

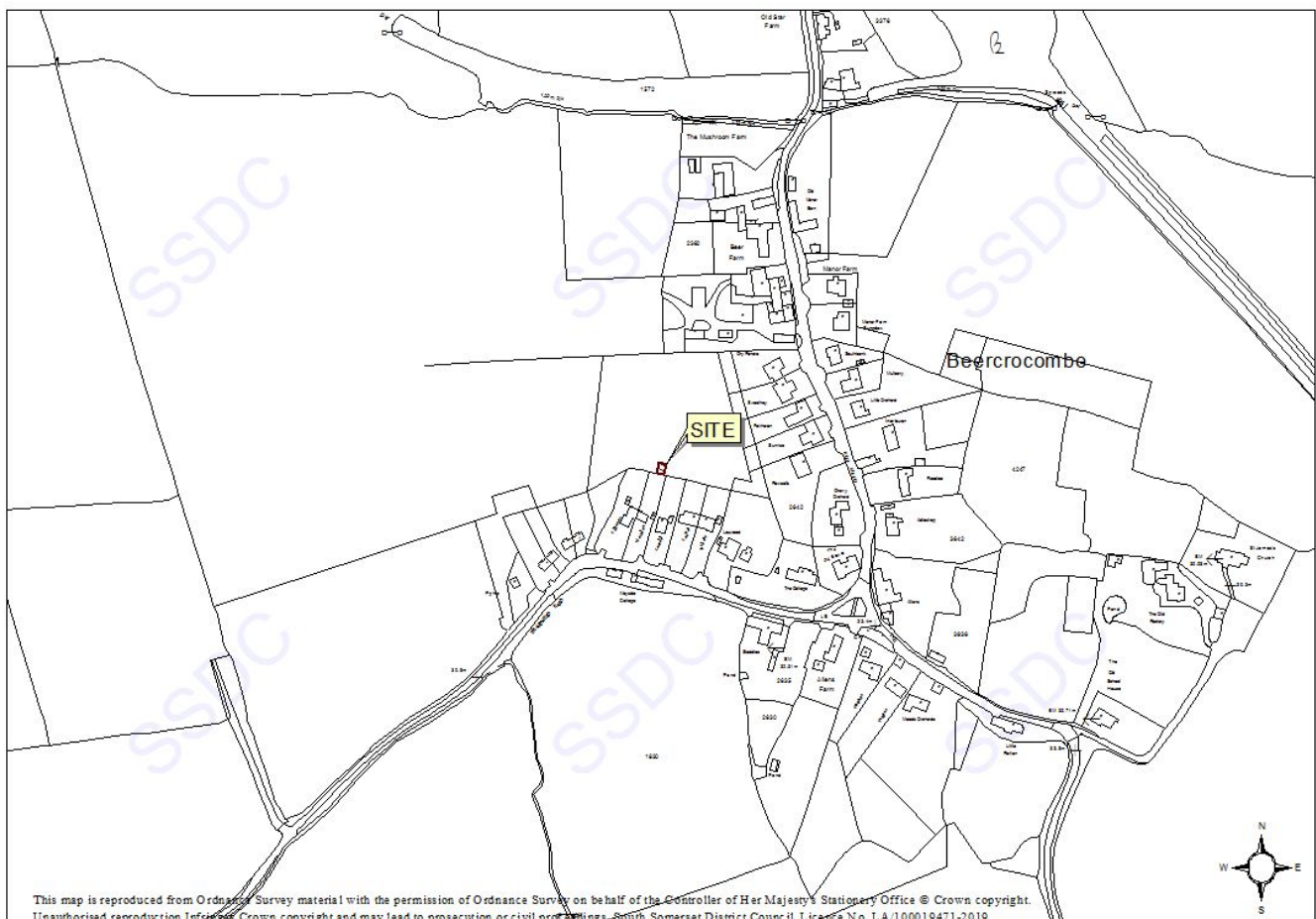
## Officer Report On Planning Application: 18/03322/FUL

