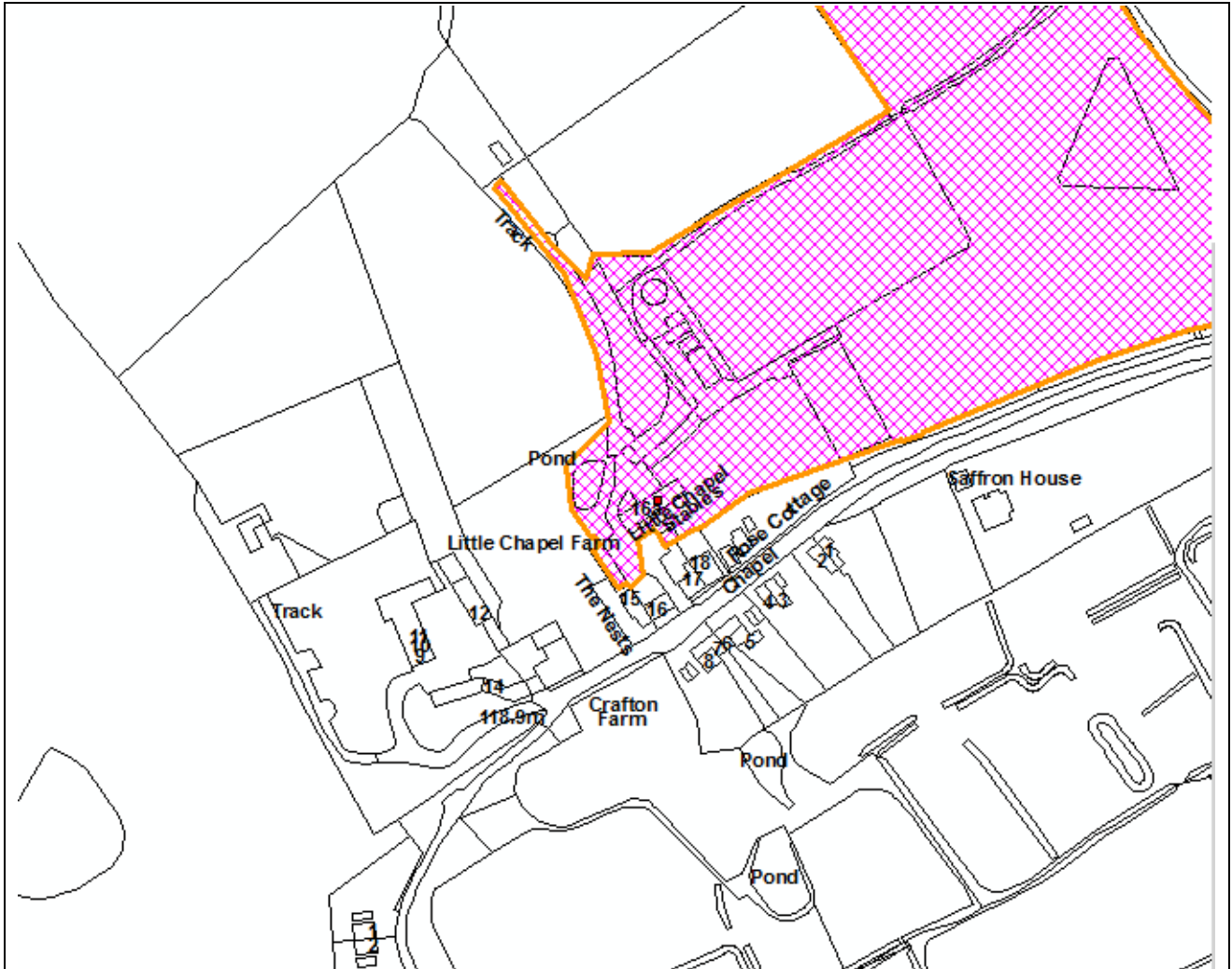


19/01900/APP



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| REFERENCE NO  | PARISH/WARD  | DATE RECEIVED |
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| 19/01900/APP  | MENTMORE<br>The Local Member(s) for this area is/are: -<br>Councillor P Cooper | 20/05/19      |
| <p>RETENTION OF THE EXISTING BARN AND THE OPERATION OF A DOG HOME BOARDING AND DAY CARE BUSINESS FROM PARTS OF THE SITE (RETROSPECTIVE)</p> <p>16A CRAFTON LODGE ROAD,<br/>CRAFTON<br/>LU7 0QL</p> <p>MR &amp; MRS PURNELL</p> <p>STREET ATLAS PAGE NO.89</p> |  |               |

