

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/02035/FPA
FULL APPLICATION DESCRIPTION:	Partial change of use of existing stable/barn to 10 dog kennels and construction of freestanding storage building
NAME OF APPLICANT:	Mr Paul Bedding
ADDRESS:	The Gate House, Dalton-le-Dale, Seaham
ELECTORAL DIVISION:	Murton
CASE OFFICER:	Paul Hopper (Senior Planning Officer) Tel: 03000 263 946 Paul.hopper@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises an existing stable block and surrounding paddock which covers an overall area of approximately 0.19 hectares and is located to the east of the B1432 between Hawthorn and Dalton-le-Dale.
2. The site is delineated by a mix of iron railings, post and rail fencing and hawthorn hedgerow and is framed by residential properties to the north and south, by open countryside to the east and by Cold Hesleden Industrial Estate to the west. An existing building is located across the eastern part of the site adjacent to its eastern boundary and occupies a linear layout, north to south.
3. Vehicular access is situated to the west and is a shared arrangement with the adjacent residential property at The Gate House which is understood to be occupied by the applicant's immediate family.
4. The site and existing building has historically been occupied as stables although it is understood the building has recently been subdivided with all works internal to provide 10 kennels which are used by the applicant to accommodate racing greyhounds.

The Proposal

5. Planning permission is sought for the retention of a partial change of use to the existing building on land to the north of The Gate House, Dalton-le-Dale, Seaham to 10 dog kennels and the proposed construction of an associated freestanding storage building. The dog kennel use is in operation and that element of the application is therefore retrospective.
6. Works to partially change the use of the building are now complete and comprise the internal subdivision of the southern half of the building with metal framed kennels and has retained the existing stables across the remainder of the building. Externally the building has remained unaltered with the main pedestrian access being via an external door to the southern elevation. Accordingly the works undertaken did not require planning permission.

7. The proposed storage building would occupy a position approximately 7 metres to the south west of the existing stable block and be 3.6 metres by 3.6 metres with a mono pitched roof to an overall height of 3 metres (2.4 metres to the lower eave height). It would be of prefabricated construction, finished in a mix of concrete/pebbled dash render and corrugated sheeting to the walls with felt sheeting to the roof and be used to as storage in association with the kennel use.
8. Information submitted in support of the application confirms that the kennels would be occupied by the applicant's greyhounds only and would not be offered as kennelling for any third parties. In terms of hours of use the applicant has advised that these would be limited and visits to and from the site would occur daily for the purposes of feeding and exercising the dogs.
9. The application is being reported to planning committee at the request of Cllr Joyce Maitland who considers the change of use would affect the well-being and quality of life of surrounding residents to such a degree that the application should be considered by planning committee.

PLANNING HISTORY

10. There is no planning history relevant to the site and determination of this application.

PLANNING POLICY

NATIONAL POLICY

11. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
12. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
13. *NPPF Part 6 Building a Strong, Competitive Economy*: The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
14. *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.
15. *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.

16. *NPPF Part 15 Conserving and Enhancing the Natural Environment*: Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

LOCAL PLAN POLICY:

Easington District Local Plan

17. Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
18. Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
19. Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
20. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

EMERGING COUNTY DURHAM PLAN:

The County Durham Plan

23. Paragraph 213 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

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:

21. The Highway Authority has no objection to the application after the applicant confirmed that the kennels would be for personal use only and would not be offered for boarding to any third parties.

22. Northumbrian Water Limited has no objection to the application.
23. Dalton-le-Dale Parish Council objects to the application citing concerns that the proposal would have a significant detrimental impact from noise, odour and drainage.

INTERNAL CONSULTEE RESPONSES:

24. Environmental Health Section (Noise Action Team) has no objection to the application subject to the inclusion of planning conditions limiting the breed of dog, number of greyhounds kenneled to 20 and a contract and suitable receptacle for the correct disposal and collection of animal waste and that this be in place at all times.
25. Contaminated Land Section has no objections to the application after the applicant completed a Screening Assessment Form (Version 8.2) in Appendix 2 of the YALPAG Guidance 'Development on Land Affected by Contamination'.