<b>Proposal :</b>	The addition of a window to end elevation and the change of use of existing stables to house dogs (Retrospective)
<b>Site Address:</b>	Homelea, Broadmead Road, Beercrocombe.
<b>Parish:</b>	Beercrocombe
<b>ISLEMOOR Ward (SSDC Member)</b>	Cllr Sue Steele
<b>Recommending Case Officer:</b>	Stephen Baimbridge Tel: (01935) 462497 Email: stephen.baimbridge@southsomerset.gov.uk
<b>Target date :</b>	14th January 2019
<b>Applicant :</b>	Mr Chris Radford
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application is referred to the Area North Committee at the request of the Ward Member and Area Chair.

### SITE DESCRIPTION AND PROPOSAL





The application site is located on Broadmead Road, Beercrocombe. The site comprises a semi-detached dwelling with front and rear gardens with single-storey outbuildings, and further to the rear (north) a small parcel of land with a converted stable building on it. The landowner owns further parcels of land adjacent to the north and west, not within the application site.

The application seeks permission for the change of use of existing stables to house dogs and the insertion of a window in its side elevation (retrospective).

## RELEVANT HISTORY

17/00145/FUL: Change of use from agricultural to extension of residential garden and erection of a stable block. Application permitted with conditions (28/03/2017)

## POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy SS2 - Development in Rural Settlements

Policy EQ2 - General Development

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

National Planning Policy Framework - March 2018

Planning Practice Guidance (PPG)

Other

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2015)

## **CONSULTATIONS**

**Beercrocombe Parish Council:** The Parish Council opposes the application for the following reasons:

The application seeks retrospective approval of the conversion of a stable built in 2017 under planning application 17/00145/FUL to a kennel for up to 5 rescue dogs. The Parish Council is concerned that the property is being used as a dog rescue centre and the stable conversion is part of a wider development for which the applicant does not have specific planning permission. The site, Homelea, is a semi-detached residential property with a small extension on the northern boundary onto which the applicant sought and gained planning approval for the construction of a horse stable. The Parish Council had no concerns regarding that development as horses and stables were a common feature in the local landscape and the environmental issues were understood and considered minimal. This cannot be said of a dog rescue centre as it has environmental issues that do not fit at all well within a close group of residential houses. During 2018 the Parish Council received complaints against Mr Radford regarding noise of barking dogs and dogs defecating on private property. The Parish Council also notes the findings of the Planning Inspectorate Appeal Ref: PP/X1545/C/15/3130168, 3130171 in which the Inspector concluded the character of a dog rescue centre was materially different from the character of a previous equestrian use. The Inspector also concluded that the dog rescue centre was not a use that was incidental or ancillary to the use of the property as a residence. The Parish Council judges the same conclusions apply to Homelea and hence opposes the application. The decision to oppose the development of a dog rescue centre at Homelea is consistent with the Parish Council's established policy to oppose all livestock building development close to residential houses within the village.

Furthermore, until the applicant acquires planning approval for a dog rescue centre the Parish Council asks the applicant to stop kennelling rescue dogs on the property.

**Highways Authority (Somerset CC):** Standing Advice applies.

**SSDC Highways Consultant:** While the development proposal would lead to additional traffic travelling to and from the site, it is apparent from the explanation provided in the DAS that this is very low-key affair in terms of traffic generation. Provided it remains as such (I would recommend any suitable and reasonable planning conditions that could be imposed in this respect), I believe it would be unreasonable to raise a highways objection to the scheme. I note that visibility when emerging from the access to the property is substandard. I would welcome any improvements that could be made such as trimming the frontage hedgerow back to offer an improved sightline to the right when emerging.

**Environmental Protection Unit:** I visited the site on the 18th January 2019 and looked at the block housing the dogs in detail.

The block itself is a relatively solid envelope with double glazed windows and a double skinned roof. In my opinion there is no reason why, if properly managed, the proposed use of the building would be likely to impact on local amenity. I therefore cannot substantiate an objection to the application. However should the application be approved I recommend that the following informative be added to the permission.

