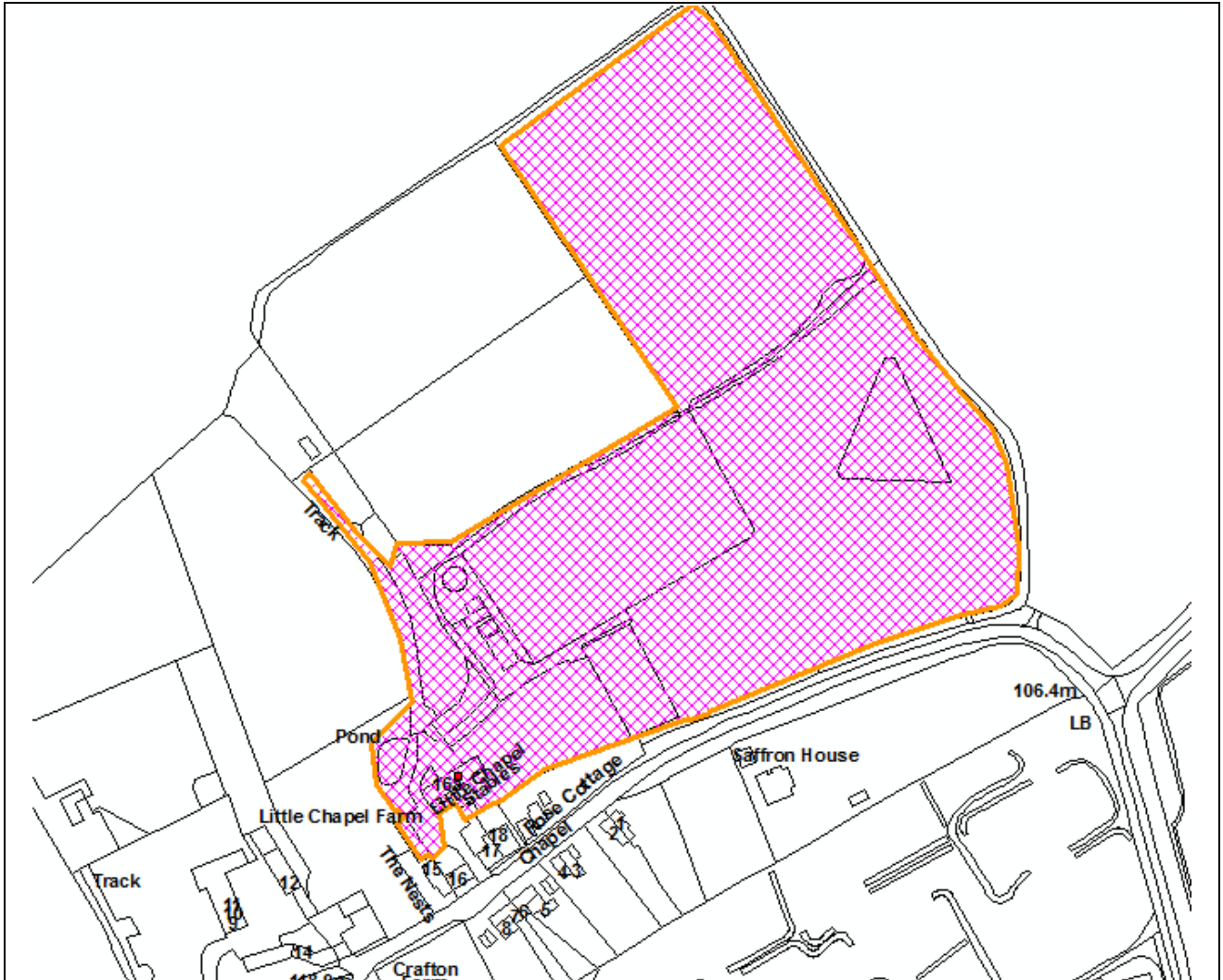


19/01900/APP



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REFERENCE NO	PARISH/WARD	DATE RECEIVED
19/01900/APP	MENTMORE The Local Member(s) for this area is/are: - 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, CRAFTON 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 and listed building
- c) Impact on residential amenity
- d) Impact on highways & parking

