

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/21/00011/FPA
FULL APPLICATION DESCRIPTION:	Retention of kennels in association with the keeping and breeding of dogs at the site (amended description)
NAME OF APPLICANT:	Ms Rebecca Swainston
ADDRESS:	The Paddock and Land To The Rear Of The Paddock Station Town Wingate TS28 5HE
ELECTORAL DIVISION:	Blackhalls
CASE OFFICER:	Lisa Morina Planning Officer Telephone: 03000 264877 Lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises an existing residential dwelling and its associated curtilage, along with an area of separate paddock with stables which lies to the rear of the site at The Paddock, Station Town, Wingate.
2. Access to the site sits between Hillcrest and Rose Cottages which is a row of 4 dwellings that sit in front of the application property. Fields are located to the rear and east of the site with residential properties to the south across the main road and also to the west.

Proposal:

3. Planning Permission is sought for the retention of existing kennels and associated fencing installed at the site in December 2020 and used in association with the keeping and breeding of dogs at the premises. The application is submitted to regularise the current position which is that the kennels and the use are presently unauthorised. The application is therefore retrospective.
4. It is understood that the applicant's main interest is the showing of Dogue de Bordeaux which they do nationally, (including at Crufts), and it is understood that they have been engaged in this for the last 21 years. Currently, the applicant has 11 dogs at the site and normally has two litters per year, although it is confirmed in the

application that this can change depending on the number of dogs each litter produces.

5. The principal reason for breeding the dogs is stated in the application as providing a means to provide replacement dogs for themselves, but also to enhance and strengthening their pedigree moving forward. Surplus puppies are sold, and the income used to pay for the cost of keeping their show/breeding dogs.
6. The application is referred to the Committee at the request of former Cllr Lynn Pounder who considered the impact of the development in terms of noise, disturbance, Highway safety/Traffic generation and road access to be such that the application should be considered by planning committee.

PLANNING HISTORY

7. 5/PL/2011/0264 – Construction of menage and relocation of stables (retrospective).
Approved 7/3/12

PLANNING POLICY

NATIONAL POLICY

8. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
9. NPPF Part 2 Achieving Sustainable Development - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
10. NPPF Part 4 Decision-Making - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
11. NPPF Part 8 Promoting Healthy and Safe Communities - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
12. NPPF Part 9 Promoting Sustainable Transport - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located

where the need to travel will be minimised and the use of sustainable transport modes maximised.

13. NPPF Part 11 Making Effective Use of Land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
14. NPPF Part 12 Achieving Well-Designed Places - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

<https://www.gov.uk/guidance/national-planning-policy-framework>

NATIONAL PLANNING PRACTICE GUIDANCE:

16. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

County Durham Plan

17. Policy 6 (Development on Unallocated Sites) states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
18. Policy 10 Development in the Countryside states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to stated exceptions.
19. Policy 21 (Delivering Sustainable Transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated

by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development to have regard to Parking and Accessibility Supplementary Planning Document.

20. Policy 29 - Sustainable Design requires all development proposals to achieve well designed buildings and places having regard to SPD and sets out 18 elements for development to be considered acceptable, including: positive contribution to areas character, identity etc.

21. Policy 31 - Amenity and Pollution sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.

Neighbourhood Plan

22. There is currently no neighbourhood plan in force in this area.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

23. Highways – No objection

INTERNAL CONSULTEE RESPONSES:

24. Environmental Health (Nuisance) – No objection subject to conditions.

PUBLIC RESPONSES:

25. The application has been advertised by means of site notice and by notifying neighbouring residents by letter.

26. Two letters of objection have been received from the Hutton Henry Parish Council which raise concerns relating to noise having a detrimental impact on neighbouring residents and land uses, in particular at the adjacent cemetery when funerals are taking place given its close proximity. Concern has also been raised regarding the access road to and from the property in as much as visitors to the kennels are reported to be using the incorrect road resulting in disturbance for adjacent neighbours who have received several 'knocks at that door' from people looking for the kennels.