#### Statutory nuisance

The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health section.

## REPRESENTATIONS

Five letters of representation were received: three letters of objection, one letter of support, and another general observation. Their points are summarised below:

- Unacceptable noise levels in a small residential village, especially at unreasonable times
- The owner has used the property for the rehoming of dogs for 15 years without informing the Council. The land behind the property is used for dog training days, with visitors and associated vehicle movements.
- The increase in vermin locally may be linked to an increase in dogs at Homelea. Vermin are carriers of disease.
- The dog faeces is an issue in terms of how it is removed from the property and the agricultural field.
- The breed is unsuitable as they have been known to kill cats, smaller dogs, and other small animals. This may have resulted in the reduction in the number of rabbits locally.
- When both owners are parked on the drive, there is only space for one small vehicle to park. There is no turning area, meaning that vehicles cannot enter and exit the site in first gear.
- As a charity, the use does not have a benefit to the local economy, and has no employees, only volunteers.
- Allowing the application would set precedent for further kennels to be built in the future. Homelea covers a vast area of Dorset and Somerset (as mentioned on their Facebook page) and with increasing housing growth, the need for kennels will increase.
- As the immediate neighbour to the newly constructed block, the author had no concerns regarding the building or the housing of dogs there. The dogs are rarely heard and, in the author's opinion, cause no disturbance.
- Support on the proviso that suitable steps are taken to prevent noise pollution from dogs barking etc. in the kennels, disturbing the author's family who sleep at the rear of the home.
- The author's children, whilst sleeping, have been disturbed by noisy dogs, and one of the author's children will be working shifts, needing to sleep during the day. A request is therefore made that noisy dogs are not transferred from the outdoor kennels to the dwelling as unreasonably noisy dogs have caused a nuisance when the owners of Homelea were not home.
- The owners have requested that any noise issues be reported to them so they are able to mitigate them.
- Support is given for the work being done by the applicant, rehoming dogs.
- The noise issues are better now than when the dogs were homed solely in the dwelling.
- Reference is made to the greyhound rehoming charity Facebook page where the applicant confirms that he was building a dog shelter rather than the stable proposed. It was not the intention of the applicant to build a stables. The window was inserted without planning permission.
- The agricultural land is used solely for walking dogs and over the year there has been a massive

increase in the number of dogs in the field. The dog faeces causes a legitimate danger / environmental pollutant with regard to it poisoning grass and lawns; carrying hookworm, ringworm, tapeworm etc.; transmitting human diseases; and polluting waterways. The diseases will be transported via the drainage system.

- Between November and December 2018, 12 dogs were been rehomed, one reserved, and one still to be homed. This proves that 100 dogs are being rehomed over the year. The kennel homes five dogs and does not account for the others.
- The expansion of the business has resulted in nuisance / disturbance with dogs barking on a daily basis now.
- The author and her husband have been woken up day and night.
- The author and her husband have been woken up on a regular basis by the noise of dogs barking in the stable / kennel block.
- There have been noise complaints to the applicant who uses excuses i.e. a fox disturbing them.
- This is a very small village and the applicant has set up a dog rehoming business with no consideration of the impact on the local community and environment.

## **CONSIDERATIONS**

### **Principle of Development**

The principle of converting the stable building for the housing of dogs as part of a greyhound rehoming charity and the insertion of a window is acceptable subject to the development not resulting in demonstrable harm to:

- Landscape Character or Visual Amenity;
- Residential Amenity; and
- Highways Safety.

### **Landscape Character and Visual Amenity**

The principle of built form at this location, and of this scale and design, has been established by the previous application for the siting of a stable building. The building is well related to the rear garden and boundary planting. The insertion of a window in the building is not objectionable as it would not result in demonstrable harm. Accordingly, it is not considered that the proposal would result in demonstrable harm to landscape character or visual amenity.