The recommendation is that permission be **GRANTED subject to conditions**

#### **APPROVED** subject to the following conditions:-

1. The land highlighted in blue on the approved block plan (titled SJ462-02), received by the local planning authority on 23<sup>rd</sup> October 2019, shall not be used for the purposes hereby permitted except between the hours of 0700 am and 1800 pm on Mondays to Fridays, and at no time on Saturdays, Sundays and Bank Holidays.  
Reason: To safeguard the amenity of the area and to comply with the National Planning Policy Framework.
2. Notwithstanding the provisions of Condition 1, the use of the stable 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. The first floor may be used as staff accommodation use of staff for the dog day care during operational hours and/or as ancillary residential accommodation to the main dwelling (16A Crafton Lodge Road, Crafton) at any other time. The ancillary residential accommodation within the barn shall be limited to the first floor only and shall not be used as an independent dwelling at any time.  
Reason: To ensure that inappropriate uses do not take place in this locality and to comply with the National Planning Policy Framework.
3. The land highlighted in green on the approved block plan (titled SJ462-02), received by the

local planning authority on 23<sup>rd</sup> October 2019, may be used as an exercise/play space for dogs in association with the dog day care use hereby approved. This activity shall not be used for the purposes hereby permitted except between the hours of 0700 am and 1800 pm on Mondays to Fridays, and at no time on Saturdays, Sundays and Bank Holidays. The land may be used for equestrian and animal grazing purposes at any time, however this shall be ancillary to the residential dwelling and shall not be used for business or commercial use.

Reason: To ensure that inappropriate uses do not take place in this locality and to comply with the National Planning Policy Framework.

4. The land highlighted in yellow on the approved block plan (titled SJ462-02), received by the local planning authority on 23<sup>rd</sup> October 2019, shall be used for residential purposes and for the boarding of dogs only. The dog day care business shall not use the land highlighted in yellow on the above mentioned plan at any time.

Reason: To ensure that inappropriate uses do not take place in this locality and to comply with the National Planning Policy Framework.

5. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted 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 the 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 16A Crafton Lodge Road, a detached former stables block that has been converted into a dwelling, an isolated two storey barn building located to the north of this dwelling and the associated land.
- 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**

The proposal seeks retrospective consent for three elements:

- retention of the dark stained timber barn building with tiled roof as built,
- the change of use of the barn building from agricultural storage to use as a dog day care business
- use of the main dwelling in association with a dog boarding business.

- 4.1 The application was originally brought before the committee on the 5<sup>th</sup> September but was deferred pending further clarification of extent of the works.
- 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. has also be located slightly further to the north than approved to avoid a cess pit
- 4.4 The building has been altered externally comprising the replacement of the timber doors to the south west side with full height timber effect upvc glazed doors, the window in the north west elevation being off set, both windows in flank elevations being upvc framed and the addition of three none conservation rooflights in the north east roof slope.
- 4.5 Permission is also sought for the continued use of the main dwelling and the associated garden in connection with a dog boarding business. The business has operated since 2008 and has a licence to accommodate up to a maximum of 11 dogs. These dogs mix with the applicants own dogs. This element of the proposal could be considered under the Certificate of Lawfulness procedure but the applicant was advised by planning enforcement to seek planning permission for all three elements under one application, thereby regularising the use of the site as a whole.

## **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 – Refused.
- 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 amenity stating that the barn is located too close to other residential dwellings and being within the 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 Concerns are also raised that it may converted into a new a dwelling

## **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 is recommends that a condition be included that the parking spaces be laid out 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 – No concerns over the new position or increased height of the barn and the change of use is outside the normal heritage remit. However, concerns have been raised that the UPVC windows and non conservation rooflights are not considered sensitive to the character of the Conservation Area.
- 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.
- 7.6 Buckingham & River Ouzel Drainage Board – The site is outside the boards 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 purposed 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 president.
  - 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 is this location
- 8.2 The occupier of Rose Cottage have advised that they share a rear boundary with the application site and that dogs roam freely on open land to the 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 on Rose Cottage, this land is used for the residential dog care business and not associated with the dog day care business.

