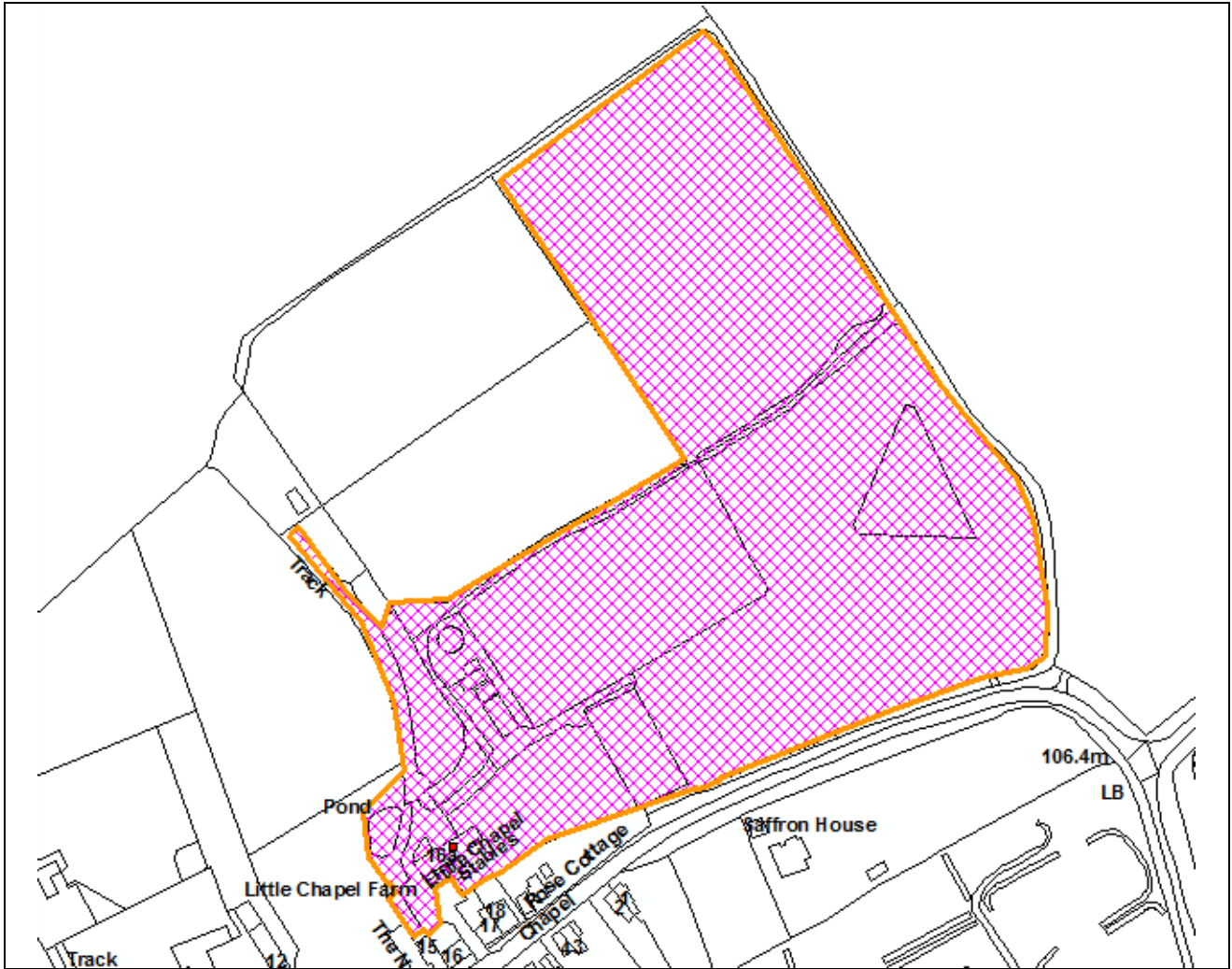


19/01900/APP



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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 (TO INCLUDE ALTERATIONS AND RE-POSITIONING FROM THAT APPROVED UNDER 13/00373/APP) ALONG WITH THE USE OF THE BARN FOR DOG DAY CARE AND ANCILLARY ACCOMMODATION, USE OF PART OF THE DWELLING (LITTLE CHAPEL STABLES) FOR DOG BOARDING AND THE MIXED USE OF LAND FOR AGRICULTURAL, EQUESTRIAN, GRAZING AND THE EXERCISING OF DOGS</p> <p>16A CRAFTON LODGE ROAD, CRAFTON LU7 0QL</p> <p>MR & 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**

