

APPLICATION NO	PA/2013/0930
APPLICANT	Miss L Stephenson
DEVELOPMENT	Planning permission to retain lean-to paddocks, runs with two accompanying shelters, 2 storage containers and a WC
LOCATION	Sandwood, Whinsgate, Eastoft
PARISH	EASTOFT
WARD	Axholme North
CASE OFFICER	Andrew Law
SUMMARY RECOMMENDATION	Grant permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Councillor Briggs – significant public interest)

POLICIES

National Planning Policy Framework: Paragraph 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

North Lincolnshire Local Plan: Policy DS1 (General Requirements)

Policy RD2 (Development in the Open Countryside)

Policy T19 (Car Parking Provision and Standards)

North Lincolnshire Core Strategy: Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

CONSULTATIONS

Highways: No objections.

Environmental Health: Complaints have been received in the last 12 months with regard to noise and the burning of waste. No statutory nuisance has been recorded. The use for the keeping of dogs is approved subject to conditions and this application relates only to the erection of ancillary structures. As such Environmental Health raises no comments or objections.

Drainage Board: No objection subject to no structures being located within 9 metres of the adjacent drain.

Environment Agency: The site is located within flood zone 3; however, due to the scale and nature of the development, the EA has no comments to make.

PARISH COUNCIL

Does not object to the proposal but makes the following comments:

- The site was previously approved for retired greyhounds but it is now being used by racing dogs.
- The development has been carried out without planning permission.
- There is already an ugly building and inappropriate fencing visible from the road.
- There has been a previous issue with the burning of waste but this has now been resolved.
- The site is adjacent to a drainage board dyke.
- The site generated noise from as early as 5am.

PUBLICITY

Neighbouring properties have been notified. Three letters of objection have been received on the following grounds:

- The kennels results in noise from dogs early into the evening.
- Noise increased when the outside runs were constructed.
- Dogs have been housed in the storage containers resulting in further noise.
- All development on the site has been carried out before gaining the necessary consent.
- Planning Enforcement and Environmental Health have had to be called out to investigate noise and the burning of waste on the site.
- The existing structures on site have resulted in a reduction in property prices for neighbouring properties.
- Conditions on the original planning permission allowing the kennels are being breached.

ASSESSMENT

A decision on this application was deferred by the Planning Committee on 19 November 2014 for a committee site inspection. A decision was then deferred at the Planning Committee on 17 December 2014 for confirmation that the application site is located within North Lincolnshire Council's administrative boundary. This issue has now been thoroughly checked and it is possible to confirm that the site is definitely located within North Lincolnshire.

The application site is a kennels used for the keeping of greyhounds in the open countryside outside of Ealand. Permission was granted to retain this use and the associated kennel block under PA/2006/1601 subject to various planning conditions. The site is set to the rear of Sandwood and is bounded by residential properties to the east and open fields to all other sides. There is a drain running along the southern side of the site and a telecommunication mast that is visible to the south-east of the site. The kennel block is located at the very rear of the site with a field used for dog walking located between the kennels and neighbouring residential properties. This application seeks planning permission to retain additional ancillary structures which have been erected without planning permission. These ancillary structures consist of two storage containers, a small lean-to toilet extension to the kennel block and outside dog runs enclosed by wire mesh fencing. These structures have been in situ for a number of years.

The main issue in the determination of this planning application is the potential impact on the character and appearance of the open countryside.

The proposal is for additional ancillary structures at an existing dog kennels business outside the defined development boundary for Eastoft. Policy RD2 (Development in the Open Countryside) therefore applies and states that planning permission will only be granted for development which is employment-related development appropriate to the open countryside, provided the development cannot reasonably be accommodated within defined development boundaries and it would not be detrimental to residential amenity or highway safety. Paragraph 28 of the National Planning Policy Framework (NPPF) states that planning policies should support economic growth in rural areas and support the sustainable growth and expansion of all types of business and enterprise in rural areas. It is worth noting that the NPPF does not discriminate between specific types of new enterprise being proposed in rural areas, save that the proposal is sustainable and well designed. The structures are required to be in this location in the open countryside due to its connection to the existing business; it will support this existing rural business and therefore the local economy. Furthermore the proposed development will not impact on any features of ecological or landscape importance. For these reasons the proposal is considered to constitute a sustainable form of development which is appropriate in this location.

The proposal is for small ancillary structures on the site which already has a large kennel block and fencing. The structures are small-scale in comparison to existing structures on the site and are positioned in the rear corner of the site as far from neighbouring properties and the public highway as possible. The small toilet extension is located on the rear corner of the existing kennel building and is screened by this building so that it is only visible within the site. The containers have been painted green and are located along the rear boundary of the site, close to the large kennel structure, whilst the outdoor runs are essentially an area of grass which is enclosed by 2 metre high wire mesh fencing. It should be noted that there are areas of such fencing on the site already and there is also similar fencing visible around the nearby telecommunications installation to the south-east of the site. Therefore, whilst the structures themselves are not what would normally be expected in the open countryside, their link to the existing business and structures on the site, coupled with their siting, means that they will have no significant detrimental impact on the character or appearance of the area.