PUBLIC RESPONSES:

26. The application has been publicised by way of site notice and notification letters to surrounding properties. A total of 4 letters of objection have been received and the reasons for objection summarised as;

- *Impact upon Residential Amenity*

The use of the stables to house in excess of 16 dogs has occurred since September 2017 during which time this has had a significant impact upon residential amenity of adjacent residents, particularly the property to the north west in relation to noise disturbance from dogs barking during the day and night and the burning of waste material.

- *Overlooking and loss of privacy*

The proposal would increase the amount of time the applicant spends within the paddock and this would have an adverse impact upon privacy given the position of a bedroom window at an adjacent property.

- *Parking and Means of Access*

There is insufficient parking included within the proposal to service need and the means of access is substandard given it is serviced from Stockton Road which has a speed limit of 60mph.

- *Drainage and the Storage and Removal of Waste Material*

Arrangements for foul and surface water drainage and the storage and removal of waste are not suitable.

- *Impact on Existing Trees*

The development would damage existing trees and vegetation.

- *The Retrospective Nature of the Application*

The use is partially retrospective (operating since September 2017) and this has resulted in an existing and ongoing adverse impact upon residential amenity from the burning of material, disturbance from noise from barking dogs and the driving of the applicants vehicle into and out of the paddock during the day and night.

- *Animal Welfare Concerns*

The building is not suitable to accommodate greyhounds being in a poor and dilapidated state of repair. The welfare of the dogs is a concern as the barn does not have any natural daylight or means of ventilation and there is insufficient external exercise space to adequate exercise in excess of 6 dogs.

- *Loss of Property Value*
The development would have a negative impact upon property values for surrounding dwellings.
- *Disruption during the Construction Phase*
There would be considerable disruption during the construction phase of development should planning permission be granted.
- *Discrepancies within the Application*
The barn is also used to house horses and a variety of poultry therefore the description of the proposal is incorrect.
- The date stated on the ownership certificates within the application pre dates the application itself which suggests the applicant had no intention of actually applying for planning permission and was hoping that no neighbours would even find out.
- The property was formerly owned by NWL and there are restriction contained within the deeds of other similar properties within the locale that prohibit a number of uses including the keeping of any large amount of animals for commercial purposes. It would be reasonable to assume that such a restriction also applies to the Gatehouse and Paddock.

APPLICANTS STATEMENT:

27. Changing the use of the barn to kennels is to allow us as a family to further enjoy our passion of Greyhound racing.

My wife and six year old son both share my enjoyment of the dogs, as well as my wifes parents and uncle who live at the Gatehouse.

The kennels are for our private use and not for commercial or public use, they are subject to the high standards set by the GBGB and as a registered trainer I am a strong believer in achieving or exceeding those standards.

Since July 2018 we have had a voice activated recorder in the kennels monitoring noise throughout the night. We have found no evidence of noise that would constitute statutory nuisance to surrounding premises, we will continue to record so we can act quickly if we find an increasing level of noise. It is a very useful tool with regards to the management of the kennels.

During the application process many allegations have been made against us, all bar one have been found to be untrue and unfairly lodged.

The issue of burning horse manure has now been stopped upon finding it is illegal to do so.

It has been a very distressing time but as we will be eventually be living at the Gatehouse you can rest assured all planning recommendations will be adhered to, so as not to distress surrounding households and potentially losing the dogs.

I would like to thank the committee for your consideration in this matter.

The above 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 <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development, residential amenity, design and visual impact, parking, access and highway safety, drainage and land contamination.

Principle of Development

29. 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 in this regard and Easington District Local Plan (EDLP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. However, the NPPF does advise at Paragraph 213 that the amount of weight local planning authorities (LPAs) should afford to existing Local Plan policies will depend upon their degree of consistency with the NPPF.
30. In this regard whilst the Easington District Local Plan (EDLP) was adopted in 2001 and intended to cover the period to 2006, the NPPF at Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.
31. The site is located within the open countryside and as such policy 3 of the EDLP is relevant which states that development outside of the settlement limits will be regarded as development within the countryside and that other than specifically allowed for by other policies within the plan, development in such areas will not be approved. However, as policy 3 includes the application of settlement limits it can be afforded only limited weight as the NPPF takes a more permissive approach to new development containing a presumption in favour of sustainable development.
32. Consequently, the application must be determined in accordance with Paragraph 11 of the NPPF which establishes a presumption in favour of sustainable development.
33. For decision taking this means;
- approving development proposals that accord with an up to date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless;
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

