

E/0284/47/11

ALTERATIONS TO HAY/STRAW BARN TO FACILITATE THE KEEPING OF GREYHOUNDS, TOGETHER WITH EXERCISE AREA AND SHELTERS, THE SITING OF TWO CATERING TRAILERS AND MOBILE HOME ON LAND ADJACENT TO TWO TREES, MEARE GREEN, WEST HATCH.

OCCUPIER: MR BARRATT

OWNER: MR BARRATT
4 KNIGHTSTONE, HENLADE, TAUNTON
TA3 5LQ

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice to cease the use of the land for keeping Greyhounds, remove shelters in the field to the side and rear of the barn, together with alterations to the barn and unauthorised storage of catering trailers at the above address.

RECOMMENDATION

Take no further action regarding alterations to the barn e.g cladding and formation of internal pens and siting of shelter buildings in various locations within the site, together with the storage of the two catering trailers.

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution action subject to sufficient evidence being obtained that the Notice is not complied with.

The Enforcement Notice shall require:-

- the cessation of the building and land for the keeping of dogs.

SITE DESCRIPTION

The site lies off the road leading to Meare Green to the West of Meare Elm Cottages. The barn is to the West of the site and the land used for exercising the Greyhounds lies to the North East.

BACKGROUND

A complaint was received in April 2011 regarding the change of use of land and an agricultural building for non agricultural purposes, including storage and the keeping of Greyhounds. A further complaint was received in October 2011 for the laying of a track, alterations to barn to form kennels and formation of individual pens and kennels on land to the rear, together with the storage of catering trailers. At the same time, it was stated that a mobile home on the site was being used for residential purposes. Contact was made with the owner and an application was requested. This was received but was not valid due to lack of the required information and plans. Due to the time lapse and the relevant papers not being submitted, this application has now been returned.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The division and formation of individual pens, some of which are used for Greyhounds, within an agricultural barn requires planning permission. The siting of buildings in a field for use as shelter also requires planning permission as the unit has no permitted development rights as the overall holding is less than 5 hectares. The storage of a catering trailers on agricultural land also requires planning permission.

There is a mobile home on the site, which is used for making a cup of tea and toilet facilities, together with the storage of medical supplies, dog food and other sundries required for the animals/poultry on the site. As part of the land is used for the keeping of poultry, which is classed as agriculture and the mobile home is used in association with this, it is considered that in this case, the mobile home can be sited under permitted development rights.

RELEVANT PLANNING HISTORY

In 2005 an agricultural notification for the erection of a hay and straw storage barn was submitted for the barn in question, which at that time formed part of Meare Court Farm. As the holding, at that time, exceeded 5 hectares, the land benefitted from certain agricultural permitted development rights and as such an agricultural notification was sufficient. A letter was sent to the applicants on 3rd March 2005 stating that TDBC did not wish to become involved in the proposal and that works could commence subject to obtaining any other approvals that may be required.

The barn has now been sold off from the farm holding, to Mr Barrett and his holding is less than 5 hectares and therefore does not have any permitted development rights.

Members may recall that this case was presented at the March committee and subsequently deferred for Environmental Health to carry out noise monitoring and a further site visit was to be carried out.

The Enforcement Officer's site visit (which was not pre arranged) was carried out on the 8th May 2012 when photographs were taken . There are sixteen individual pens inside the barn and five of these are being used as kennels. One of the pens/kennels has the mother greyhound and the other four are her puppies. Mr Barrett informed the officer that the mother greyhound was a rescue dog (and he was unaware that she was in pup) and he does not breed greyhounds. The remaining pens had items stored in them relating to other agricultural use, this can be viewed on the presentation. The touring caravan has been removed from the site.

Environmental Health have had noise monitoring equipment in a neighbouring property 130 metres from the structure for thirteen days from the 25 April. The following is their report.

There are recordings of short episodes of barking, usually in the early morning from around 6am onwards. In my opinion the barking does not amount to a statutory nuisance at this time, however taking into consideration both the quiet rural location and the diary evidence provided by residents I believe the barking causes regular annoyance to those living in the locality.

RELEVANT PLANNING POLICIES

S1 - General Requirements

S2 - Design

EN12 - Landscape Character Areas

DETERMINING ISSUES AND CONSIDERATIONS

A well established hedge to approximately 3 metres in height forms the roadside boundary and largely screens the land in question, although the wide entrance does enable some views of the site. The view of the barn from the road remains largely as proposed in 2005, being of the same dimensions and open to the front. However, the north-west (rear) and north-east (side) elevations have been wholly blocked up by concrete blocks. The large barn as constructed under the agricultural notification in 2005, has already resulted in an impact on the appearance of the landscape. It is not considered that the blocking up of the formerly open sides, has resulted in a significant increased impact upon it's appearance.

The internal alterations have involved the erection of concrete block walls to create 16 pens inside the building. At the time of the site visit, 5 of these were occupied by dogs and the applicant stated that a maximum of 6 of these would be used for dogs in the future and the remainder would be used for agriculturally related uses, including livestock and the storage of feed, bedding, etc. The occupier of the site claims that the dogs are pets and are not used for breeding or any other business purposes.

The creation of the dog exercise area to the rear has involved the erection of a wire fence surrounding the area. As this fence does not exceed 2 metres in height, it is important to note that this element alone does not require consent. Two small timber buildings (garden shed style) have also been sited within the fenced run, along with a further two to the side of the run (one timber, one of metal construction) which are being used for hens and geese. To the rear of this a further piece of land has been fenced into 3 areas, with a small wooden shed in each, which was stated to be for ducks, although one of the penned areas could occasionally be used for dogs.

The land forms an L shape, with an elongated plot running back from the road and then running along the rear of the adjacent property to the north-east, The Barn. The site is largely screened from public viewpoint by the well established roadside hedge. A well established hedge also runs along the north-east and south-east boundaries between the site and The Barn. The site is open to the rear, separated only by a wire fence, however the land slopes upwards limiting views of the site from the north-west. Whilst there are views from the access, the dog exercise area is largely screened by the large barn and the garden shed style structures are set back significantly from the road, some behind further hedging and do not appear prominent from public viewpoint.

In view of the well established landscaping, which largely screens the site, along with the shed structures being small and low in height, the dog run area and sheds are not considered to cause excessive harm to the appearance of the countryside.

There are also two catering trailers being stored in the front element of the building, which are visible from the entrance, due to the building being open fronted. The

catering trailers, being white/cream in colour, appear stark in appearance and do not blend in with the surroundings, against which the trailers are viewed. However, as the mobile home, which is permitted development, is sited nearby and consequently already has an impact on the appearance of the countryside, the mobile catering units are not considered to result in any additional detrimental impact on the appearance of the countryside.

The report from Environmental Health highlights that there are short episodes of barking in the early mornings. Dog barking is a noise that can be heard from neighbouring properties at times, in both urban and rural locations, however in this case, the site is not a domestic residence or commercial kennels where someone would be resident on site and able to hear and control the animals should an episode of barking occur.

It has been considered that the extent of the barking is not a statutory nuisance but it is acknowledged that the barking could cause regular annoyance to local residents and result in a loss of residential amenity. There are cases where commercial kennels are in much closer proximity to neighbouring residents, however, these are normally designed and laid out in such a way to reduce the causes of barking and someone would normally be available on site to respond.

It is therefore recommended that action be taken to cease using the building and site for kennels (whether they be private or for breeding).

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

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