### 1.0 The Key Issues in determining this application are:-

- a) Impact on appearance and character of the dwellinghouse, street scene and wider area
- b) Impact on the setting of the conservation area
- c) Impact on residential amenity
- d) Impact on highways & parking

The recommendation is that permission be **GRANTED**

### APPROVED subject to the following conditions:-

1. The use of the building hereby permitted shall be used for dog day care only and when the building is no longer required for dog day care, the use hereby permitted shall revert back to agricultural storage use.  
Reason: To ensure that inappropriate uses do not take place in this locality and to comply with the National Planning Policy Framework.
2. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out within one month of the date of permission being granted, and that area shall not thereafter be used for any other purpose.  
Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to comply with the National Planning Policy Framework.

### 2.0 INTRODUCTION

- 2.1 The application needs to be determined by committee as Mentmore Parish Council has raised material planning objections in respect of noise, residential amenity and the impact on the Conservation Area and confirms that it will speak at the Committee meeting.

### **3.0 SITE LOCATION AND DESCRIPTION**

- 3.1 The application relates to an isolated two storey barn building located to the north of the main dwelling well within the curtilage of 16A Crafton Lodge Road.
- 3.2 The site is accessed via a shared driveway off the main road and there is a gates access within the shared parking and turning area through a 5 bar gate. There is further parking for the host dwelling to the south of the building and there is a stable to the east with paddock land beyond.

### **4.0 PROPOSAL**

- 4.1 The application seeks consent for the retention of a dark stained timber barn building with tiled roof as built and the change of use of the barn from agricultural storage to use as a dog day care business.
- 4.2 The barn was originally granted permission under planning reference 13/00373/APP with a condition that the building only be used for agricultural purposes. Permission is sought retrospectively for the change of use of the barn to use in connection with a dog day care business that has been in operation since 2016.
- 4.3 The barn was built to the width and depth as approved but with a 5.7m ridge height and an eaves height of 2.25m as oppose to the approved 5m ridge height and 2m eaves height. The structure has also be located slightly further to the north than approved and has been altered externally comprising the replacement of the timber doors to the south west side with full height glazed doors and three rooflights in the north east roof slope

### **5.0 RELEVANT PLANNING HISTORY**

- 82/00916/AV - Establishment of riding school – Approved.
- 89/00812/APP - Demolition of farm buildings erection of one dwelling – Approved.
- 96/02294/APP - Conversion of a stable block to a dwelling - Refused
- 97/00344/APP - Retention of 5 l. p. g. tanks – Refused.
- 97/01171/APP - Agricultural building – Refused.
- 97/01578/APP - Agricultural building – Refused.
- 97/02153/APP - Installation of one LPG underground storage tank – Approved.
- 98/00143/APP - Conversion of stables to dwelling – Approved.
- 98/00858/APP - Conversion of stables to dwelling – Approved.
- 98/02359/APP - Change of use of agricultural building to use as stables (Little Crafton Farm) – Approved.
- 13/00373/APP - Erection of agricultural storage building with associated hardstanding – Approved.
- 15/04110/APP - Erection of replacement porch to rear – Approved.
- 02/02521/APP - Erection of greenhouse – Approved.
- 19/01769/APP - New vehicular access road - Pending

### **6.0 PARISH/TOWN COUNCIL COMMENTS**

- 6.1 The Parish Council have objected on the grounds of noise and residential amenity stating that the barn is located too close to other residential dwellings and being within the Conservation Area, would cause unwarranted noise and disturbance. They recommend that an adequate sanitaire of 75 metres be conditioned to protect residents
- 6.2 They also comment that the business brings extra traffic along a single track road which is unsuitable given its location within the conservation area.

- 6.3 They go on to highlight that the title of the application is misleading as the retention of a barn is in fact the retention of a barn without permission to a dwelling and query why the application is not two separate applications, one for the conversion of the barn to a dwelling and the other for the change of use to a dog boarding business as these are two separate issues. They see the building clearly used as a dwelling and are concerned that the pending application for the new access is an attempt to split the property into separate dwellings and request that this be controlled by condition.