27.7 letters of objection have been received from neighbouring properties with the following comments:

Noise/Disturbance Implications

- The fact that the applicant has gone ahead with total disregard for his/ her close neighbours knowing full well the impact that kennels will have on their lives, the noise from this venture will be 24 hours a day.
- The social disruption will be enormous especially to some neighbours who need peace and quiet for the health issues
- The type of dog the applicant is proposing to breed is the Dogue de Bordeaux which is as a large dog with a deep and powerful bark.
- Procedures in the application state that any barking would be stopped after 1 minute of it commencing but in reality this would be difficult to achieve.
- Although, the kennels have been lined this would have no effect on noise limitation when the dogs spend time outside in their pens or exercising in the paddock. It is also not clear from the proposal exactly when or where the dogs will be exercised.
- The surrounding area is a quiet rural location and that is one of the main reasons many of residents decided to move there, with many elderly residents living nearby
- Excessive Noise and smell implications
- There have been considerable levels of disruption due to the building works which have already started.
- Concern regarding the areas to be used
- Concern over the number of dogs on site

Highway Safety/Access Issues

- Adverse impact upon highway safety and access issues including insufficient visibility at the existing junction and an increase in visitors and deliveries.
- Rodridge Lane, whilst not a main road can get quite busy and is also a regular bus route. The section of the road in question is at the brow of a hill meaning residents exiting their drives already have to be very careful to avoid passing traffic. Although there is a 30 mile an hour speed limit this is often ignored, adding to the likelihood of an accident if there is increased traffic entering/exiting the kennel development.
- Customer visits along with those of deliveries, staff and vets will result in increased traffic.

Other Issues

- Devaluation of properties
- The proposal has already begun without planning consent.
- The proposal is essentially a business within a residential property

Procedural Issues

- The proposal should be accompanied by a noise assessment
- The description of the proposal needs to be re-considered

28.7 letters of support have been received from neighbouring properties and neighbours who have previously lived next door to the applicants with the following comments:

- No objections to the applications the dogs have not been a disturbance and have only heard them a handful of times since they have moved in.
- On the rare occasion that I have heard the dogs, I have not found them too loud, and they have not barked for an extended period of time.
- To date we have had no issues with the daily activities or noise at the Paddock. On the rare occasion we have heard barking it is stopped within a minute

- All the animals on the property appear to be happy, healthy and well looked after
- The family seem friendly and approachable.
- The applicants are very professional in terms of how they keep their dogs and how much they take care of any noise created by the dogs (on the rare time there was)
- The applicants are very conscious of the barking and there were never any complaints where they previously lived
- The dogs are very well trained and well behaved and never bark unless there is good reason.
- The street where the kennels were located is very narrow, however there were never any problems created by visitors to the premises and traffic going there was very infrequent.
- The applicants are persons of the highest integrity and have always shown complete consideration for the residents of my street, they take the welfare of their animals extremely seriously.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>

APPLICANT'S STATEMENT:

29. I wanted to explain a little about us, I've had my show dogs my whole adult life and we have an impeccable record with Sunderland council and my previous neighbours of over 20 years. We are not a commercial breeder, more of a hobby breeder, in fact we only had 1 litter of Dogue De Bordeaux in 2020. Our main purpose for our dogs is of course we love them but exhibiting them all over the world making up many champions like we have done over the years.
30. We moved here with no facilities for my 11 Dogue De Bordeaux so I had no choice but to provide somewhere for them to live. The welfare of my dogs came before anything and I absolutely stand by my decision to put my dogs well-being first. The reason I have 18 in my application is I also have small dogs that live in my home, sleep in bed with my 3 young children but currently I have 11 Dogue De Bordeaux in the stables we have built.
31. We have owned/loved and exhibited our Dogue De Bordeaux for over 20 years while we lived at our previous address in Sunderland, making up many Champions and becoming arguably the most successful show kennel in the world for our breed winning at Crufts and even bigger shows, they are our life's work! Our dogs are kept to the highest standard not only for their breed type, but we have always been proud of how we house and manage our dogs ensuring they all have the correct training including preventing unnecessary barking as part of that training.
32. In Sunderland we had previously had planning consent for a change of use as we held a 5 star licence with an impeccable record of not one noise complaint or any complaint for that matter in that 20 years plus, I also wanted to add that we lived in a terraced house and our kennels were a stone's throw from our neighbours, here we have 1-2 acre paddock between our dogs to the nearest house with the closest properties being very supportive with our application. I believe these houses can see and hear what's going on rather than guessing like the objectors and that's why they have supported us.
33. We have had our dogs here since December with no noise complaints. The way we have designed our kennels was with our neighbours in mind and to be respectful to

their views and needs. Keeping the stables that we house them in, in line with the properties current use, not obstructing the beautiful views or for our neighbours to be able to see them in anyway which they can't and of course to minimise noise.

