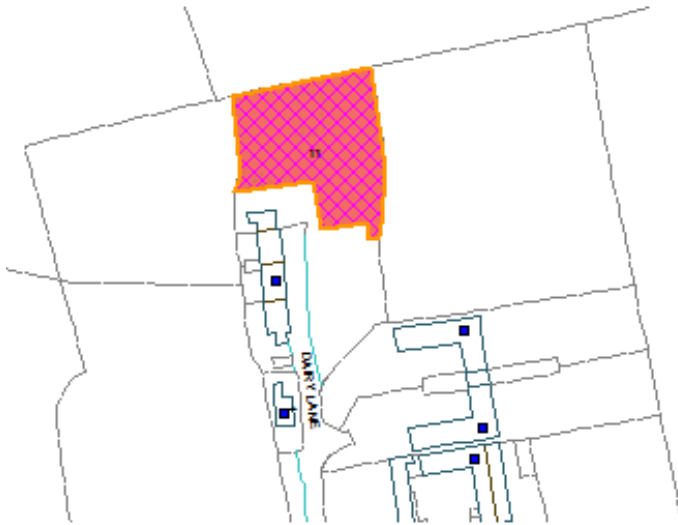


Reference: 15/00349/FUL
Date submitted: 01.05.2015
Applicant: Mrs Taylor
Location: 4 Dairy Lane, Nether Broughton, Leics, LE14 2EW
Proposal: Retention of kennel and enclosed dog run.



Proposal :-

The application seeks the retention of kennel and enclosed dog run positioned to the south east boundary and gated entrance to the curtilage of No 4 Dairy Lane. The area consists of a relatively new small residential development, positioned outside of the village envelope for Nether Broughton, within designated open countryside. There is a mix of individually designed residential houses accessed via a shared private lane off the A607 Nottingham Road. The site location is to the very end of the development within the curtilage, positioned at the access gate to this property.

It is considered that the main issues for consideration of the application are:-

- **Impact upon the Character of the Area**
- **Impact upon Neighbouring Properties**

The application is to be considered by the Planning Committee due to the number of representations received.

Relevant History:-

11/00784/FUL: permitted for the erection of a single storey garden room, storm porch and a detached garage.-

12/00587/FUL: refused for Erection of stable block and hay barn considered contrary to Policy C4 and C5

14/00904/GDOAGR: Deemed permitted development within the GPDO for an agricultural building.

Planning Policies:-

Melton Local Plan (saved policies):

Policies OS1 and BE1 allow for development within Village Envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

Policy OS2 - carries a general presumption against development outside town and village envelopes except in certain instances such as development essential for agriculture and forestry, small scale employment, tourism and recreation development, development for statutory undertakers and telecommunications operators, changes of use of existing buildings and affordable housing

Policy C11 - Planning permission will be granted for extensions and alterations to existing dwellings outside the town and village envelopes shown on the proposals map provided the size, scale, form, design and construction materials are in keeping with the dwelling and locality.

The National Planning Policy ‘Framework’ introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict the NPPF should prevail. It also offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

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 - specific policies in this Framework indicate development should be restricted.

It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application is:

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Chapter 7 of the NPPF - Require Good Design states that:-

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Planning policies and decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - Are visually attractive as a result of good architecture and appropriate landscaping.
- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Securing high quality and inclusive design goes beyond aesthetics considerations and should address the connections between people and places and the integration of new development into the natural, built and historic environment.

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Highways Authority: No objections.	The kennels and run are positioned within the gated curtilage and to the right of the access. There remains sufficient parking and turning available within the site. It is considered that the proposal would not have a detrimental impact on highway safety.

<p>Parish Council: Wish to point out that the accompanying site plan is out of date and misrepresents the true position. Cllrs would have preferred to have seen the kennels nearer to the applicants own house, which would have made this application unnecessary as they would have been behind the front elevation of the property.</p>	<p>Noted. The submitted Ordnance Survey Map maybe out of date in relation to the recent development of properties and the private lane, the kennel and run are in situ and can be seen of a position not dissimilar to that outlined and have been considered in relation to the submitted information and a site visit.</p> <p>The applicant was unaware that the construction of the kennels and run in this position would require formal planning consent, believing that their position within the curtilage of her own property was acceptable and was unfamiliar with the concept that development forward of principal elevation and closer to a highway would not fall within permitted development and would require formal planning consent.</p> <p>Subsequently the submission of this application is to seek approval to retain the development in compliance with the relevant Plan Policies OS2, BE1, C11 and the NPPF</p>
<p>Environmental Health: Have considered the application and the comments supplied by the applicant. Environmental Health does not propose to object to the application; however, they would advise the applicant that planning permission does not provide a defence against statutory nuisance proceedings.</p>	<p>Noted. If the proposed development were to lead to a valid noise complaint it would be controlled under other legislation in relation to statutory nuisance.</p>

Representations:

A site notice was posted and neighbouring properties consulted. As a result 8 letters of objection have been received to date, 2 of which are from the same household and a further 6 letters of support have been received with comments summarized and addressed below.

