

24/09/0024

MR R BAVERSTOCK

REPLACEMENT OF 4 ISOLATION KENNELS AND ERECTION OF 6 ADDITIONAL KENNELS FOR APPLICANT'S OWN DOGS AT ST GILES KENNELS, WRANTAGE

331987.123224

Full Planning Permission

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PROPOSAL

St Giles Kennels lies in a countryside location just north of the A378 near Wrantage. There are a range of low buildings within the site, some of permanent construction and some more temporary wooden structures, providing kennels, cattery pens and a staff/office/reception area. A public bridleway passes along Sedgemoor Drove, directly to the north of the site and a scattering of residential properties surround the site. The site is generally well screened and is not clearly visible from the A378 or the country road to the west.

To the east is St Giles Cottage, a bungalow occupied by the proprietor of the business. The land in between is surrounded by a 1.8 metre wire fence and utilised as a dog run, with four kennels currently which has been used as an isolation block and for homeless dog collection but has recently been used to house the applicant's own dogs as it is no longer fit for purpose.

This application seeks permission for the replacement of the former isolation kennels (block of five) with a block of four isolation kennels and a further block of six kennels to house the applicants own dogs, thus a net gain of five kennels. The kennels would be constructed of timber with galvanised steel runs to the front, 1.84 metres to the eaves and 2.3 metres to the ridge.

Planning permission was granted in November 2008 for the relocation of cattery pens, new kennel pens and the erection of a single storey extension to provide a reception area and grooming room. These alterations involved the re-arrangement of the existing business and the design and access statement submitted stated that overall only four additional pens were being created.

The description on the application submitted stated 'Replacement of Kennels', however, on visiting the site, it became apparent that the proposal was not solely for replacement kennels. The description was subsequently amended and neighbours and consultees re notified.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SSC - TRANSPORT DEVELOPMENT GROUP - No Observations

NORTH CURRY PARISH COUNCIL - The Parish Council proposed that it should oppose the application on the basis of inadequate materials for noise insulation together with the further intensification of an already disruptive noise issue, adding that following the previous application neighbours have reported that the noise has increased.

SCC - RIGHTS OF WAY - I can confirm that there is a public right of way (PROW) that runs along Sedgemoor Drove, abutting the site of the proposed development at the present time (bridleway T 17/70). From the information provided it appears that the proposal would not affect the bridleway, suggests notes to applicants.

DIVERSIONS ORDER OFFICER - The proposals will not affect the Public Bridleway adjacent to the site. However adequate health and safety measures need to be put in place during and demolition/construction work to safeguard the well-being of bridleway users. Care should be taken to ensure that works vehicles do not cause unnecessary wear/tear/damage to the bridleway surface.

Representations

Seven letters have been received from six households raising objections on the grounds of:

- Misleading proposal of replacement kennels, there is actually an increase. This increase on top of last year will be an increase from 40 to 60 kennels.
- Additional kennels will increase noise levels even further to what is already an unacceptable level. Barking noises are loud, continuous and intolerable. Noise has already increased dramatically since November 2008 and proposal will bring kennels closer to some nearby dwellings. Additional six kennels to house the owners dogs could leave their original housing vacant for more dogs, which will also increase noise.
- Insufficient staffing levels contribute to the dogs causing disturbance by barking.
- Proposal does not state any specific material to contain noise levels.
- Note attached to last decision notice regarding adequate noise insulation seems to have been disregarded, kennels have failed to reduce the level of noise as intended. Concerns that new installations will also fail to reduce level of noise.
- Application form part 25 states that proposal cannot be seen from bridleway/public land, but this is a fabrication.
- Proposed floor space of the additional six kennels is considered capable of accommodating 10 – 16 dogs, which is believed to be excessive for a domestic situation.

PLANNING POLICIES

PPS7 - Sustainable Development in Rural Areas,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP5 - S&ENP - Landscape Character,
S1 - TDBCLP - General Requirements,

DETERMINING ISSUES AND CONSIDERATIONS

The proposed kennels are in keeping with other structures within the site. The replacement kennels will be positioned on the footprint of the existing kennels, whilst the additional six kennels will be adjacent and are therefore closely related to other structures. All are low structures, which are no higher than existing buildings on the site and are screened from the surrounding landscape by either existing buildings or mature trees and hedges.

A public bridleway crosses the front of the site. The replacement/new kennels will have no significant adverse affect on it. A note to the applicant is attached below concerning health and safety.

Part of the proposal relates to the replacement of existing isolation kennels, it is therefore important to note that these can and do house dogs at present and therefore limited weight can be attached to the argument that these kennels will significantly increase noise levels.

The application states that the new six kennels are for the applicants own dogs, which are already at the site and therefore it is not proposed to expand the business further. However it is acknowledged that these kennels could be used for dogs associated with the business, which would be difficult to control by the local planning authority. The existing business is a well established business, which does emanate a certain amount of noise, as would any business of this nature. Whilst the net gain of a further five kennels would have some impact on noise, it is not considered to result in such a material increase, beyond the levels currently experienced, to warrant refusal.

The application permitted last November involved alterations and re-arrangements to the existing well-established business, with a net gain of only four additional pens. This along with the additional five now proposed results in a gain of nine since last November, not the increase from 40 to 60 claimed by one objector.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed kennels are not considered to adversely affect the character and appearance of the surrounding countryside. Whilst there could be some effect on noise levels, this proposal is not considered to contribute to the existing situation to such an extent as to result in material detriment to the residential amenities of neighbouring properties. As such, the proposal is in accordance with policy P5 (Landscape Character) of the Somerset and Exmoor National Park Joint Structure Plan Review and policy S1 (General Requirements) of the Taunton Deane Local Plan.

RECOMMENDED CONDITION(S) (if applicable)

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

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

Notes for compliance

1. Note at request of County Rights of Way Section:
 - We ask that the health and safety of walkers, horse riders and cyclists using the path be taken into consideration during any works involved in carrying out the proposed development.
 - Somerset County Council (SCC) has maintenance responsibilities for the surface of the bridleway, but only to a standard suitable for pedestrians, horse riders and cyclists. SCC will not be responsible for putting right any damage occurring to the surface of the bridleway resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public bridleway unless the driver has lawful authority to do so.
 - If the development would make the public right of way less convenient for continued public use, require changes to the existing drainage arrangements or surface, or require new furniture, authorisation for these works must be sought from Somerset County Council Rights of Way Group. If the works would make the public right of way less convenient for continued use or create a hazard to users of it, a temporary closure order will be necessary and a suitable alternative route must be provided. This can be arranged through Sarah Hooper on 01823 483086.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Miss K Purchase Tel: 01823 356468