34. Any puppies will be reared inside our home and certainly nowhere near the stables/kennels where our adults are. We have designed and situated our kennels in a way to control any occasional barking as I myself cannot rest when my dogs bark as its usually because there is something wrong. I can't stress this enough, our dogs only bark when there is something abnormal happening which makes me panic and react to resolve the problem quickly.
35. We have strict procedures in place when a dog barks, but I rarely need to act upon them because 20 years of understanding our dogs made us fully prepared for what triggers an unnecessary bark and have designed our kennels in a way to minimise this. I would also like to add that our kennels and dog runs were located respectfully and are not visible to any of the surrounding houses.
36. I desperately want to express that we are very professional and responsible, I take a huge amount of pride in what I do, what we do! and noise control is something that is paramount in our decisions of which dogs we keep here. Our dogs are trained to behave as keeping my dogs is a must and I cannot afford to risk losing them by upsetting anyone.
37. It's important to me that we do everything correctly and lawfully which is why we applied for our licence when we moved in, not because we want to breed huge amounts of puppies but because it's the right thing to do. I welcome anyone that wants to come and meet us and meet our dogs.
38. Breeding Dogue De Bordeaux is not always easy, they are so expensive to keep and feed and especially to the standards we do this here. We breed our dogs primarily to pay for looking after them and sometimes breeding this breed can come with more expenses than anything else which is why I need the opportunity to breed again to help pay for this in a hope that the next litter will be more successful. Last year we had a wonderful litter of 7 puppies with no big vet bills or expenses so this litter was enough to pay for everything but I've seen previous years where we have bred 5 females and had no such luck, single puppies or puppies dying, huge vet and whelping bills and more frequently than not females just don't get pregnant. I keep my breeding numbers higher, not to breed them all but to have the opportunity to should we need to.
39. I would also like to point out that we are strictly governed by the Kennel Club with our Dogue De Bordeaux and having a breeding licence even more so. Having a licence makes us more accountable for our actions with our dogs, exposing us to bigger fines and penalties should we not comply, so with this in mind I would hope would give any objectors more reassurance. I don't plan on bringing more dogs to the site if our application is successful and I am happy to be restricted and comply with the terms given to me by the council with the utmost respect. I don't plan on changing anything other than making their living facilities more permanent, warmer and more secure for my dogs.

PLANNING CONSIDERATIONS AND ASSESSMENT

40. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan

unless material considerations indicate otherwise. The main considerations in regard to this application are the principle of the use in this location, amenity considerations, design considerations and highways safety along with any other issues.

41. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
42. The Local Plan was adopted in 2020 and is up to date. Consequently, consideration of the development should be led by the plan.

Principle of the Development

43. The site lies to the east of a linear collection of residential dwellings lining the road between Station Town and Hutton Henry along which planning permission was recently granted for 4 dwellings. In addition, residential properties also frame the site to the south and it is noted that outline planning permission was granted in 2019 for 9 dwellings to the south of the C22.
44. Policy 6 of the CDP supports the development of sites that are not allocated in the plan or a Neighbourhood Plan and are located within a built up area or outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but are well-related to a settlement, provided it accords with all relevant development plan policies and the following criteria;
 - A) is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - B) does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - C) does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - D) is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - E) will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - F) has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - G) does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
 - H) minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - I) where relevant, makes as much use as possible of previously developed (brownfield) land;
 - J) where appropriate, it reflects priorities for urban regeneration.
45. The County Durham Plan defines 'the built-up area' as land contained within the main body of existing built development of a settlement or within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. With this definition in mind it is considered that to some extent policy 6 would not be applicable. However, the site is framed by residential properties to the

south and west and understood in the context of the linear development which spans the northern side of the C22 and recent development to the south west. It is therefore considered that in this context the site is well related to the existing settlement at Station Town and those properties to the south and west.