## **7.0 CONSULTATION RESPONSES**

- 7.1 Rights of Way Officer – Notes that a public footpath runs to the west of the application site and has concerns regarding the parking arrangements that could potentially obstruct the footpath. A parking plan has been provided and, in conjunction with the Highway Officer, it recommends that a condition be included that the parking spaces be laid out in accordance with the approved plans and permanently maintained.
- 7.2 Highways – Following receipt of a traffic survey, noted that although the highway network approaching the site is narrow and would not accommodate simultaneous two way vehicle flow, given the lightly trafficked nature of the road, it is not thought that a refusal on highway grounds would be sustainable.
- 7.3 Heritage – Verbally confirmed that there are no objections.
- 7.4 Economic Development – Welcomes the application to continue the use of the building as dog boarding and day care stating that the application agrees with AVDLP 2004, policy RA11 with the reuse of a permanent structure for non residential purposes. It also is supported by NPPF paragraph 83 for the sustainable growth for all types of business in rural areas but would like more information on the number of staff.
- 7.5 Archaeology – The nature of the works are unlikely to significantly harm the archaeological significance of the nearby Schedule Ancient Monument. No objection.
- 7.6 Environmental Health – Given the separation between the unit and the nearest residential properties, no objection.
- 7.7 Buckingham & River Ouzel Drainage Board – The site is outside the board's district and therefore no comment.

## **8.0 REPRESENTATIONS**

- 8.1 Seven letters of objection have been received from the occupiers of dwellings within the hamlet who oppose the application on the grounds of
- Noise of barking dogs while being dropped off and pick up would impact on the neighbours
  - Extra vehicular movements, especially at peak time, would cause a hazard to other road users
  - Use of the site and barn for dog care purposes is inappropriate within the Conservation Area and adjacent to the Schedule Ancient Monument
  - Close proximity of the use in relation to the neighbouring dwelling inappropriate resulting in a noise nuisance. Has rooms close to where dogs can roam freely
  - Inappropriate for a business to operate within such a small rural hamlet and would set a precedent.
  - The alteration to the barn could lead to the change of use to a residential unit
  - The wooden fence screening from the public footpath unsuitable and unacceptable in this location

- 8.2 The occupier of Rose Cottage has advised that they share a rear boundary with the application site and that dogs roam freely on open land to the north of the boundary only 5m away from the rear elevation of Rose Cottage. However, the plans provided show although there is a large area of land belonging to the applicant adjoining the rear garden of Rose Cottage, this land is residential curtilage for Little Chapel Stables. The land and business associated with Little Chapel Stables does not form part of this application. Whilst the development the subject of this application is also for the day care of dogs, this is a separate entity and already benefits from planning consent. Any issues arising from the existing business associated with Little Chapel Stables (i.e. not this proposal) is not material to the determination of this application.

## **9.0 EVALUATION**

### **Impact on appearance and character of the dwellinghouse, street scene and wider area**

- 9.1 Policy GP35 of AVDLP requires that new development should respect and complement the physical characteristics of the site and surroundings, existing development in the locality and the natural and historic features of the site. Policy RA2 of AVDLP identifies that new development in the countryside should avoid reducing open land that contributes to the form and character of rural settlements. Advice contained within the NPPF seeks to support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing building and well designed new buildings and to promote the development and diversification of agricultural and other land-based rural businesses.
- 9.2 The building has been constructed to the west of an existing larger stable building which is larger in size than the building the subject of this proposal and the application site is in part obscured by mature hedging.
- 9.3 The building the subject of this retrospective planning application is set away from the public footpath by 16m but protected by 2m high timber fencing. The materials used are dark stained timber weatherboarding to the elevations set under a clay tiled pitched roof with three sets of full height glazed doors opening into the amenity area, three rooflights on the north eastern roof slope, a door and a window in the south eastern side elevation and a single window in the north west facing side elevation.
- 9.4 Policy RA8 of the AVDLP relates to proposals within an Area of Attractive Landscape and advises that development that adversely affects the character of the area will not be permitted unless appropriate mitigation measures can be secured and the Council will impose conditions or seek planning obligations to ensure the mitigation of any harm caused to the landscape interest.
- 9.5 Whilst the proposed building was not constructed in accordance with the approved details (13/00373/APP ) and alterations to fenestration have taken place, it is considered that the building has been constructed from appropriate materials for the rural area and does not appear visually intrusive within the AAL, therefore the revised building is considered acceptable and accords with policy GP35, RA2 and RA8 of the AVDLP. In addition, in visual terms, the use of the structure does not result in any discernible harm in the context of these policies and harm to the character and appearance of the area.
- ### **Impact on the setting of the conservation area**
- 9.6 Policy GP53 of the AVDLP seeks to ensure that development proposals respect the character and appearance of the Conservation Area and Section 16 of the NPPF relates to conserving and enhancing the historic environment.