34. Having regard to the above, the Development Plan is considered to be silent and/or out of date with respect to this proposed development. As a result, the acceptability of the development rests on the planning balance of whether any adverse impact of approving the development would significantly and demonstrably outweigh the benefits, there being no NPPF policies at play which protect areas or assets of particular importance and which provide a clear reason for refusal.
35. In this context it is noted that despite its location within the countryside the application site is well connected to existing services at Seaham and that kennels accommodating a greater number of dogs are generally situated in semi-rural locations given the need for external exercise space and a setting free from disruption and disturbance. The building has been used as stable accommodation by the applicant prior to the introduction of the kennels although the applicant has advised that the part of the building affected was in fact previously unused and the applicant notes that the kennels has reintroduced a positive use in this regard.
36. The proposal relates to the retention of 10 existing kennels which are contained within an existing stable building that amounts to approximately 40% of the total footprint. In this regard it is noted that the change of use has not fundamentally undermined the existing use of the stables which been retained across the remainder of the building.
37. Whilst the applicant does not reside in the adjacent residential property at the Gate House, this is presently occupied by his immediate family and the long term intention is understood to be for him and his partner to move into this property. Notwithstanding this, it is noted that at present he currently resides within 250 metres of the site at a property comprising part of the wider waterworks site formerly operated by NWL which is within sight of the development.
38. The applicant has advised that the kennels and storage building are required for private use by him only in order to accommodate his racing greyhounds (from which he derives some financial gain but does not amount to his sole source of income), the number of dogs accommodated is nevertheless notable at 20 in total. However, all dogs housed at the kennels would be owned by the applicant and that the facility would not be used by any third party
39. Notwithstanding that the applicant has confirmed there is no intention to increase the number of dogs in the future, there is some concern that the use of the kennels could intensify post development. As such, the number of dogs accommodated at the site could be secured through planning condition should permission be granted as could a condition to prohibit the use of the site and building for any trade or business. In addition a condition could also be included.

Residential Amenity

40. Despite its semi-rural location the application site is framed by 3 residential properties to the north at Laira House, Chapel House and Chapel Lodge, and to the south at Nos. 3 and 4 The Waterworks. At their closest point these properties would be positioned approximately 30 metres from the kennels.

41. Policy 35 of the EDLP relates to the design and layout of new development and requires proposal in this regard to have no serious adverse affect on the amenity of people living and working in the vicinity of the development site and the existing use of the adjacent land or building in the terms of privacy, visual intrusion, noise and other pollutants. This is considered to display a broad level of accordence with the aims of the NPPF at paragraph 180 which states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
42. The impact of the proposal upon residential amenity has been raised in objection to the application by occupiers of those properties to the north and south, particularly with regard to disturbance from noise and odour, noting that in some instances residents are unable to open windows due to the burning of waste material by the applicant and noise generated by dogs. These issues and concerns have also been reported to the Council's Environmental Health Section by residents as statutory nuisance complaints which have been subject to separate investigation in respect of statutory nuisance. The Council's Environmental Health Section has advised that four complaints about barking have been received in this regard in July 2018 from neighbouring residents and that prior to this no noise complaints had been received despite the dogs being in the building. To date two of the complainants are understood to have reported a big improvement in barking issues and one of the other complaints has been closed following lack of evidence submitted. One complaint remains open and is still under investigating, awaiting the submission of evidence in the form of diary sheets and/or noise app recordings from the complainant.
43. Whilst it is understood that at present the applicant houses 16 dogs at the kennels the proposal relates to an increase to 20 dogs in total, housed 2 per kennel. The group kennelling of dogs has the potential to generate notable levels of noise, particularly if the animals become distressed causing the dogs to bark and howl for continuous periods.
44. With regard to waste storage and removal the applicant has acknowledged that animal waste has previously been burnt externally to the front of the building resulting in foul odour being detectable in the immediate locality. This method of waste disposal is clearly disappointing and falls short of best practice requirements with regard to waste management. With this in mind, and at the request of the Council's Environmental Health Section, the applicant has provided additional information detailing proposed mitigation measures aimed at reducing the impact of any noise and odour from the development. These amount to the implementation of an appropriate waste management plan whereby the kennels are cleaned out on a daily basis and all waste is double bagged, placed in a commercial bin before removal from site via weekly collection by the County Council. With regards to noise it is noted that the applicant has implemented a number of measures including the fitting of black out blinds and double glazing to the front of the property and intention to install insulation to the roof. Whilst the application is not accompanied by a noise impact assessment The Council's Environmental Health Section has nevertheless reviewed these measures and is satisfied that there implementation would mitigate any adverse impact in this regard and could be controlled through planning condition.