46. Notwithstanding the above, the application site is located outside of the existing built-up areas Station Town and Hutton Henry and by definition is therefore considered to be located within the countryside for planning purposes. CDP Policy 10 relates to development in the countryside and advises that development will not be permitted unless allowed for by specific policies in the Plan (including Policy 6) or where the proposal comprises an exception related to economic development, infrastructure development or the development of existing buildings. For the reasons stated above the development would accord with policy 6 noting that the site is well related to existing development and as such, accords with Policy 10 of the CDP.
47. Taking some of the criteria stated in policy 6 in turn it is noted that criteria f) requires new development to have good access by sustainable modes of transport to relevant services and facilities and reflect the size of the settlement and the level of service provision within that settlement. In this regard the site is within reasonable distance of local shops and services and lies on a bus route which benefits from a reasonably regular service. As such the development is considered to accord with the requirements of criteria f) of Policy 6.
48. With regard to criteria g) of policy 6 it is noted that the site is wholly in the private ownership of the applicant and was previously used as stables with a paddock area and that elements of this remain with horses still being kept on site. As such the development is not considered to have resulted in the loss of any valued facilities or services in accordance with criteria g) of policy 6. Similarly, there is not considered to be any conflict with policy 6h) as the site is not located within any flood zone, fluvial or surface water and would not generate any significant increase in surface water flows.
49. Criteria i) of policy 6 requires new development where relevant, to make as much use as possible of previously developed (brownfield) land. In this instance whilst the site hosts a stable block and the kennels are positioned immediately adjacent to this, the site is not previously developed given it forms part of the paddock area and not part of the curtilage of the existing stables. However, the policy does note that this requirement should be met only where relevant and as such given the nature of the site and the proposed use, the development is not considered to present any conflict with the requirements of criteria i). Similarly, in relation to criteria g) it is noted that the site and proposal offer little opportunity to reflect the wider priorities for urban regeneration and as such there is no conflict with this element of the policy.
50. Given the above, the principle of the development is considered acceptable subject to appropriate consideration of the following, which includes assessment of the remaining criteria of policy not considered above.

Residential Amenity

51. Policy 31 of the CDP seeks to prevent development that would have an unacceptable impact upon the amenity of existing neighbouring residents and only allow development where adequate amenity for future occupiers is provided. In addition criteria a) of Policy 6 requires new development to be compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land.
52. This displays a broad level of accordance with Section 11 of the NPPF requires planning decisions to ensure healthy living conditions and paragraph 122 emphasises

the importance of securing healthy places. Paragraph 170 of Section 15 of the NPPF requires decisions to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution such as noise pollution. Paragraph 180 seeks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions.

53. In terms of noise, paragraph 180 advises that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.
54. Nearby residents have raised concerns that the proposal would result in significant impact from noise generated by dogs barking and that this would be experienced 24 hours a day. Residents consider the social disruption of the proposal in this regard would be enormous, especially to some neighbours who need peace and quiet for the health issues. Concern is also raised by residents that the measures proposed by the applicant to mitigate noise as described in the application would not be effective particularly that any barking would be stopped after 1 minute of it commencing. The belief being that in reality this would be very difficult to achieve and as such have little impact. Also of concern is a lack of clarity as to which areas are to be used for the exercising of dogs and the number of dogs that would be kept on site and how that can be controlled.
55. The applicant has confirmed that they previously bred Dogue de Bordeaux's from their home in Sunderland and that the use of the current site to accommodate 11 dogs commenced on December 2020. During this time, it has generally been the case that 11 dogs have been present at any given time. Letters of support have been received from several residents who lived adjacent or near to the applicant's previous property which advise that during this time they did not experience any adverse impacts from noise, either from the dogs themselves or from the comings and goings of visitors.
56. Given the level of interest in the application a site visit was carried out by the Council's Environmental Health Officer who confirmed that during this visit the dogs did bark whilst himself and the applicant were looking at them, but that this abated once the visitors were out of sight.
57. The applicant has advised that they have always been very aware of their neighbours at this and their previous property and have sought to provide assurances and propose mitigation aimed at managing the dogs barking where possible. Such mitigation includes the appropriate management of activities on site and also positioning the kennels behind the stable block and providing a barrier which restricts the dog's view (the aim of the latter being to reduce the likelihood of dogs barking should they see visitors). The applicant has also advised that CCTV cameras and audio microphones are used which monitors/records activity and the level of barking. The recordings feed into the main house where they can be stored for up to 4 weeks. Should barking occur this would be audible on the CCTV equipment and the applicant would act accordingly.
58. In addition, the applicant has advised that dogs are trained not to bark and that they keep dogs that have are more settled temperament, so as not to encourage other dogs to bark. The dogs are routinely exercised and never left unattended for more than 4 hours. Despite those assurances, residents remain concerned that the use would generate an unacceptable level of noise.

