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Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
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Brand Associates
2a Dartford Road
March
Cambs
PE15 8AB

# TOWN AND COUNTRY PLANNING ACT 1990

## FULL

**Reference:** H23-1253-18 **Date of Decision:** 4th June 2019

**Applicant:** Mundicao Kennels
The Melrose
Dowsdale Bank
Shepeau Stow
Spalding Lincs
PE12 0TZ

**Location:** The Melrose Dowsdale Bank Shepeau Stow Spalding

**Description:** 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, part retrospective

## South Holland District Council hereby give notice that this application has been GRANTED (or equivalent) subject to the following condition(s):

1 The development hereby permitted shall be discontinued at or before 4th June 2020.

Reason: To enable the Local Planning Authority to review the impact of the development on the amenities of the locality.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

2 The development hereby permitted shall be carried out in accordance with the following approved 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 Drw No MUN 18 2.1

Floor Plan kennel 2 Drw No MUN 18 3
Elevations of Kennel 2 Drw No MUN 18 3.1
Proposed Floor Plans Drw No MUN 18 4
Proposed Elevations Drw No MUN 18 4.1

Reason: For the avoidance of doubt and in the interests of proper planning.

3 This permission shall operate for the benefit of Mr V Mundicao and the use hereby approved shall be terminated at such time as Mr V Mundicao ceases to occupy the premises.

Reason: To enable consistent standards with regards to the facility and standards in care which have been demonstrated by the applicant in this matter.
Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4 The dog training lessons shall be restricted to the hours of 09:00 to 17:00 Monday to Saturday and no dog training shall take place on a Sunday or any public Bank Holiday.

Reason:To enable the Local Planning Authority to mitigate any harm the development may have on local residents and the amenities of the locality.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

5 The number of dogs staying on site in connection with the dog boarding kennels shall not exceed 16 dogs at any one time and an up-to date register should be kept at all times of the dogs boarding on site and such a register shall be made available to the Local Planning Authority upon request.

Reason: To enable the Local Planning Authority to mitigate any harm the development may have on local residents and the amenities of the locality.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

6 The number of dogs on site, including those permitted under the dog boarding business but excluding the dogs personally owned by the applicant, shall not exceed 20 at any one time unless otherwise agreed expressly in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to mitigate any harm the development may have on local residents and the amenities of the locality.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

RIGHT OF APPEAL
Where an application is made to the Authority for consent and that consent is refused or is granted subject to conditions, the applicant, if aggrieved by the decision, may appeal to the Planning Inspectorate (PINS). Appeals must be received by the Planning Inspectorate within 28 days of the Council's decision. Your appeal should be made on the relevant TPO (consents) appeal form obtained from the Planning Inspectorate (PINS). You can find the form on the Planning Portal web site at: www.planningportal.gov.uk/planning/appeals/otherappealscasework/treepreservation You may also obtain a form by telephoning or writing to PINS at:
Environment Team, Room 3/25 Hawk Wing, Temple Quay House, 2 The Square, Bristol. BS1 6PN. tel: 0117 372 8192



**Phil Norman**
**Planning and Building Control Manager**
**South Holland District Council**

**BUILDING REGULATIONS:**
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

# RIGHTS OF APPEAL

## Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

## Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

| 12 Weeks | 6 Months | 8 Weeks |
|---|---|---|
| Householder Applications | Planning Permission | Consent to Display Adverts |
| Minor Commercial Development | Listed Building Consent | |
| Agricultural Determinations | Other Prior Approval Applications | |
| Householder Prior Approval Applications | | |

## Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

All appeals must be made using an Appeal Form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Bristol, BS1 6PN (tel: 0303 444 5000) or you can submit your appeal online at:

http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal

The Secretary of State can allow a longer period for giving notice of an appeal but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the

provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the Local Planning Authroity based its decision on a direction given by him.

For detailed information on appeals, appeal types and guidance on the appeals process please visit:

http://www.planningportal.gov.uk/planning/appeals/planningappeals

## Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

## Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.