45. The Council's Environmental Health Section has visited the site on two separate occasions during which dogs were observed feeding and the kennels cleaned. Whilst previous problems relating to odour and noise are acknowledged the Council's Environmental Health Section has no objections to the application subject to the inclusion of planning conditions limiting the use of the kennels to house greyhounds only (noting that as a breed greyhounds generate less noise than some others), that the total number of dogs does not exceed 20 and that a suitable receptacle for the disposal of animal waste be present on site and available for the storage of animal waste at all times and removed weekly, and that there is no burning of material on site. Whilst the conditions stated could be included it is not considered the restriction upon the specific breed of dog kept at the site would meet the appropriate test of necessity or reasonableness.
46. Residents have raised objection to the application citing concerns regarding a loss of privacy from increased use of the paddock with concern specifically raised about the rear bedroom window of an adjacent property to the north which overlooks the paddock. However, it is noted that the relationship between the paddock and this window is an existing and well established arrangement which is not subject to any planning control. The development proposes no built development with close proximity to this window with the freestanding storage building positioned to the southern part of the site. In this context and noting that the nature of use is such that much of the activity at the site would be within the building it is not considered that the development would have any unacceptable impact upon residential amenity due to loss of privacy.
47. In addition, residents also object to the application citing concerns regarding disruption from noise and disturbance during the construction phase of development. However, it is considered that any impact in this regard would be temporary and could be appropriately mitigated through the inclusion of a planning conditions restricting working hours during this period.
48. Therefore, and despite the concerns of local residents, it is considered that subject to the inclusion of planning conditions in this regard the development is considered acceptable in accordance with the aims of policy 35 of the EDLP and paragraph 180 of the NPPF.

Design and Visual Impact

49. Policy 35 of the EDLP relates to design and layout of new development to reflect to scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials. This approach is considered to display a broad level of accordance with the aims of the NPPF at paragraph 124 which states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
50. Whilst works to convert the existing barn are internal and would not fundamentally alter its external appearance, the application also includes the erection of a pre-fabricated building positioned to the south east of the existing stable block. Although the external materials proposed are functional in appearance, comprising a mix of concrete panelling with a pebble dash finish to the walls and felt to a mono-pitched roof, it is nevertheless noted that the building would have limited height of 3 metres and be well screened in the wider area by existing buildings and vegetation. In this context it is considered that the building would not have any adverse impact in this regard and would not appear as an incongruent addition in the surrounding locale subject to the inclusion of a planning condition controlling the external materials to those stated in the application.

51. It is noted that residents have raised objection to the application citing concerns regarding the impact upon existing trees and grade II listed building to the south. Whilst these concerns are noted it is considered that the building would be positioned sufficient distance from the nearest boundary vegetation to allow its retention and that sufficient distance from the listed building would be achieved to ensure it would not have any adverse impact in this regard.
52. Subject to the inclusion of planning conditions stated the development is considered to accord with the requirements of policies 1 and 35 of the EDLP and paragraph 124 of the NPPF in that it would not have any unacceptable adverse impact upon the character and appearance of the surrounding locality.