The applicant has confirmed that there are no dogs kept within the proposed storage containers and that these are used for general storage only. There was no evidence of dogs being kept within the containers during the officer site visit. The site already has consent for the keeping of dogs and the proposed structures will not result in any increase

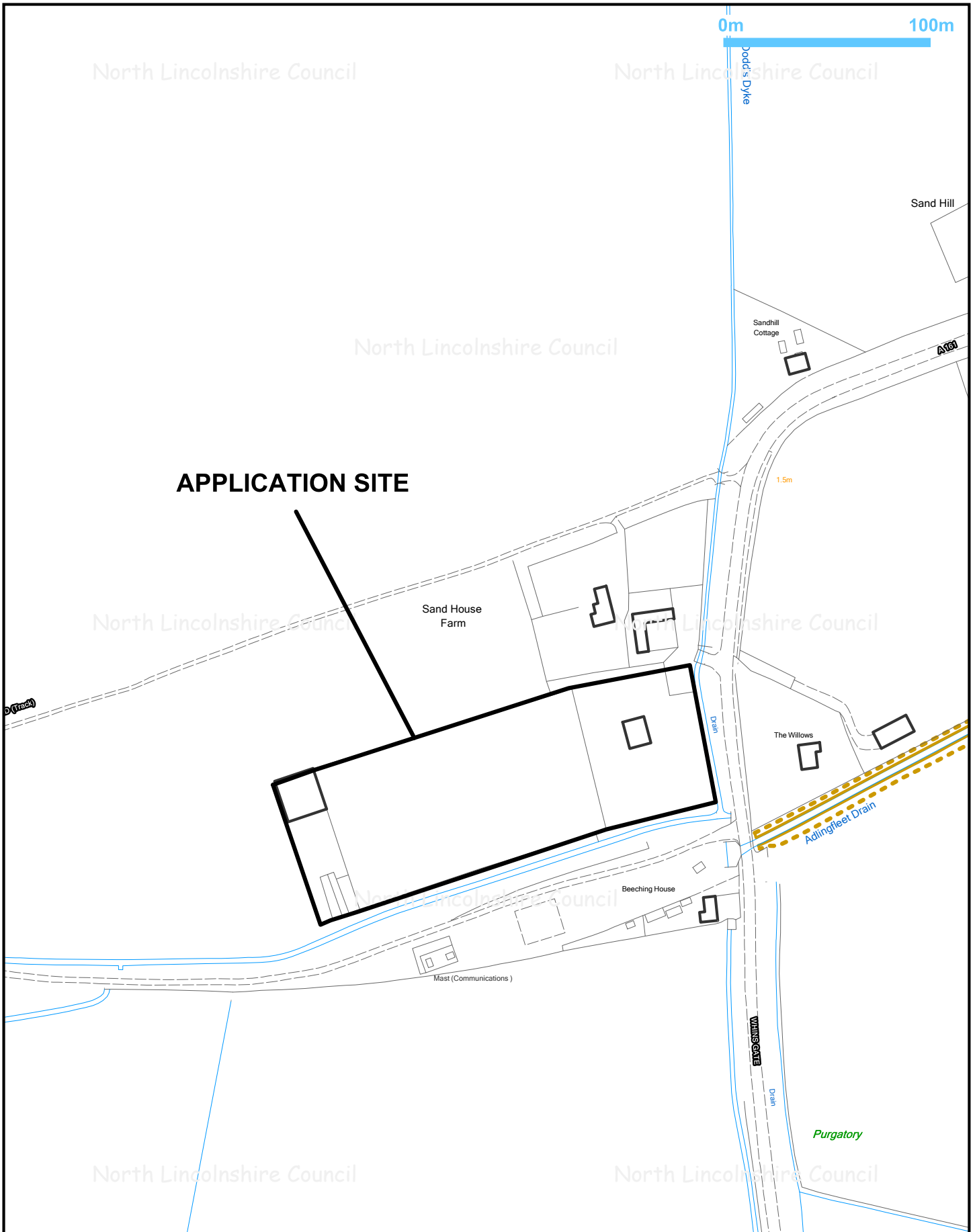
in the number of dogs or how the site operates. For these reasons the proposed structures will not have any additional impact on the amenity of neighbouring properties above and beyond what is already consented. There are various conditions on the existing consent restricting the number of dogs and when they can be outside; these conditions will still apply to the site should consent be granted. Should there be any alleged breaches of conditions on the site then the council's Planning Enforcement team will investigate this and take any action necessary. Environmental Health has visited the site on several occasions in the last 12 months at the request of neighbouring properties and has witnessed no statutory noise nuisance on any occasion. Nevertheless it should be reiterated that this application relates purely to the additional ancillary structures and does not relate to the use of the site for the keeping of dogs.