- 9.7 The building is a relatively modest size, being only slightly taller than the approved scheme, that is located on part of a small paddock alongside a stable building to the north east and is shielded all round by fencing and existing vegetation and there are no view of the building from the wider area. The use of the building would be limited to a maximum of 12 dogs that have use of both the indoor and outdoor space (the paddock area immediately adjacent to the building). Information provided states that these dogs are pre-assessed as suitable for day care in terms of their temperament and behaviour and it is not considered that this use (the functions taking place within the building and the exercise/outdoor area where dogs would be present) would not be detrimental to the setting of the surrounding conservation area.
- 9.8 The building as built is considered appropriate for its setting and has a minimal impact on the character and appearance of the surrounding area and countryside with no adverse impact upon the Crafton Conservation Area and does not appear out of keeping with the rural area.

#### **Impact on residential amenity**

- 9.9 Policy GP8 of the AVDLP seeks to preserve the residential amenities of neighbouring properties by protecting their character of outlook, access to natural light and privacy and GP95 seeks to protect the amenities of existing occupiers from the adverse affects of existing uses.
- 9.10 The building is sited within a small paddock area to the north of the existing development that fronts Crafton Lodge Road and in relation to the closest properties there would be a separation distance of approximately 30m in relation to Little Chapel Stables which is within the applicant ownership and approximately 70m from the nearest neighbouring properties which comprise No's 15 and 17 Crafton Lodge Road which front the highway and are either side of the access.
- 9.11 Given the substantial separation between the business and with no views of the building from these dwellings, it is not considered that the extra height of the building or the use would give rise to a loss of residential amenity in terms of loss of light, overlooking, overshadowing or overbearing impacts to the neighbouring dwelling thus complying with GP8 of the AVDLP.
- 9.12 With regard to the new use of the building, although the neighbours have highlighted the noise nuisance, information has been provided to state that the dogs would not be left unsupervised therefore reducing the likelihood of barking and the dog day care business would be on the parcel of land separated from the neighbouring dwelling and although it is accepted that barking will be heard, it is not considered that is would be at an unacceptable level therefore in compliance with GP95 of AVDLP. The Environmental Health department has advised that they did receive a complaint regarding noise in 2016 which they investigated and it was reported back that steps had been taken to reduce the noise to an acceptable level and there have been no further complaints since. On this basis, EH have offered no objection. Should a noise issue occur in the future, then this would be investigated under the appropriate legislation.

#### **Impact on highways & parking**

- 9.13 GP24 of AVDLP seeks that new development is required to provide vehicular parking in accordance with the SPG on Parking Guidelines.
- 9.14 The property is served by an access off Crafton Lodge Road which is an unclassified road subject to a 30mph limit. A Vehicle Movement Survey has been submitted with the application and the Highway Officer has commented that although the access approaching the site is narrow, the limited vehicle movements associated with the current business use does not generate excessive traffic use and therefore has no objection.

- 9.15 The site is accessed through a shared courtyard with parking for three cars within the courtyard and a further three cars can be parked to the front of Little Chapel Stables. Given the amount of visitor expected, the parking is considered adequate and visits would be by appointment and therefore can be staggered to lessen the impact
- 9.16 The Rights of Way Officer has concerns that parking may occur to the front of the public footpath but following the receipt of a revised parking plan, has no objections subject to the condition suggested by the highway officer.
- 9.17 Having regard for the above, it is considered that the development would accord with Policy GP24 of the DLP, the Council's SPG on Parking Guidelines and the NPPF.

**Other matters**

- 9.18 The Parish Council have concerns that it is intended to convert the building into a separate unit of accommodation and although with the insertion of first floor, the building is capable of providing a separate unit of accommodation, there is no evidence that the building is being used for this purpose and the application provides no indication that this is the intended case. However, for the avoidance of doubt, a condition is considered appropriate limiting the use of the unit for use in connection with the dog day care business only.