COMMITTEE EXTRACT

Committee Date: 16 December 2008

Reference:- 08/01079/FUL **Parish:- Newbold Verdon Parish Council**

Applicant:- Mrs Sue Hobbins
33 Merrylees Road
Newbold Heath
Hinckley
Leicestershire

Location:- 33 Merrylees Road Newbold Heath Newbold Verdon Leicester Leicestershire

Proposal:- ERECTION OF DOG KENNELS

Introduction:-

This is a full application for the erection of a building for the keeping of dogs. The Kennels will be situated in the south eastern corner of a paddock to the rear of 33 Merrylees Road. There is an existing timber stable block, hay barn and ménage situated in this corner of the paddock. Residential development bounds the paddock to the north and west, with mature vegetation separating the paddock from the open countryside to the remaining sides. The paddock is currently grazed by the applicant's horses. The site is accessed via a track leading from Bagworth Road, and from the applicant's property, 33 Merrylees Road.

The proposed kennels will be for personal use, housing 5 of the applicant's dogs. They will be of timber construction, with a pitched felt roof and galvanised mesh to the front. The building will be sub divided into 5 kennels and a feed store. The maximum height of the proposal will be 2.90 metres. The applicant has stressed that the dogs are desperately in need of their own space, for they are currently housed at her property.

A Design and Access Statement has been submitted in support of the application stating that the proposal is unobtrusive and well screened from the highway, is of a minor scale and uses materials in keeping with the existing buildings.

History:-

06/00720/FUL	Erection of New Barn	Approved	01.09.06
06/00469/CONDIT	Variation of condition 3 of Planning Permission 05/0080/FUL Allowing the stabling of Horses	Approved	19.06.06
05/00080/FUL	Construction of Stables and Menage	Approved	08.04.05

Consultations:-

At the time of writing this report no objections have been received from:-
Director of Highways, Transportation and Waste Management (Highways)
Parish Council.

Head of Community Services (Pollution) has no objections to the application. Due to the proximity of the Kennels to the applicant's property, it is suggested that this will be a self policing development.
Head of Community Services (Land Drainage) has no objections to the application subject to conditions concerning drainage arrangements and the discharge of contaminated animal waste.

Site notice and Press notice were displayed and neighbours notified.

Three letters of support have been received raising the following concerns:-

a) noise and disturbance from the barking dogs
b) the proximity of the surrounding dwellings to the kennels
c) the unsuitability of the site for a business of this type.

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 7 Sustainable Development in Rural Areas identifies the Governments objectives for rural areas and seeks to raise the quality of life and environment in such areas, and promotes more sustainable patterns of development. All development within rural areas should be well designed, in keeping and scale with its location and sensitive to the character of the countryside.

Local Plan Policies

The site is within open countryside as designated in the adopted Hinckley and Bosworth Local Plan.

Policy NE5 of the Local Plan 'Development in the Countryside seeks to protect the countryside for its own sake. However, planning permission will be granted for built and other forms of development provided that it is either: important to the local economy; is for the change of use, re-use or extension of existing buildings; or for sport or recreation purposes; and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and general surroundings, will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Policy BE1 of the Local Plan states that planning permission for development proposals will be granted where they complement or enhance the character of the surrounding area; where they comply with appropriate design, layout, highways and parking standards to ensure that it does not detract from the general character of the area or the amenities of adjoining residents; and incorporate landscaping to a high standard.

Appraisal:-

Key Issues

The main issues to consider are the principle of the development, the impact on the surrounding countryside and the effect on neighbours.

Principle and Impact on the Countryside

In principle, kennels are the type of development which may be appropriate to locate in the countryside. The kennels are considered in keeping with the existing buildings and sympathetic to the general surroundings. Further the prevalence of similar built development within the vicinity, adds weight to the acceptability of the current proposal. The kennels will be screened from the open countryside by the existing stables and barn, and only partially visible from the north and west, due to the fencing surrounding the ménage and paddocks. The kennels will be inwardly looking, with the mesh fronts facing the stable block, accordingly the most visible elements will be the wooden side and rear elevations. As these elevations propose materials similar to the stables, they are considered in keeping with the existing development. Accordingly the proposal has only a marginal impact on the character of the countryside, and its principle is acceptable.

Affect on Neighbours

The main objection to the proposal is that of noise and disturbance caused from the dogs barking when left unsupervised. The Dog Warden has commented that the issue of barking is difficult to address when the dogs are unsupervised, it is not considered that measures could be put in place to overcome this issue. Head of Community Services (Pollution) has no objection to the proposal. Due to the proximity of the kennels to the applicant's property, it is considered that this will be a self policing unit,

in that the owners will respond promptly if the dogs become a nuisance. Accordingly given the distance of the kennels from the properties on Bagworth and Merrylees Road, and the fact the kennels will be for the applicants personal use, as oppose to a commercial use which may result in a greater number, or turnaround of dogs, causing more disturbance to surrounding residents; impacts on residential amenity are considered marginal. Further as the dogs are currently housed at the applicant's property, 33 Merrylees Road and roam freely in the back yard; the proposed location of the kennels will reduce the disturbance caused by the dogs to surrounding residential properties. In sum, given the purpose and location of the kennels, impacts on the amenity of surrounding residential properties are not considered significant to warrant a refusal of the application.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. Resultant of the use, scale, location and design of the proposal there are considered no adverse impacts on either visual or residential amenity or on the character of the surrounding countryside.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, NE5

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The proposed Kennels shall be used only in connection with the Applicant's own livestock and no boarding use nor other business nor commercial use is permitted.

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 of the Hinckley & Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3. As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 List of plans used in the determination of this application:-
****

Contact Officer:- Eleanor Shaw Ext 5691