59. As noted the Environmental Health Officer has been consulted and advises that that it is evident that the kennels are not boarding kennels and are representative of a specialist dog breeder. They also confirm that no noise complaints have been received since the applicant has occupied the site in 2020 which seems to indicate that appropriate management has/is being carried out and there is no reason to suggest this would not continue. They go on to state that it is evident that the applicants are conscious of their dogs barking and have put reasonable controls in place to manage that risk.
60. Whilst it is noted that the dogs did bark during the visit by the Council's EHO in his view this was not excessive. However, it is considered that mitigation measures should be required to ensure that the development does not breach the thresholds stipulated within the TANS (Noise TANS section 3.7 page 18) and these could be secured through planning condition. Measure should include a limit on the number of dogs that could be housed at the site and the installation, retention and use of CCTV equipment as described.
61. With regard to concern surrounding a lack of clarity in relation to the position of the exercising area, the applicant has confirmed this would be located beyond the kennel area and away from the neighbouring properties. The Council's EHO raises no objection to this arrangement.
62. Residents have raised concern that the application is not supported by a noise assessment which they consider is required to appropriately assess the impact of the development upon residential amenity. Whilst no formal noise assessment has been submitted with the application, information was provided which detailed the proposed means of noise control and this was considered sufficient to validate the application. The EHO reviewed that information and has also visited site and offers no objection to the development confirming that they are confident that noise levels can be controlled with appropriate mitigation.
63. Whilst the development is of a type which may reasonably be considered to generate some increase in noise, particularly from dogs barking, and the concern of residents is noted in this regard, this could be sufficiently mitigated to within acceptable levels through inclusion of planning conditions restricting the number of dogs on site and the use of CCTV to monitor the dogs themselves. It should also be noted that the previous owner used the site for equestrian purposes (over which there is no planning control) and horses are still kept on site. As such, whilst the use of the kennels may generate some level of increased noise, any increase should be considered in this context.
64. With regard to limiting the maximum number of dogs assessing this can be difficult as it requires arbitrarily applying some form of limit. As a reasonable starting point, it appears the applicant currently has 11 breeding dogs on site which they have managed to satisfactorily accommodate given a lack of any noise complaints having been received by the EHO since December 2020. It therefore seems reasonable to limit the number of dogs at the current level of use and this would be secured via planning condition. It should be noted that this does not include puppies resulting from any litter and whilst it is acknowledged that this will result in additional dogs following a success litter, it is not felt that this would result in significant noise issues subject to appropriate management of the site. It is also considered that a condition restricting the use of the site to the personal use of the applicant only is also required given the relative unique nature of the use.
65. Consideration was given to potentially granting a temporary permission for a period of one year. However, noting that the use appears to have been operating since

December 2020 without complaint, it is considered there would be little benefit to any temporary permission in this regard.

66. Concern has also been raised regarding noise/disruption from the building work although in this instance it is noted that the kennels are complete and in situ. Nevertheless, there is always a level of disruption generated by construction activity although this is generally considered less intrusive given it is experienced for a temporary period.
67. Taking into account all of the issues above, it is considered that subject to the conditions stated, the proposal is considered acceptable in respect of policies 6 and 31 of the Local Plan in that it is compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land, and also paragraph 180 of the NPPF in that it would not have an unacceptable impact upon the amenity of neighbouring residents.

