permission H23-1253-18. A further planning application Ref H23-0313-20 was approved for a further twelve month period until 31st August 2021. A further extension of time until 11th March 2023 was approved under planning permission H23-0755-21 on 11th March 2022.

1.3 Therefore, on three occasions planning permission has been granted to allow and an extension of time and grant planning permission for a twelve month period between June 2019 and March 2023.

1.4 It should be noted that the most recent planning permission was submitted on the basis that the permission would become permanent and was recommended for approval on this basis however Members of the Planning Committee chose to grant planning permission for a further 12 months. See Planning Committee Report attached as Appendix 1.

1.5 The Boarding Kennels and there have been on genuine complaints or issues that have been pursued by the Council's Environmental Heal Officer or the Planning Department.

1.6 Photographs of Site and the Boarding Kennels are included in Appendix 2

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2. SITE DESCRIPTION and RELEVANT PLANNING CONSIDERATIONS

2.1 The 9th March 2022 Committee Report (See Appendix 1) describes the site a paragraph 3.1 and states,

'The site is outside of the settlement boundary for Shepeau Stow and the surrounding area is predominantly rural. There are no immediate neighbours to this particular dwelling as the built form is well spaced out in this rural locality, however the landscape is very open and dwellings can be seen along Dowsdale Bank. The site benefits from a mature and high hedgerow to the ide on which the nearest neighbour resides which provides a good level of screening from the welling and its extensive rear garden/land. The remainder of the boundary is a mixture of hedgerow and newly installed close boarded fencing. The site can be described, on balance, as being very well screened.'

2.2 The Committee Report goes on to explain relevant planning policies, representations and assess the planning considerations.

Following this assessment the report carries out a Planning Balance and concludes,

'

7.17 *Planning Balance*

7.18 *This application seeks removal of the time condition to allow permanent use of the site for dog training, kennels and food production.*

7.19 *The principle of the use was approved in the previous application, thereby no further assessment has been made in this respect.*

7.20 *In regard to residential amenity, a number of objections have been received stating that noise and disturbance has been ongoing since the previous permission was granted. SHDC Environmental Protection raised objections to the initial scheme which proposed an increase in the number of dogs on the site. However, they have not raised any objections to removing the time condition for the existing number of dogs on the site. Given the business has been operating since 2018 and Environmental Protection has advised that although they have received complaints but to date they have not had sufficient evidence to warrant formal action. As such it is considered acceptable to allow the removal of the time condition.*

7.21 *In terms of highway safety, the Highways Authority have been consulted on this application and have raised no objections.*

7.22 *Conclusion*

7.23 *The proposal is therefore considered to be in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2019), as well as Section 12 of the National Planning Policy Framework (2021). '*

3. ASSESSMENT BASED ON NATIONAL and LOCAL PLANNING POLICY

3.1 It is clear that the Planning Officer assessed that the proposal was in accordance Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2019), as well as Section 12 of the National Planning Policy Framework (2021).

3.2 There was however no written consideration of the repeated use of Temporary Planning conditions and when it is appropriate to grant permanent planning permission. Government advice on the use of Temporary Planning conditions is set out in the National Planning Policy Guidance (NPPG) which states,

When can conditions be used to grant planning permission for a use for a temporary period only?

Under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period only.

Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

A temporary planning permission may also be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a 'meanwhile use').

It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). (my emphasis) Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently.

A condition requiring the demolition after a stated period of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness. Conditions requiring demolition of buildings which are imposed on planning permissions for change of use are unlikely to relate fairly and reasonably to the development permitted.

Paragraph: 014 Reference ID: 21a-014-20140306

Revision date: 06 03 2014

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3.3 Therefore, it is clear that Government Guidance is that Temporary Planning Permission should not be granted on more than one occasion. Whereas in this case, Temporary Planning permission has now been granted on three occasions for the same development. This approach is clearly in breach of Government guidance and not acceptable and is unjustified.

3.4 Based on the Planning History of the site and the operation of the business there is no justification not to grant Permanent Planning Permission.

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4.0 SUMMARY and CONCLUSION

SUMMARY

4.1. Mundicao Kennels has been operating since 2019 and been granted temporary planning permission on three occasions. Government Guidance makes it clear that it should not normally be necessary to grant temporary planning permission on more than a second occasion. This use is clearly acceptable and it is unreasonable and unjustified not to now grant a permeant planning permission.

CONCLUSION

4.2 This is an entirely acceptable development in principle and complies with National and Local Planning policy in all respects. The request for a permeant planning permission is justified and acceptable.

4.3 The proposal is of a type a scale suited to this location and is appropriate in respect of all the relevant planning considerations is respect of design, residential amenity, highway safety, ecology and there is no reason not to grant planning permission subject to appropriate planning conditions.

4.4 **Therefore, it is respectfully requested that in accordance with paragraph 11 of the NPPF that the application is approved without delay.**

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APPENDIX 1

9th March Planning Committee Report

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APPENDIX 2

PHOTOGRAPHS of the site