## **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.

### The barn

- 9.2 The barn building has been constructed to the west of an existing stable building to a taller size than that approved so as to incorporate a first floor and rooflights in the north east facing roofslope. There are no views of this elevation of the building due to a line of mature trees between the building and a stable block.
- 9.3 The barn that is subject to retrospective planning application is set away from the public footpath to the west side by 16m but protected by 2m high timber fencing. The materials comprise dark stained timber weatherboarding to the elevations set under a clay tiled pitched roof and facing towards the public footpath there are double opening upvc timber effect doors with a small window in the north west side elevations. There is a small window and door in the south east side elevation and one small window in the north west side elevation, both of which are permitted and which do not appear overly prominent in the context of the application site.
- 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 including the introduction of dormer windows, 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.
- 9.6 Following the previous site visit, officers visited the barn and assessed the internal layout. Downstairs is laid out for dog boarding/day care – with individual pens for dogs. Upstairs however is a small respite area for a worker, a bathroom as well as a bed.
- 9.7 The Design and Access Statement supplied with the application clearly sets out that the upstairs use of the Barn is to be used as ‘residential ancillary’. Further clarification has been sought from the applicant as to what this actually means. Officers have been advised that the first floor is used on occasion by one of the applicants children or a guest visiting the main dwelling given the limited space in the main household.
- 9.8 Officer’s are of the view that the appearance of the building and its use, as well as the immediate secure ‘garden’ area, do not lead to adverse impacts on the character and appearance of the main dwelling, the street scene or wider area, with limited views from public vantage points. Although visible from the adjacent public footpath, the building does not appear out of character with the location. In addition, use of the upstairs as an additional bedroom with an en-suite does not lead to any detrimental harm to the character of the area. In this instance, no other amenities are available to those using it as sleeping accommodation, as the barn does not benefit from any kitchen or other facilities. There is

absolute reliance on the main dwelling for other services. Conditions limiting its use, and that the rest of the building and garden area are to be used in association with the day care dog business would ensure that this is the case.

- 9.9 Further to this, the proposed downstairs layout and area for respite for workers is absolutely appropriate. The use as proposed, and what is to be assessed as part of this application, is considered acceptable, however to ensure that the terms of the consent are clear a condition is proposed that limits the use of the dog day care business to the opening hours of the day care use i.e. between the hours of 0700am to 1800hours Monday to Friday and at no time at weekends. In addition, the condition ensuring that the upstairs can be used as ancillary accommodation to the day dog boarding business between the hours of 0700 hours and 1800 hours Monday to Friday and can be used as residential accommodation ancillary to main dwelling (i.e. a guest bedroom) would be appropriate. The ground floor shall not be used for residential purposes (with the exception of providing access to the first floor) at any time.

#### Mixed use of the main dwelling for dog boarding purposes

- 9.10 In addition to the retention of the barn and its use as a dog day care centre, the application also seeks to regularise the existing business on the site. Within the main dwelling, the space is shared as residential and for the boarding of up to four dogs. There is no separation in areas and are intrinsically linked, which is as per the dog boarding licence.
- 9.11 In running the business in this way, which is separate from the day care of the dogs (although on occasion a dog that boards may also be a dog within the day care building), the use is entirely ancillary and harmonious to use of the dwelling as a dwelling. As such, it is expected that the use of the residential for garden the exercise or running of the dogs would take place, this however would be largely limited to evenings and weekends given that the other facility would allow for the day care needs of these dogs.
- 9.12 The scale of the boarding element is very limited, as is the size of the dwelling and garden area when considering the overall scale of the site. It is considered the use is no more harmful than the use of the area for purely residential purposes and the number of dogs is available to use this area is strictly limited. This is no more harmful than if the applicant had 6 dogs of their own (instead of 2 + 4 boarders). As such, in terms of impact on character and appearance, there are no negative impacts as a result of this development that would be of a level that would warrant refusal.

#### Outdoor area (run) associated with the dog day care business and equestrian and grazing of sheep etc.

- 9.13 Clarification has been sought as to use of the stable and equestrian/dog run and grazing. The applicant has informed officers that twice a day the dogs will be let in to the paddock to have a run, exercise and play. This negates the need to take the dogs off site. In addition, it was clarified that the keeping of horses and occasional sheep on the site is purely for private use only and not for any commercial or other activity. Sheep grazing takes place as a form of land management whilst the horses move from field to field as required.
- 9.14 It is considered that these uses are entirely appropriate for the location and lead to know adverse impacts on the landscape, street scene or general appearance of the countryside. Notwithstanding this, it would be appropriate to include a condition outlining the acceptable terms of the consent, this being that the area defined on the approved plan can only be used ancillary to the dog day care between the hours of 0700 and 1800 Monday to Friday, and at no other time, and for the keeping of horses and/or livestock ancillary to use of the main dwelling at any time and never for commercial purposes.