In conclusion, it is considered that the proposed development will support an existing rural business and will have no significant impact on the character and appearance of the area or on residential amenity and as such should be supported.

RECOMMENDATION Grant permission.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Title: PA/2013/0930

Drawn by: Sue Barden

Date: 04/11/2014

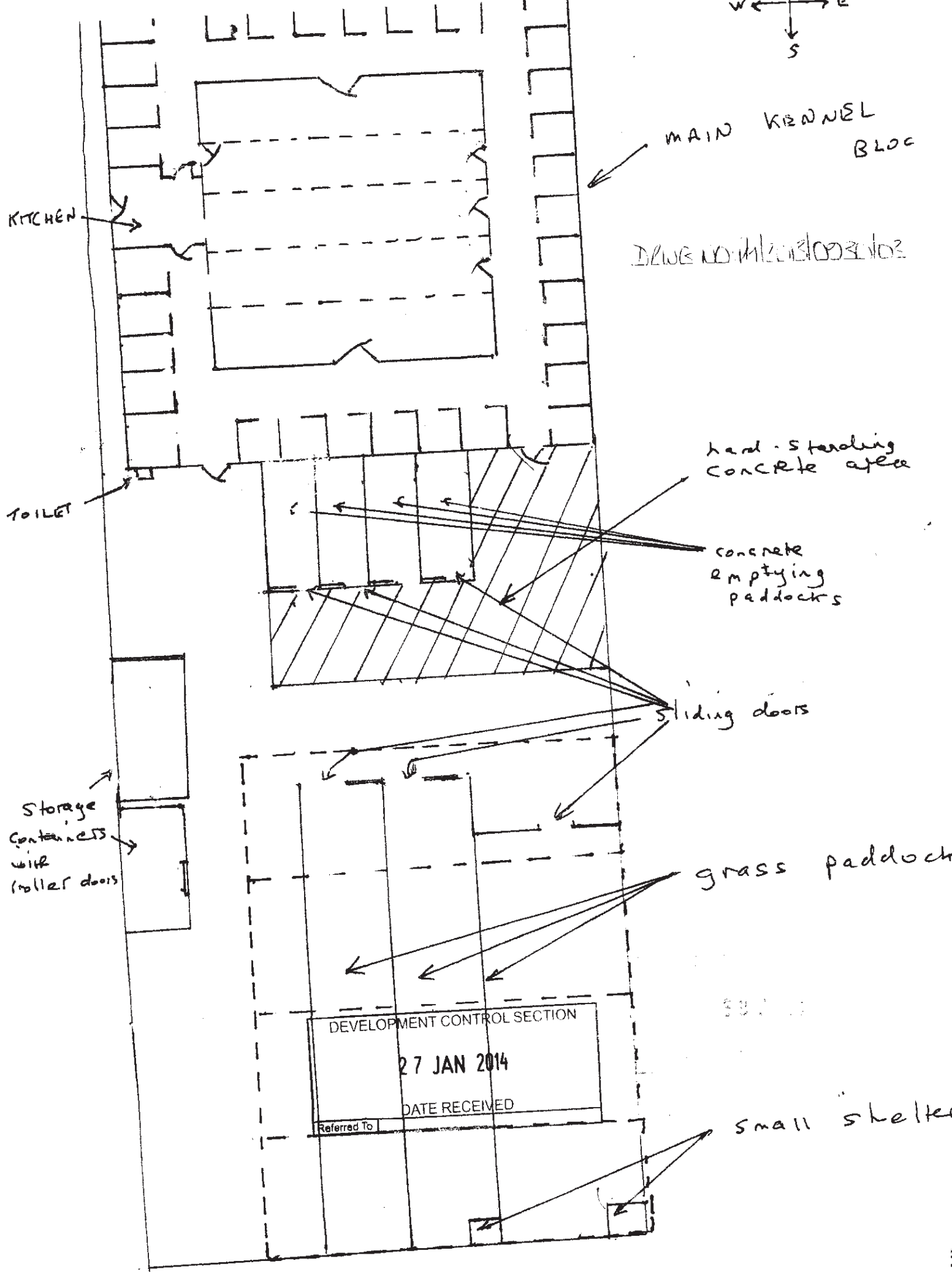
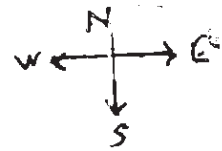
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