Parking, Access, Highway Safety and Public Rights of Way

53. The site is currently served by an existing access to the south onto Stockton Road which has a speed limit of 60mph and is a shared arrangement with the residential property at the Gate House, occupied by the applicants immediate family. The development proposes the retention of this arrangement in order to serve the development.
54. Policy 36 of the EDLP relates to design for access and requires new development to provide safe and adequate access capable of serving the amount and nature or traffic to be granted. This approach is considered to display a broad level of accordance with the aims of paragraph 108 of the NPPF which states that applications for development should ensure that safe and suitable access to the site can be achieved for all users.
55. The suitability of the existing access has been raised as a concern in objection to the proposal by local residents who consider this unsuitable to accommodate the applicant's vehicles and the trips generated by the kennels given that Stockton Road has a speed limit of 60 mph and that insufficient parking is included within the development.
56. The number of vehicle movements generated by the use is limited to between 2 and 4 trips per day noting that the kennels accommodate the applicant's greyhounds only. Whilst the concerns of local residents are noted the Highway Authority offers no objection to the application after the applicant confirmed the kennels would be for his personal use only which could be appropriately controlled through planning condition.
57. In light of the above the development would not have any unacceptable adverse impact in terms of highway safety capable of sustaining refusal of the application in accordance with the aims of policies 1 and 36 of the EDLP and paragraph 108 of the NPPF.

Land Contamination and Drainage

58. Paragraph 178 of the NPPF requires that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposal for mitigation including land remediation or impacts on the natural environment arising from that remediation.
59. The applicant has completed a Screening Assessment Form (Version 8.2) in Appendix 2 of the YALPAG Guidance Development on Land Affected by Contamination. The Council's Contaminated Land Section has reviewed this information and offers no objection to the application which it is considered would not have any unacceptable impact from previous land contamination and as such accords with the aims of paragraph 178 of the NPPF.

60. With regard to drainage it is noted that surrounding residents have raised objection to the application particularly that the scheme does not include any means for the disposal of foul and surface water disposal. However, with regard to surface water the existing stable block benefits from an existing arrangement and the free standing building would drain to soakaway which is considered acceptable given its limited footprint. All animal waste generated by the development would be removed by an appropriate waste handler and there would be no foul water generated. NWL have been consulted and offer no comment or objection to the application in this regard.
61. The development is therefore considered to accord with the requirements of policy 1 of the Easington District Local Plan which requires new development to protect the environment from development that generates pollutants or water, soil or air.

Other Matters

62. Objection has been raised to the application by local residents citing the retrospective nature of the submission as a concern. Whilst it is disappointing that some of the works have already been completed and as such are unauthorised, planning legislation and the Council Enforcement Protocol makes provision for the submission of planning applications to seek to regularise breaches of planning control. Consequently the retrospective nature of the application is not sufficient to sustain a refusal.
63. Similarly, residents are also concerned that the date the notice was served by the applicant upon third party land owners notifying them of the application pre dates submission of the application itself. Notwithstanding these concerns it is common practice that notification be served by the applicant in this regard prior to the submission of the planning application.
64. Objection has also been received from residents citing concerns regarding the impact upon property values and animal welfare concerns which it is noted have also been reported to the RSPCA. In response it is noted that the impact of a development upon property values is not a material consideration in determination of this application. With regard to animal welfare it is considered the building and adjacent paddock are sufficient to service the proposed use and that matters relating to specific animal welfare are subject to separate legislative control and as such are not sufficient to sustain refusal of the application in this instance.
65. Residents have also raised concerns that the kennels would be used as a base from which to operate a greyhound racing business and note their involvement in a company which has since been dissolved that was directly engaged in racing greyhounds. However, it would appear that application has been made to dissolve this business and the applicant has confirmed that the site would be used for his personal use as part of an ongoing hobby. A condition could be included which restricted the use in this regard.

Planning Balance

66. As the relevant policies of the EDLP are considered to be out of date, the presumption in favour of sustainable development as contained in paragraph 11 of the NPPF is engaged and in this regard a summary of the benefits and adverse impacts of the proposal are considered below;

Benefits

67. Whilst it is noted that the building has historically been used by the applicant as stables, the development has nevertheless introduced a positive use across part of the existing building which prior to this was in no positive use.

Adverse Impacts

68. Subject to the inclusion of planning conditions to control the precise nature of the use, the number and breed of dogs housed it is considered that the proposal would not have any adverse impact upon the residential amenity of surrounding occupiers.