### **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 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.
- 9.8 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 and is shielded all round by fencing and existing vegetation affording no view of the building from the wider area. 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.
- 9.5 With regard to the fenestration, when permission was granted for the erection of the barn, condition 2 stated that the materials used in the development shall be used as indicated on the form and therefore should be timber. However, the condition did not stipulate that the windows and doors should not be replaced and therefore as the original building was built with timber doors to the front, the replacement of these doors with UPVC glazing could be considered permitted development. It is also noted that the applicant has rehung the original timber doors and these doors can be closed over the new glazing reducing the impact on the conservation area.
- 9.16 Similarly, UPVC rather than timber windows have been added to the end elevations and the position of the window to the north west facing side has been set off centre and does not therefore correspond to the original permission as granted in terms of materiality or position. There are no heritage concerns over the new position of the window and as the two windows are relatively small, although timber windows would be preferable, there is no evidence that timber windows were not originally installed and therefore the existing windows could be considered permitted development.
- 9.17 With regard to the rooflights, although these are not considered characteristic of barn style buildings and do not comply with the current guidance for agricultural buildings, given the minimal visibility in the surrounding area, they are not considered to have a negative impact.

Regarding the other areas within the site, the use of the dog boarding within the house for up to 4 dogs (not including the owners own dogs) and use of the garden in association with this, has no negative impact on the character and appearance of the site as it remains residential in appearance. The use of the area marked \* on the approved plan for non commercial grazing of animals and the keeping of horses has no negative impact on the character and appearance of the countryside but is instead considered appropriate for its location. In addition, the limited use of this area as a dog exercise area does not detract from the setting of the area and as such is considered acceptable.

### **Impact on residential amenity**

- 9.18 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.

- 9.19 The barn is sited within a small paddock area to the north of the existing development that fronts Crafton Lodge Road and there is a separation of approximately 30m between the barn and Little Chapel Stables which is within the applicant ownership and it is 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.
- 9.20 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 give rise to a loss of amenity to the neighbouring dwelling complying with GP8 of the AVDLP.
- 9.21 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 it would be at an unacceptable level therefore in compliance with GP95 of AVDLP.
- 9.22 The dogs are exercised in a paddock area beyond the stable building to the north east of the barn but not let out before 9am. Dogs being exercised are supervised at all time by two members of staff.
- 9.23 The dogs that board are kept in the applicant's home and are also supervised at all times. These dogs are restricted to a small enclosed area around the main dwelling and not the larger garden area to the north east unless supervised. The small area is enclosed by post and rail fencing to prevent the dogs running along the boundary with 17 & 18 Crafton Lodge Road and Rose Cottage.

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

- 9.24 GP24 of AVDLP seeks that new development is required to provide vehicular parking in accordance with the SPG on Parking Guidelines.
- 9.25 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 showing a typical daily timeline as follows:
- 4 day care dogs arriving between 7am and 9am being dropped off by their owners who have sent a text message beforehand to be met by staff on arrival
  - One vehicle belonging to the business leaving at 7.15am to collect day care dogs
  - One vehicle belonging to the business leaving at 7.30am to collect day care dogs
  - Collection one vehicle arrives back at 8.20am
  - Collection two vehicle arrives back at 9.45am.
  - The majority of the day care dogs loaded into the two vehicles for delivery back to their owner between 3.30pm and 4pm
  - The remaining 4 dogs in day care collected by their owners between 4pm and 6.30pm

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.

- 9.26 The site is accessed through a shared courtyard with parking for three cars within the courtyard and a further three cars can be parking 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

- 9.27 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.
- 9.28 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**

- 9.29 The Parish Council have concerns that it is intended to convert the building into a separate unit of accommodation. The applicants set out within the submitted details that the first floor has been used as an additional bedroom ancillary to the main dwelling. It is accepted that the use of the barn as an independent dwelling household would constitute inappropriate development, however the use of the first floor only as a bedroom, ancillary to the main dwelling would not lead to any harm. The bedroom would be completely reliant on the main dwelling in terms of cooking, cleaning requirements and as such is not to be used as an independent dwelling. 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.

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