Representation	Assessment of Head of Regulatory Services
<p>Impact upon the residential amenities:</p> <p>Sited so close to other properties the dogs in the outdoor kennels respond to noises heard made by other residents on the lane by barking throughout the day/evening</p> <p>Environmental dept have responded to a visit in the past regarding dogs. The noise is already too loud for a residential area and naturally my concern (as a regular visitor)for this once peaceful area would only increase with the likelihood of more dogs if this planning permission were to be accepted.</p> <p>The kennels are in a position where dogs can be heard clearly for periods of time when the applicant/tenant not there to stop/control the noise</p>	<p>It is apparent that the dogs are kept permanently out doors for personal and security reasons and it is the housing of the animals being the construction of the kennels/run to this location that has triggered the requirement for formal planning permission. The dogs or any other animals could be kept outside to wonder freely and still be seen to create the same disturbances; however no formal planning permission would be required.</p> <p>The matter of noise has however been assessed by Environmental Health t and comment that should a complaint of nuisance be received by this department then an investigation will occur. If a ‘statutory nuisance’ is found to exist, enforcement action will be taken. Because the kennel has been</p>

<p>can be overlooked by two new properties recently built</p> <p>Residents are already troubled by barking dogs</p>	<p>located adjacent to neighbouring residences, the applicant will need to be particularly diligent to ensure that the dogs do not cause a noise nuisance. In context, to ensure that excessive and unreasonable dog barking does not intrude into neighbouring properties.</p> <p>For the purposes of planning, it is considered that the kennels are sufficiently positioned at a distance from the residential amenities of neighbouring properties and will be used for domestic purposes only and can be conditioned accordingly. The proposal is considered to be of a size, scale, distance and orientation not to have a detrimental impact on these neighbouring properties. Any matters arising as a result of noise complaints can be dealt with under environmental pollution legislation.</p> <p>It is considered that the proposal would not have a detrimental impact upon the residential amenities of adjoining properties.</p>
<p>Impact upon the character of the area:</p> <p>The kennels have been built and used for some time without planning permission, which I believe was needed at the time in 2013.</p> <p>The point is that the kennels are not in front of the applicants property where she resides. The outdoor kennels and run are much more close to the new properties than the applicants property.</p> <p>Recent development has meant that Dairy Lane is far from being the rural area that it once was but instead, now, a family friendly cul-de-sac a short walk from the village.</p> <p>The lane which now accommodates multiple family homes is in close proximity to the kennels which does not seem an appropriate place for loud, untrained and unattended dogs</p> <p>These kennels are incongruous to the otherwise estate looking road and simply encourage excessive barking whenever passers-by disturb the dogs</p> <p>The kennels are an eyesore, detracting from the overall look & feel of the area. The unit is imposing and was built without any permission</p>	<p>The kennels have been in situ for some time but with the submission of the current application it is the applicant's intention to regularise their existence should the application be seen to accord with the relevant Policies.</p> <p>The development is considered of a size, scale and of materials that could be easily dismantled and moved. They continue to be within the residential curtilage albeit to the front of the neighbouring property. Any agreement between the two parties is not of a planning consideration; however any impact it may have on the residential amenities of this neighbour needs to be assessed accordingly.</p> <p>The kennels/run has been constructed to the end of the private Lane, inside the gated curtilage and entrance to No 4. Due to their size, location and orientation, they are considerably screened from the neighbouring properties, barely visible when approaching from the south along the lane which winds from left to right with 1.8 metre fencing along the approach.</p> <p>It is considered that the development does not appear as an incongruous feature within the vicinity or the open countryside and complies with Local Plan Policies, OS2, BE1 and C11 which allows for small scale development outside of village envelopes within the open countryside providing that the form, size and</p>

	scale is in keeping and would not adversely affect the character and appearance of its locality.
<p>Support</p> <p>There have been burglaries here in the past, it is in a good position as the dogs can see if anyone approaches the gate and the area surrounding the 2 properties. It is not overlooked by anyone, and it gives added security, as the dogs are able to look after 2 properties and 3 females in open countryside</p> <p>The siting of the kennel is in the perfect position to alert, should strangers approach the house. If the kennel was to be moved it would no longer serve as a deterrent to intruders.</p> <p>The dog kennel is sited within the curtilage of Dairy House, there is no public access to or past the location and it is not overlooked by the neighbouring properties or roads.</p> <p>There are fields to all sides of Dairy Cottage and Dairy House and with a history of burglaries targeted at remote/vulnerable properties in this area, the dogs in their current location provide a suitable deterrent.</p> <p>No issue with the kennels as they are of an adequate size and out of view of other properties</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>It is considered that the design, size, scale and construction materials of the kennel/run are acceptable in this location. It is therefore considered that such a proposal would not have a detrimental impact on the character of the area</p>

Considerations not raised through representations

Consideration	Assessment of Head of Regulatory Services
<p>Consideration of Policy Melton Local Plan Policy BE1 and the NPPF which seek to safeguard the character of the area and to not have a detrimental impact upon existing residential amenities.</p>	<p>Situated to the end of this small residential development, within the curtilage and gated entrance the proposal is considered of a size, distance, use and orientation that would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity and complies with the Melton Local Policy BE1 and the NPPF.</p> <p>It is considered that the NPPF is not in conflict with the local plan policies which seek to safeguard the character of the area and any impact upon residential amenity.</p>

Conclusion

The proposal seeks approval for the retention of the kennels and dog run within the curtilage of 4 Dairy Lane, Nether Broughton, which lies outside of the village envelope where Policies BE1, OS2 and C11 of the Melton Local Plan are applicable. It is considered that the size, scale and mass of the development is acceptable and its design and construction materials are basic but practical for their use. They are considered to be in a position that does not appear as an incongruous feature, screened to the neighbouring residents within the built form, preventing further sporadic development within the open countryside. Furthermore, for the reasons addressed above the development is considered to comply with the Local Plan Policies which allow for small scale extensions and alterations outside of town and village envelopes and meet the objectives of the NPPF which seeks to safeguard the character of the area and to not have a detrimental impact upon existing residential amenities. Accordingly the application is recommended for approval.

RECOMMENDATION:- Permit subject to the following conditions:

Condition:

1. Notwithstanding the kennels hereby permitted shall be used for personal and domestic use only and no boarding or business ran hereon

Reason:

1. In the interest of residential amenity.

Officer to contact: Mrs Deborah Wetherill

Date: 1.07.15