Highway Issues:

68. Policy 21 of the CDP relates to providing sustainable transport in which the Council is committed to delivering a high quality integrated and sustainable transport network which supports our aspirations for a strong economy, a vibrant tourism offer and improved quality of life for all of our residents, including reducing air pollution and emissions of CO₂. In addition, criteria e) of policy 6 states that new development will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
69. Objections have been received in respect of access issues, including substandard visibility at the existing access and the inability of access to accommodate an increase in customers and deliveries associated with a commercial use given the sites residential setting.
70. The proposal mixed use would inevitably lead to some increase in vehicle trips to and from the property although this is not considered to be excessive and it is noted that there appears to be sufficient parking space within the site to accommodate this.
71. With regards to access the Highway Authority notes that the existing arrangement does have limited visibility but that the small number of additional trips anticipated could be satisfactorily accommodated without adverse impact upon highway safety. As such they raise no objection to the application but do advise the inclusion of a planning condition to restrict further intensification of the use beyond the 11 dogs currently at the site which already noted can be secured through planning condition.
72. Subject to a condition in this regard the proposal would be considered acceptable in respect of highway safety and would accord with the requirements of policies 6 and 21 of the County Durham Plan and Part 9 of the NPPF.
73. Concern was also raised by the Parish Council and a resident that people are continually knocking on their door trying to find the kennels, although this has been disputed by the applicants. In any event, confusion with regards to location could reasonably be overcome by the applicant through improved communication with customers and clear directions being provided prior to arrival. As such it is not considered this could sustain refusal of the application and the applicant will be advised through an informative of the need to ensure good communication is carried out with perspective buyers.

Visual impact on the amenity of the area

74. Policy 29 of the Local Plan states that development should contribute positively to an area's character, identity, heritage significance, townscape and landscape features. This is in accordance with the NPPF as it too seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, criteria b) of policy 6 requires new development to not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development.
75. The main changes to the area relate to the installation of the kennel building associated cages and fencing, all of which have already been erected on site. Whilst it is disappointing that the applicant has undertaken the works without planning permission the full visual impact of the development can be readily assessed as a consequence. In this regard it is considered that overall design and siting of the structures are acceptable given they sit adjacent to an existing stable building and are constructed of appropriate materials and have not contributed to the coalescence of the adjacent settlement in accordance with criteria b). The site itself does not have any recreational, ecological or heritage value and does not contribute to the character of the surrounding area and as such the requirements of criteria c) and d) of policy 6 are also met.
76. The proposal is therefore considered acceptable in respect of the impact on the visual amenity of the area in accordance with policies 6 and 29 of the County Durham Plan.

Other Issues

77. Residents have raised concern regarding the devaluation of properties although this is not a material planning consideration to which weight can be attributed in determination of this application.
78. Whilst it is disappointing that the applicant has commenced the proposal without planning permission, planning legislation makes provision which allows the submission of a planning application which seeks to regularise that breach.
79. Concerns have also been raised that the description of the proposals were amended during the course of the application and amended plans submitted. Again, provision exists for an application to be amended post submission subject to re-consultation and this was undertaken in this instance.

CONCLUSION

80. Whilst it is disappointing that use of the site has commenced without planning permission it is nevertheless considered acceptable in principle in accordance with policies 6 and 10 of the County Durham Plan, and by reason of its size, scale, position and limited nature could be satisfactorily accommodated without adverse impact upon the amenity of surrounding residents, visual amenity and highway safety in accordance with the requirements of policies 6, 10, 21, 29 and 31 of the County Durham Plan and Parts 6, 8, 9, 11, 12, 15 of the NPPF
81. Whilst the objections and concerns raised by residents and the parish council have been taken into account and addressed within the report. However, on balance, and taking into consideration all material planning considerations the concerns raised were not felt to be of sufficient weight to justify refusal of this application.

RECOMMENDATION

That the application be **APPROVED**, subject to the conditions detailed below:

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

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 10, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

3. The use hereby permitted shall be carried out only by Ms Rebecca Swainston and/or a dependent, relative or employee of said named person.

Reason: In the interest of residential amenity in accordance with policy 31 of the County Durham Plan and part 15 of the NPPF.