### **Residential Amenity**

By reason of its position and height, the insertion of the window would not result in harm to residential amenity through overlooking and a loss of privacy.

The Environmental Protection Unit was consulted regarding the potential for harm resulting from the proposal to residential amenity. As above, the Senior Environmental Health Officer visited the site and was satisfied that the proposal, if properly managed, would not result in demonstrable harm to residential amenity.

The local objections have been considered but great weight is placed on the expert advice of the Environmental Health Officer. As such, it is not considered that the proposed change of use would result in harm to residential amenity, if properly managed. If not properly managed, uses such as smells and noise may be addressed through Environmental Health legislation.

Nevertheless, to ensure that the use of the site does not become so intensive as to inherently result in harm to residential amenity, and given the information provided by the applicant that the site will

accommodate no more than five dogs associated with the charity (rather than those owned by the occupants of Homelea), it is appropriate to limit the dogs to that number by condition.

### **Highway Safety**

The Highway Authority has stated that its Standing Advice applies. The proposal does not propose to alter or create a new access. Furthermore, it is proposed to convert the stable building permitted. As there is no increase in floorspace, the Standing Advice requires no further parking provisions to those existing.

In accordance with the Highways Consultant, the increase in traffic is likely to be minimal. A condition to ensure that the use of the site is not further intensified, in the interests of highways safety, is considered to be encapsulated by the above suggested condition limiting the number of dogs to be housed to no more than five (other than those owned by the occupants of Homelea).

Therefore, notwithstanding the objections received, it is not considered that the proposal would prejudice highways safety, and it is considered to accord with policies TA5 and TA6 of the Local Plan.

### **Other**

It is considered that the potential for the dogs to attack other animals is an issue of management rather than a planning issue.

The same is true of how dog faeces is handled. There is no reason to believe that the use, if appropriately managed, would result in demonstrable harm through diseases, parasites, etc. If there becomes an issue of inappropriate management, it should be addressed through environmental protection legislation.

The agricultural land is outlined in blue, rather than red, on the site location plan. The change of use does not therefore apply to the agricultural land. Only the proposal can be considered as part of this application, not alleged breaches outside of the application site. Any planning breaches can be considered through the planning enforcement process. Non-planning issues can be addressed through other means.

Concern was raised over the number of dogs that may be rehomed from the application site over the course of a year. However, the proposed condition limiting the number of dogs is considered appropriate to safeguard amenity from a planning standpoint. Should the number of dogs on the site increase through the applicant owning more dogs, it is unlikely that there would be a breach of planning control. There may however be non-planning related action that the local authority could take should the dogs become a statutory nuisance, as per the comments of the Environmental Protection Officer.

### **Conclusion**

The proposed insertion of a window in the stable building and change of use to allow for the housing of dogs is not considered to result in demonstrable harm to landscape character, visual amenity, residential amenity, or highways safety. The proposal is considered to accord with policies SD1, EQ2, TA5, and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

### **RECOMMENDATION**

Permission be granted subject to conditions

01. The proposed insertion of a window in the stable building and change of use to allow for the

housing of dogs is not considered to result in demonstrable harm to landscape character, visual amenity, residential amenity, or highways safety. The proposal is considered to accord with policies SD1, EQ2, TA5, and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

**SUBJECT TO THE FOLLOWING:**

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from 19/11/2018.

Reason: To comply with Section 73A of the Act.

02. The change of use hereby permitted shall be strictly contained to the application site - i.e. the area outlined in red on the Site Location Plan.

Reason: To allow the use to be controlled in the interests of residential amenity and highways safety, in accordance with policies EQ2, TA5, and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

03. There shall be no more than five dogs associated with the dog rehoming charity housed within the application site at any one time. This excludes dogs that are owned by the occupants of the dwelling, Homelea.

Reason: To allow the intensity of the use to be controlled in the interests of residential amenity and highways safety, in accordance with policies EQ2, TA5, and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

**Informatives:**

01. The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health section.
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