

**E/0120/43/15**

**UNAUTHORISED DOG BREEDING BUSINESS, INCLUDING ERECTION OF KENNELS, AT 18 TRINITY CLOSE, WELLINGTON**

**OCCUPIER:** MR ASHLEY CLARK

**OWNER:** V CLARK  
18 TRINITY CLOSE, WELLINGTON, TA21 8TZ

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**PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice requiring the unauthorised change of use of the site to cease and the removal of materials and equipment related to the unauthorised use.

**RECOMMENDATION**

The Solicitor of the Council be authorised to service an Enforcement Notice and take prosecution action subject to sufficient evidence being obtained that the notice has not been complied with.

The Enforcement Notice shall require:

- a) Cease the use of the site for the breeding and sale of puppies and dogs.
- b) Remove the kennel structure located in the rear yard from the site
- c) Remove all dogs associated with the breeding and sale business from the site
- d) Remove all equipment associated with the breeding and sale of dogs from the site.

Time for compliance:

With regards to a) above 1 month from the date on which the notice takes effect.

With regards to b) above 3 months from the date on which the notice takes effect.

With regards to c) above 3 months from the date on which the notice takes effect.

With regards to d) above 3 months from the date on which the notice takes effect.

**SITE DESCRIPTION**

Trinity Close is located off Mantle Street, the main road into Wellington. While Mantle Street this is a major busy road the site is located approximately 40 meters away and is reasonably well screened from noise.

The property is an end of terrace residential dwelling located in a cul-de-sac. The property is one of four dwellings in the terrace and abuts other residential properties on three sides. To the west the property is the access road to a hotel and spa resort.

## **BACKGROUND**

A number of complaints were received regarding the erection of a kennel structure in the rear garden of the site and about the use of the residential dwelling for a business. The complaints also made reference to the large number of dogs located on the premises. Complainants stated that the smell emanating from the site was significant and that they were concerned with the number of people visiting the site.

The site was inspected by an Enforcement Officer where it was noted that a large kennel structure had been erected in the rear garden. There were several dogs in the kennel and two running loose in the rear yard. The officer also noted that there were five litter boxes inside the dwelling that each held a bitch and a litter of puppies. In total there were 18 dogs and five litters of puppies located on the property.

The rear yard appeared to be used as an exercise area for the dogs, at the time of the inspection there was two dogs running loose in the yard and it was almost totally devoid of grass. There was a strong odour emanating from the site related to the dogs and their faeces in the rear yard. The enforcement officer also visited an adjoining property and it was noted that there was a strong odour present. It was also noted that the noise from the dogs was significant and could be heard some distance from the site.

The dogs are bred on site and raised by the mother for two months before being offered for sale. The puppies are advertised on line via various pet and trading websites. Potential customers visit the site to inspect and/or purchase the animals.

## **DESCRIPTION OF BREACH OF PLANNING CONTROL**

Without planning permission the unauthorised change of use of the site from a C3 residential dwelling to a sui generis use as a residential dwelling and for the breeding and sale of dogs.

## **RELEVANT PLANNING HISTORY**

N/A

## **RELEVANT PLANNING POLICIES**

National Planning Policy Framework

Para 207 – Enforcement

Policy DM1 of the Taunton Deane Core Strategy

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is a small residential property predominantly surrounded by other residential dwellings. The intensive use of the site for breeding of dogs gives rise to unacceptable effects on the residential environment by way of odour and noise.

The commercial nature of the site also gives rise to a large number of visits to the site. Often potential customers will visit the site to view the puppies and then (if they wish to purchase) return on a later date to pick up their dog. The additional traffic

adversely impacts on the amenity of the residential area.

It is considered that the use of the site has an unacceptable adverse impact to the amenities of the surrounding residential properties by reason of noise, odour and traffic contrary to Policy DM1 (e ) of the Taunton Deane Core Strategy

**In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998.**

**PLANNING OFFICER: Mr M Bale**  
**PLANNING ENFORCEMENT OFFICER: Christopher Horan**

**CONTACT OFFICER: Christopher Horan, Telephone 01823 356479**