

APPLICATION NO PA/2014/1270

APPLICANT Mr P Sipling

DEVELOPMENT Planning permission to vary condition 3 of previously approved application PA/2003/1821 dated 17/05/2004 to limit the occupation of the dwelling to persons employed in the kennels business

LOCATION Heron Lodge, off Appleby Lane, Broughton

PARISH BROUGHTON

WARD Broughton and Appleby

CASE OFFICER Scott Jackson

SUMMARY RECOMMENDATION Grant permission subject to conditions

REASONS FOR REFERENCE TO COMMITTEE Objection by Broughton Town Council

POLICIES

National Planning Policy Framework: Paragraph 28 states that to promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and extension of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings.

Paragraph 55 states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

North Lincolnshire Local Plan: Policies RD2 and DS1 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2 and CS3 apply.

CONSULTATIONS

Highways: No objections.

TOWN COUNCIL

Object on the grounds that the condition should remain as it is on the kennels business.

PUBLICITY

Neighbouring properties have been notified. No comments have been received.

ASSESSMENT

The application site comprises a two-storey detached dwelling located in the open countryside; the dwelling is tied to a kennels business by a condition on the original planning permission which allows occupation by Mr P Sipling. The dwelling is located to the rear of the boarding kennels and catteries, within woodland to the west of Ermine Street, accessed from a single-lane tarmac track.

The main issue in the determination of this application is whether the variation to the condition imposed on the 2003 planning permission is acceptable in planning terms.

This application seeks the variation of condition 3 of PA/2003/1821 to allow the dwelling to be occupied by a person employed in the existing kennels business. A condition was imposed on the 2003 planning permission which was a personal permission for the dwelling to be occupied by Mr P Sipling in connection with the kennels business. The applicant wishes to vary this condition so that it would allow dependants or partners to take over the business operations (for example if Mr Sipling was to retire) and to reside in the dwelling at the site. The applicant considers the existing condition on the 2003 planning permission to be too prescriptive.

It should be noted that the principle of the dwelling in connection with the kennels/cattery business has been established through the granting of the original planning permission in 2003. Policies RD2 (Development in the Open Countryside) of the North Lincolnshire Local Plan and CS3 (Development Limits) of the Core Strategy are specific in the types of development that will be permitted in the countryside; these relate to housing and state that development should be restricted to that which is essential to the functioning of the countryside. Section 3 (Supporting a prosperous rural economy) 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, both through conversion of existing buildings and well-designed new buildings. It is worth noting that the NPPF doesn't discriminate between specific types of new enterprise being proposed in rural areas, save that the proposal is sustainable and well designed. It is considered that planning policy is generally supportive of the growth of rural enterprise which is appropriate in a rural area.

This is an existing business established in the countryside, a location where a kennels business is more appropriate owing to the issues associated with noise disruption to residential properties. The variation to the planning condition will allow the existing business to continue operating in this rural location and the occupation of the dwelling will be tied to the management and ongoing operations of the kennels/cattery business. The proposal will not result in the creation of additional dwellings or buildings in the open countryside, it will transfer the occupancy of the dwelling to the applicant's dependants and secure the long-term future of the business in the process. By allowing the variation to the 2003 planning condition it would still result in the same outcome, ie that the dwelling is occupied by an individual who is employed in the kennels business.

RECOMMENDATION Grant permission subject to the following conditions:

1.

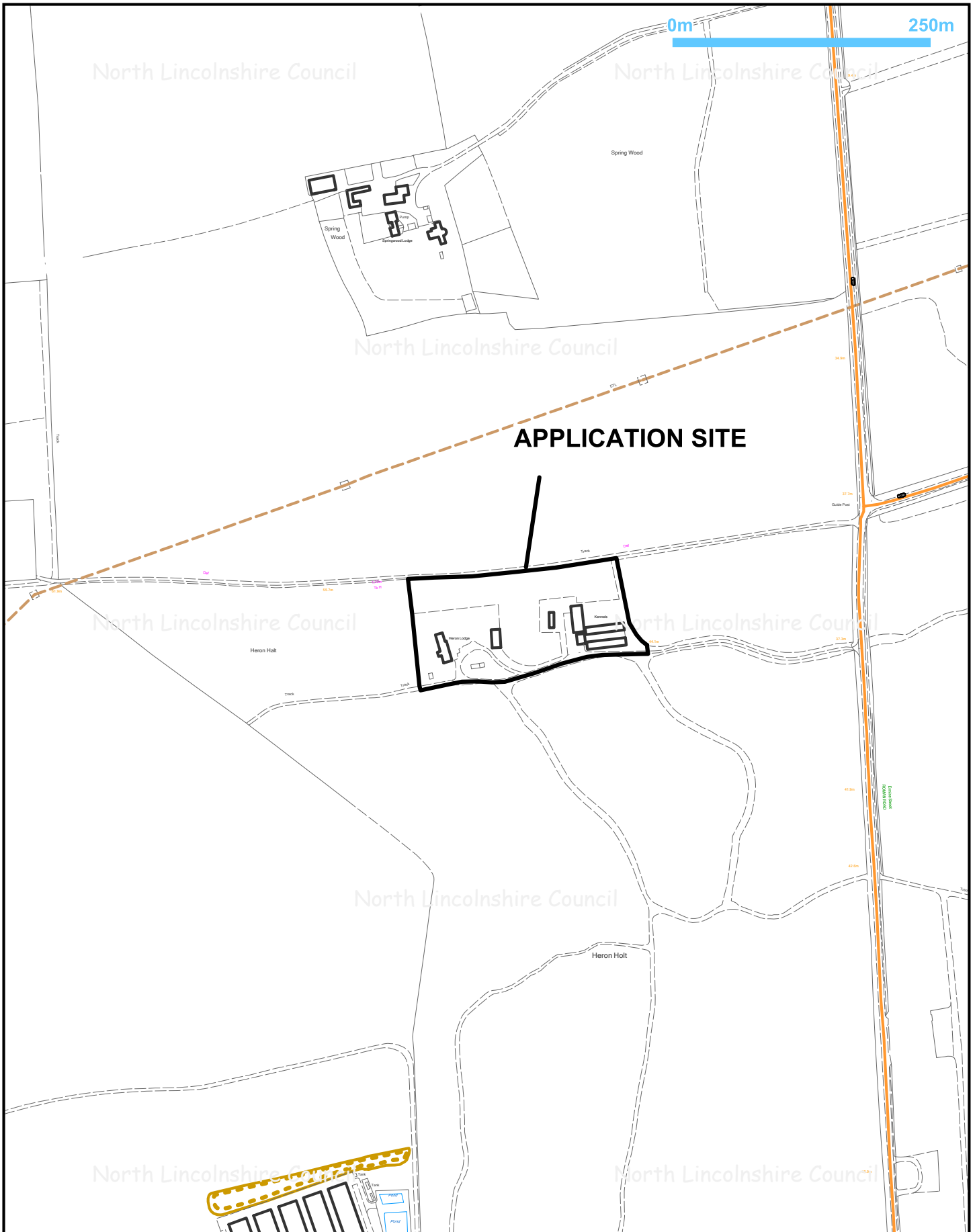
The occupation of the dwelling shall be limited to a person solely or mainly employed in the kennels and cattery business at Heron Lodge, Ermine Street, Broughton or a widow or widower of that person, and any resident dependants.

Reason

Permission is granted only after taking account of the particular personal circumstances involved and therefore as an exception to policies CS3 of the North Lincolnshire Core Strategy and RD2 of the North Lincolnshire Local Plan.

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.



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