

Application No: 17/0667N

Location: Sevenoaks, HEARNS LANE, FADDILEY, CW5 8JL

Proposal: Dog welfare building to provide separate space for recovering dogs following birth of their litter

Applicant: Mr Mark Wetton

Expiry Date: 03-Apr-2017

## **SUMMARY**

The proposed development is considered to be acceptable in environmental terms, and the specific use is acceptable subject to the recommended conditions

The development would provide benefits in terms of providing employment in the area.

The development would have a neutral impact upon the open countryside.

The adverse impacts of the development would be some increased noise and disturbance to local residents, but this is capable of control through planning conditions relating to the specific nature of the business.

The benefits of approving this development (as listed above) would significantly and demonstrably outweigh the adverse impacts of the development. As such the application is recommended for approval.

## **RECOMMENDATION**

**APPROVE subject to the imposition of planning conditions**

## **Reason for Referral**

The application has been referred to Southern Planning Committee at the request of Councillor Davies for the following reasons;

*‘A building this size is out of place in the open countryside where it is sited. The occupier has already had retrospective planning for a building less than 12 months ago’*

## **PROPOSAL**

This is a full application for the construction of a single storey building on the north side of the existing dog breeding compound, measuring 16 metres wide and 6 metres deep, 2.9 metres to the ridge. The building would be clad with timber on a concrete base with profile steel roofing, to match the existing buildings. The application will not increase the numbers of dogs kept at the site (limited to a maximum of 31 dogs by the recent planning permission 16/5627N).

## **SITE DESCRIPTION**

The application site is located to the north of Hearn's Lane at a property known as "Sevenoaks". The proposed building would be sited to the north of the residential curtilage of Sevenoaks. The site measures 0.46 hectares and comprises kennel buildings, dog exercise areas, an access drive, car parking and a yard area. The site's shape is roughly rectangular with boundaries delineated by hedgerows and timber fencing.

Vehicular and pedestrian access to the site is via the existing access drive to Sevenoaks, off Hearn's Lane. There is a separate vehicular access track to the kennels building off the Sevenoaks access, car parking and a separate pedestrian access point.

Sevenoaks forms part of a small hamlet within an area that is generally rural in character. The immediate site frontage is characterised by an existing mature hedgerow.

The site of the dog breeding business is located to the rear of Sevenoaks house. It is screened from the public domain (Hearn's Lane) by trees and hedgerows. To the south west lies Oak Tree Farm and more distant residential properties fronting onto Hearn's Lane. To the north is open countryside. To the east and south there are further residential properties spread out along Hearn's Lane.

## **RELEVANT HISTORY**

7/09777 – Extension - Granted 17/3/1983

7/14995 – Extension - Granted 3/3/1988

7/17797 - Agricultural utility building and store - Granted 31/10/1989

7/18413 - Farm wash house - Granted 8/5/1990

7/19340 - Two storey extension - Granted 19/2/1991

P00/0841 - Change of Use of Farm Buildings and Land for Stables and Equestrian Use - Granted 6/12/2000

P02/0166 - Extension to House, Alterations to Outbuildings and Change of Use of Land to Domestic Curtilage and Access - Granted 4/4/2002

16/5627N - Erection of kennels, access track and exercise areas for dog breeding business (retrospective) - Granted 24/1/2017

17/1082N - Single and two storey house extensions (retrospective) – Application Undetermined

## **NATIONAL & LOCAL POLICY**

### **POLICIES**

#### **Crewe and Nantwich Local Plan**

The site is located within the open countryside

- NE.2 (Open Countryside)
- NE.5 (Nature Conservation and Habitats)
- NE.9 (Protected Species)
- NE.13 Rural diversification
- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- BE.5 (Infrastructure)
- E.6 Employment in the open countryside
- TRAN.9 (Car Parking Standards)

#### **Cheshire East Local Plan Strategy**

SD 1 Sustainable Development

SD 2 Sustainable Development principles

SE1 Design

SE 2 Efficient use of land

PG 5 Open Countryside

EG 2 Rural economy

#### **Other Considerations**

NPPF

PPG

### **CONSULTATIONS (External to Planning)**

**Environmental Health:** no objections subject to conditions

**Public Rights of Way:** General comments regarding footpath 8

### **VIEWS OF THE PARISH COUNCIL**

Brindley and Faddiley PC:

1. The planning application notice has not been advertised.
2. The buildings can be seen from the footpath at the rear of the property.
3. Several residents have raised the issue of the noise.

The council would respectfully suggest that the committee, consider these items when discussing this application.

### **OTHER REPRESENTATIONS**

None received

## **APPRAISAL**

### Principle of development

The development is outside the curtilage of the dwelling and within the open countryside.

Policy E6 states that employment development in the open countryside will be restricted to appropriate small industries, commercial business enterprises, including small scale business developments and the development of small scale workshop units within or adjacent to existing farm buildings or other existing employment areas, (in accordance with policies BE.1 – BE.5).

