DELEGATED REPORT

Recommendation Made: 15 December 2008

Reference:- 08/01053/FUL **Parish:- Earl Shilton Town Council**

Applicant:- Mr And Mrs Klenk
Stanmaur Farm
Breach Lane
Earl Shilton
Leicestershire

Location:- Stanmaur Farm Breach Lane Earl Shilton Leicestershire LE9 7FB

Proposal:- CHANGE OF USE FROM IMPLEMENT STORE TO BOARDING KENNELS

Introduction:-

Planning permission is sought for change of use of an implement store to 10 dog kennels at Stanmaur Farm, Breach Lane, Earl Shilton. The application site is located outside the settlement boundary as defined by the adopted Hinckley and Bosworth Local Plan. The site consists of a number of agricultural buildings to house implements and as stables.

Relevant Planning History

08/00542/CONDIT Continued use of land and buildings without compliance with condition 4 of planning permission 06/01048/FUL, condition 8 of planning permission 99/00920/FUL and condition 3 of planning permission 98/00544/FUL Approved 25.07.08

06/01048/FUL Erection of Implement store and stable block Approved 13.11.06

03/01102/FUL Erection of stable block, boarding kennels poly tunnels and disabled toilet extension to stable, to provide store, excavation of pond and temporary siting of mobile home (resubmission) Refused 03.12.03

03/01081/CONDIT Variation of condition 3 of application 98/00544/FUL and condition 8 of application 99/00920/FUl to remove the limitations on personal use (re-submitted) Refused 03.12.03

02/01322/CONDIT Variation of planning condition 3 of application 98/00544/FUL and condition 8 of 99/00920/FUL resubmission Withdrawn 06.01.03

02/01095/FUL Erection of stable block boarding kennels, poly tunnel and disabled toilet, extension to stable to provide store and excavation of pond and temporary siting of mobile home. Withdrawn 06.01.2003

00/00672/FUL Siting of residential mobile home Refused 11.10.00

99/00920/FUL Stationing of touring caravan, erection of two field shelters, relocation of ménage and installation of CCTV and 6 floodlights Approved 16.12.99

98/00544/FUL Erection of stable building, barn, and construction of access drive ménage and conservation pond Approve 12.08.98

98/00044/COU Siting of residential caravan for farm worker for period of 12 months – Withdrawn

Consultations:-

No objections subject to conditions received from...
Director of Highways, Transportation and Waste Management (Highways)
Head of Community Services (Pollution)

Head of Community Services (Dog Warden)- Has provided a list of conditions that have to be met for a kennels licence to be awarded, one of which requires a person in residence on the site.

No comments received from
Earl Shilton Parish Council

Three letters of objection have been received from neighbours objecting on the following grounds:
a) Noise from dogs barking.
b) Smell from the burning of waste.
c) Ploy to get a house on the site.

Development Plan Policies:-

Hinckley and Bosworth Local Plan

Policy BE1- Design and siting of development.
Policy NE5- Development in the open countryside.
Policy NE12- Landscaping schemes

Appraisal:-

The main issues for consideration are the effect of the development on the character of the open countryside and the possible disturbance to neighbouring properties by the dogs barking.

It is proposed to house the kennels in an existing building on the site, and therefore there would be no additional visual impact on the character of the surrounding open countryside.

The main issue is therefore the possible disturbance caused by dogs barking. The closest property to the site is located 150m away, to the north east, with Elmsthorpe located 250m to the south. There is a separate building located between the proposal site and the nearest property with doors to the building proposed to house the kennels facing south. The Environmental Health officer has raised no objection to the scheme providing that sound insulation is incorporate into the building not constructed out of blockwork and with this the building enclosing the kennels should provide sufficient sound insulation so that the proposal would not cause a negative impact on the amenities of nearby properties.

The Dog warden has commented that for the kennels to get a licence, the owner should be resident on site. Whilst this may prevent the applicant from implementing the permission this is not a reason for refusing the permission as the two areas of legalisation are separate and the granting of planning permission would not automatically result in the licence being granted.

Due to the construction of the Earl Shilton bypasss and the subsequent new access off Breach Lane, the Highway Engineer can not sustain a reason for refusal on highway grounds to this application. However in a note to the case officer the Highway Authority state that it will be extremely likely to seek to resist any future traffic generating proposals at the site or at any other site along this section of Breach Lane.

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 due to the re-sue of an existing building the proposal would not materially affect the setting of the open countryside or the amenities of neighbouring residents and therefore would be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, NE5 and NE12

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

2 Before the use hereby permitted is first commenced details of a proposed sound insulation scheme for the building shall be submitted to and approved in writing by the local planning authority. The instullation shall be submitted in accordance with the approved details.

Reasons :-

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

2 To prevent the transfer of noise to protect the amenities of neighbouring residents in accordance with Policy BE1 of the adopted Hinckley and 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 The dog warden has indicated that without a dwelling on the site the kennels will be unlikely to be granted a licence. Approval of this application for boarding kennels in no way implies that planning permission will be forthcoming for a dwelling on the site.

5 List of plans used in the determination of this application:-
Site Plan, 001, 002, 003,

Contact Officer:- Sarah Humphries Ext 5680