CONCLUSION

69. As the EDLP is silent in relation to the development the presumption in favour of sustainable development is engaged. The development is therefore required to be considered in the context of paragraph 11 of the NPPF, which states that the development be granted planning permission, the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
70. The change of use relates to a relatively small portion of an existing building, which despite its rural location is well served by local services and would introduce a positive use across part the building previously unused. The applicant has confirmed that the kennels are used solely for accommodating the applicants racing greyhounds and this could be controlled through planning condition along with total number of dogs.
71. With regard to the associated freestanding storage building this could be satisfactorily accommodated at the site by reason of scale, mass, design, materials and use without adverse impact upon residential amenity, design and visual appearance, parking, access and highway safety, contaminated land and drainage subject to appropriate planning conditions.
72. Therefore, when considered in the context of paragraph 11 of the NPPF the proposal would accord with aims of policies 1, 3, 35 and 36 of the Easington District Local Plan and Parts 6, 9 12 and 15 of the NPPF and would not have any adverse impacts which would significantly or demonstrably outweigh the benefits.

RECOMMENDATION

That the application be APPROVED subject to the following conditions;

1. The development hereby approved 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.

Drawing No.	Description	Date Received
	Location Plan	3 July 2018
	Proposed Site Plan	3 July 2018
	Proposed Elevations	3 July 2018
	Proposed Floor Plans	3 July 2018

2. Notwithstanding any details of materials submitted with the application the external materials of the freestanding storage building hereby approved shall be finished in a mix of concrete panels and pebbledash render to the walls and felt sheeting to the roof.

Reason: To protect the character and appearance of the surrounding area in accordance with the requirements of Policy 35 of the Easington District Local Plan as amended by Saved and Expired Policies September 2007.

3. The use hereby permitted shall be undertaken only by Mr Paul Bedding and are permitted at the premises only for the duration that the building is occupied by Mr Bedding. When the premises cease to be occupied by Mr Bedding the use hereby permitted shall cease and all materials and equipment brought on to the premises in connection with the use shall be removed.

Reason: To protect the amenity of surrounding residents in accordance with the aims of policies 1 and 35 of the Easington District Local Plan as amended by Saved and Expired Policies September 2007.

4. Within 2 months of the date of this permission a Kennel Management Plan shall be submitted to and agreed in writing by the local planning authority. The submitted detail shall include but not be restricted to, details of general site management, the breed of dog, access arrangements and maintenance regime for exercising feeding etc. The development shall thereafter be carried out in accordance with the agreed detail.

Reason: In the interests of residential amenity in accordance with the aims of policies 1 and 35 of the Easington District Local Plan as amended by Saved and Expired Policies September 2007.

5. The kennels hereby approved shall only be used to accommodate a maximum of 20 greyhounds (2 in each kennel).

Reason: In the interests of residential amenity in accordance with requirements of policy 35 of the Easington District Local Plan as amended by Saved and Expired Policies September 2007 and paragraph 180.

6. No trade or business shall be undertaken from the premises and the dogs permitted to be accommodated shall be within the ownership of the owner/occupier of the premises.

Reason: In the interests of residential amenity in accordance with the requirements of policy 35 of the Easington District

7. All animal waste generate by the kennels hereby approved shall be double bagged, stored in a suitable waste receptacle at all times whilst awaiting removal from site and be removed via weekly collection by a waste carrier.

Reason: In the interests of residential amenity in accordance with requirements of policy 35 of the Easington District Local Plan as amended by Saved and Expired Policies September 2007 and paragraph 180.

8. There shall be no burning of animal waste at the site under any circumstances.

Reason: In the interests of residential amenity in accordance with requirements of policy 35 of the Easington District Local Plan as amended by Saved and Expired Policies September 2007 and paragraph 180.

9. No construction/demolition activities, including the use of plant, equipment and deliveries, should take place before 0800 hours and continue after 1800 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. No works should be carried out on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity in accordance with requirements of policy 35 of the Easington District Local Plan as amended by Saved and Expired Policies September 2007.