A dog breeding business of this scale is considered to be appropriate as it is more suited to a rural location. The proposed building is within the red line area of the previous permission 16/5627N and is part of the compound enclosed by fencing.

### Impact on character and appearance of the streetscene/locality and open countryside

The site is located within the open countryside and therefore consideration has to be given to whether the proposed development is appropriately design and sited so as to not result in unacceptable harm on the character and appearance of the open countryside.

The site is behind existing buildings and is screened by trees and hedges within the site and along the northern boundary. The existing buildings are less than 3 metres to the ridge and are not unduly conspicuous in the countryside, and resemble stable buildings.

Public footpath 8 runs along the western side of the site and the proposed building is approximately 25 metres away. There is a conifer hedge to this boundary with the tennis court/ exercise area. It is considered that the buildings themselves do not detract from visual amenity, and this additional building would be seen as part of the group of buildings. As a result the development would not cause harm to the character and appearance of the open countryside.

### Impact on the amenity of neighbouring properties

The Environmental protection service advises that site visits have been made to view the kennels and the dogs / puppies and to discuss the management of the dogs / puppies with the owner. There was no noise from barking on arrival or when departing the site. Some dogs/puppies were vocal when entry was made inside the building and caused the dogs / puppies to be 'disturbed'.

Residential neighbouring properties are in the vicinity of the application site – albeit with a significant separation distance to the kennels and exercise areas. The Environmental Protection Service recognises that persistent barking from dogs can result in noise nuisance / loss of residential amenity and hence the reason for the site visit.

The activity of breeding dogs on the site has been ongoing for approximately 15 months – during which time, the Council has not received a formal complaint as regards noise nuisance.

It is generally recognised that noise arising from breeding dogs is far less than, for example, noise from a dog boarding kennel establishment, as breeding dogs tend settle to the routine of their environment. However, it is expected that at certain times such as feeding / exercise sessions / presence of unknown visitors, dogs in general can become excitable and bark.

The proposal is for dog welfare building to provide separate space for recovering dogs following birth of their litter and is located in a rural hamlet.

The applicant has submitted a Noise Management Plan prepared by Richard Lee Project Planning dated 6th February 2017 in support of the application.

The plan details measures designed to ensure that occupants of nearby properties are not adversely affected by noise from the dog breeding business. The measures are:

1. Insulation of buildings

Acoustic insulation is being fitted to all walls and ceilings in each building. 100mm Multi Acoustic Roll is lightweight, flexible roll of mineral wool, designed to be used as an acoustic absorbent layer in timber and metal stud partitions and in separating walls and floors in accordance with Part E (England and Wales) acoustic requirements.

2. Management of dog exercise areas

Exercise of the dogs will be managed, during hours of 9.00 a.m. - 3.00 p.m. every day. Not all dogs will be exercised in the tennis court area nor the paddock at the same time. Not more than 8 no. dogs will be let out onto the tennis court exercise area at any one time. Similarly, not more than 8 no. dogs will be let out onto the paddock exercise area at any one time. The dogs will always be supervised whilst in the exercise areas to ensure they are interacting whilst exercising/playing, i.e. they will not just be left to bark, unattended.

3. Visitor times and management

Hours of opening to the public will be restricted to 10.00 a.m - 4.00 p.m. by appointment only. The address of the business is deliberately not provided on its website. Customers arrive strictly by appointment only. When appointments are made, clearer information regarding the location of the business and directions will be provided, including by email. When customers arrive, they will not be permitted to approach the kennels nor the exercise area. Customers will be directed to the house and the dogs are brought in for them to meet.

As such the Councils Environmental Health Officer has raised no objection to this development, and in accordance with the Noise Management Plan, conditions are necessary in order for this application to be approved and the development would comply with Policy BE.1.

### Impact on Highway Safety

Access to the site is controlled and by invitation only, and there is no evidence of any significant traffic issues arising from the use.

### Other issues

Animal welfare is covered by other legislation and the licencing procedure.

The application was advertised by a site notice displayed on 13/2/2017 and adjoining neighbours have been notified.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

It is considered that the buildings are acceptable in environmental terms, and the specific use is acceptable subject to the recommended conditions

### **RECOMMENDATION:**

**APPROVE** subject to the following conditions:

1. Time limit
2. Approved plans
3. This permission relates to the use of the land and buildings as a dog breeding business for a maximum of 31 dogs.
4. The hours of visiting to the kennels by members of the public shall be limited to 10:00am to 16:00pm on Monday to Sunday.
5. Prior to its installation details of any additional external lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
6. The use of the welfare building hereby approved shall be exercised solely by the applicant Mr Mark Wetton only.
7. The development shall be carried out in accordance with the Noise Management Plan Rev.1 submitted with the agent's email dated 22/2/2017. The use shall be operated at all times in accordance with the Noise Management Plan as approved.
8. The approved development shall not be occupied until space has been laid out within the site for the parking of 4 cars in accordance with drawing P002. Parking so provided, including the approved number of spaces for disabled persons (if applicable), shall be retained at all times thereafter, unless otherwise approved by the Local Planning Authority.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