4. The CCTV and audio system which is currently installed shall be retained and appropriately maintained to ensure that it is in full working order and in use at all times when the kennels are occupied by dogs. All relevant recordings shall be kept for a minimum of 2 weeks and shall be made available to the local planning authority upon written request.

Reason: In the interest of residential amenity in accordance with policy 31 of the County Durham Plan and part 15 of the NPPF.

5. The maximum number of breeding dogs kept on the site at any one time shall not exceed 11 dogs.

Reason: In the interest of residential amenity in accordance with policy 31 of the County Durham Plan and part 15 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

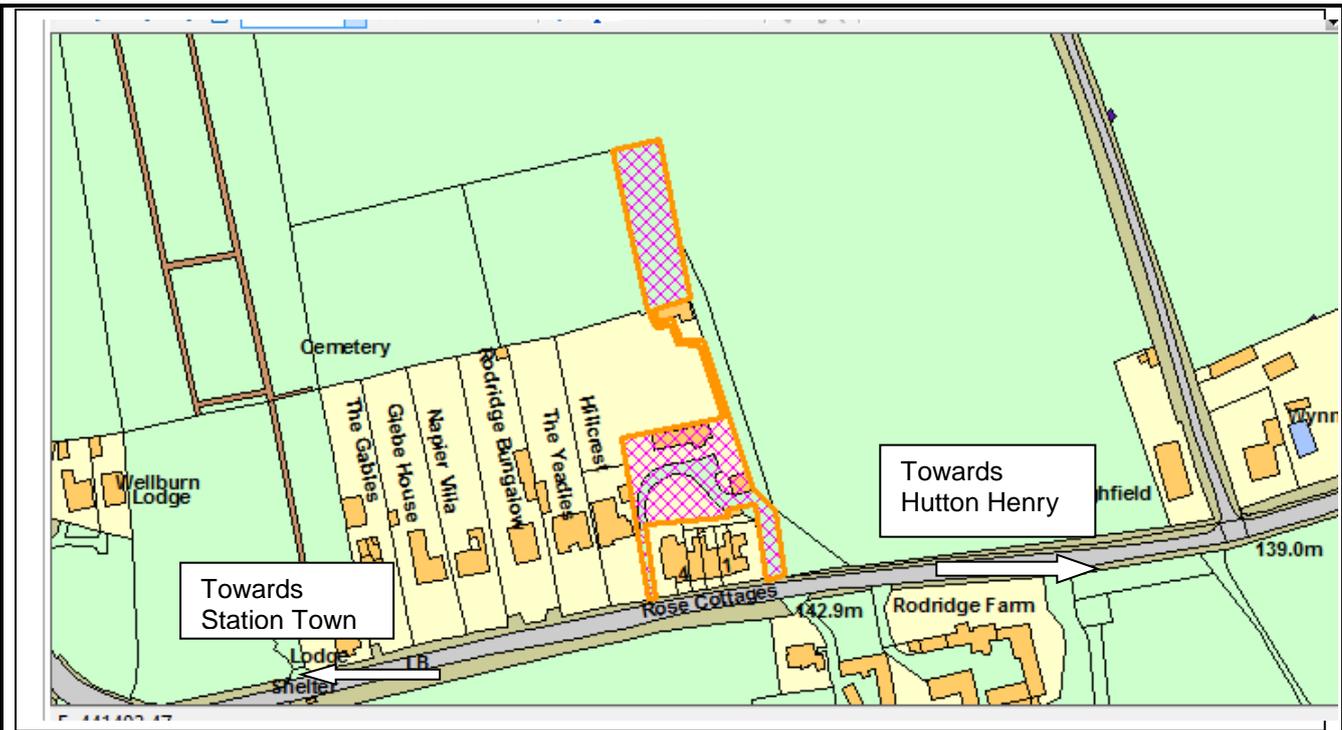
Submitted application form, plans, supporting documents and subsequent information provided by the applicant

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

County Durham Plan

Statutory, internal and public consultation responses



<p>Planning Services</p>	<p>Erection of kennels in association with keeping and breeding of dogs on the site (amended description) at The Paddock and Land To The Rear Of The Paddock, Station Town, Wingate, TS28 5HE Application Reference: DM/21/00011/FPA</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>		
	<p>Date: July 2021</p>	<p>Scale NTS</p>