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

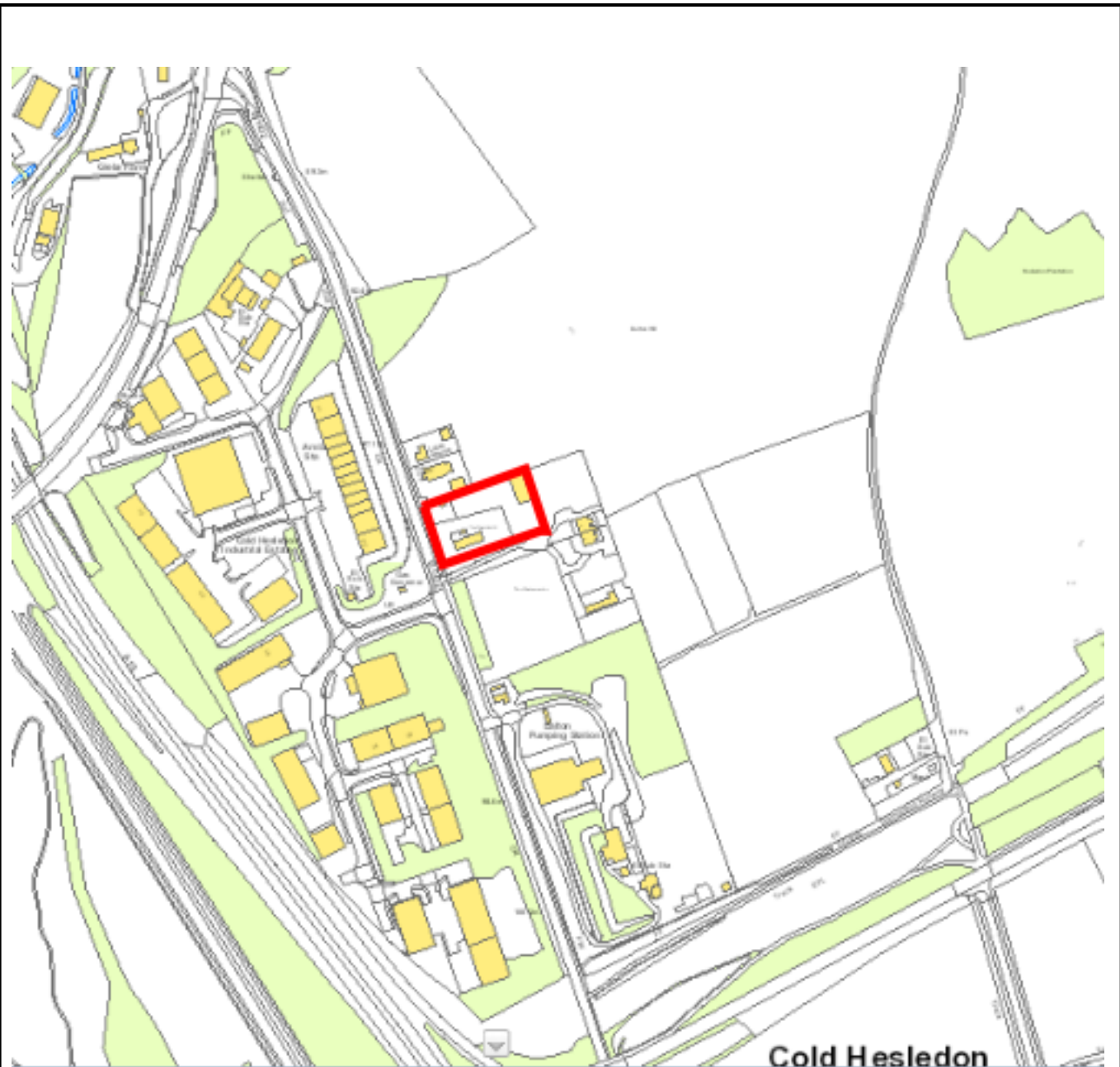
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

Easington District Local Plan

Statutory, internal and public consultation responses



Cold Hesledon



Planning Services

Partial change of use of existing stable/barn to 10 dog kennels and construction of freestanding storage building

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Comments

Date 9 October 2018