CONCLUSION AND RECOMMENDATION

- 1.1 The application has been evaluated against the Development Plan, which comprises of Aylesbury Vale District Local Plan (AVDLP) and the NPPF and the Authority has assessed the application against the planning principles of the NPPF and whether the proposals deliver 'sustainable development'. Paragraph 11 of the NPPF planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 1.2 It is considered that the proposal results in economic benefits in association with both the dog boarding and dog day care businesses which weigh in favour of the development. In addition, the existing barn, proposed to be retained as built (rather than in accordance with the previously approved plans) is considered to result in a form of development where any impact in relation to the character and appearance of the site, immediate area and wider countryside are not so significant as to warrant refusal on this basis. The structure and the use of the site (as whole for all elements of the business) are considered to have a neutral impact on the character and setting of Crafton Conservation Area and nearby Scheduled Ancient Monument (to the south of Crafton Lodge Road) and special regard has been had (in line with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990) in this context.
- 1.3 In addition, the use of the first floor of the retained barn as ancillary bedroom space in association with the residential dwelling of 16A Crafton Lodge Road has been considered, however the barn is separate from the residential curtilage of the main dwelling and whilst the provision of additional accommodation is limited in scale and there may be a reliance on the main dwelling in terms of cooking and other living space, the use is separate from the residence, removed from the residential curtilage of the main dwelling and would therefore not be ancillary in nature. As such, the use of conditions have been included and worded to make clear that residential accommodation is not acceptable.
- 1.4 Concerns relating to noise and highway implications have been considered by the Environmental Health team and Bucks County Council Highways, both of whom have raised no objections to these matters.
- 1.5 Compliance with some of the other objectives of the NPPF have been demonstrated or could be achieved in terms of making effective use of land, trees & hedgerows, biodiversity, contamination, promoting sustainable transport, parking, promoting healthy communities, achieving well-designed places, meeting the challenge of flooding, supporting high quality communication and residential amenity. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight should be attributed neutrally.
- 1.6 Weighing all the relevant factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance, in applying paragraph 11 of the NPPF, the adverse impacts outlined above, caused by the proposal are considered not to significantly and demonstrably outweigh the benefits of the scheme nor are there clear reasons for refusing the development.
- 1.7 It is therefore recommended that the application be **APPROVED** subject to the following conditions:-
1. The land and building highlighted in blue on the approved block plan (titled SJ462-02), received by the local planning authority on 23rd October 2019, shall not be used for any purpose other than for as a dog day care facility 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 private residential amenity of neighbouring residents (GP8 of the Aylesbury Vale District Local Plan and Policy BE3 of the emerging Vale of Aylesbury Local Plan) and to comply with the National Planning Policy Framework.
 2. No more than 11 dogs shall be kept at any one time within the land and building highlighted blue on the approved block plan (titled SJ462-02), received by the local planning authority on 23rd October 2019.
Reason: To safeguard the private residential amenity of neighbouring residents (GP8 of the Aylesbury Vale District Local Plan and Policy BE3 of the emerging Vale of Aylesbury

Local Plan) and to comply with the National Planning Policy Framework.

3. Except for agricultural and equestrian use, the mixed use hereby permitted on the land highlighted in green on the approved block plan (titled SJ462-02), received by the local planning authority on 23rd October 2019, shall not be used for the exercise and play of dogs associated with the dog day care use hereby permitted on the land highlighted in blue on the approved block plan 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 private residential amenity of neighbouring residents (GP8 of the Aylesbury Vale District Local Plan and Policy BE3 of the emerging Vale of Aylesbury Local Plan) and to comply with the National Planning Policy Framework.
4. No more than four boarding dogs shall be kept at any time within the dwelling and curtilage of the property known as Little Chapel Stables, highlighted in yellow on the approved block plan (titled SJ462-02), received by the local planning authority on 23rd October 2019, and at no time shall be used with a dog day care use.
Reason: To ensure that inappropriate uses do not take place in this locality to accord with policies GP8 and Policy BE3 of the emerging Vale of Aylesbury Local Plan and GP35 of the Aylesbury Vale District Local Plan 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 within three months of the date of the permission 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 in accordance with GP24 of the Aylesbury Vale District Local Plan and to comply with the National Planning Policy Framework.
6. Notwithstanding the submitted details, all areas that remain unshaded on the approved block plan (titled SJ462-02) received by the local planning authority on 23rd October 2019, shall remain unaffected by the development hereby permitted, with the existing authorised uses and remain unchanged.
Reason: To provide clarity regarding the terms of the planning consent.

2.0 INTRODUCTION

- 2.1 As a starting point, 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.
- 2.2 Further to the above, the application was first considered at committee, dated 5th September 2019, however was subsequently deferred to clarify the extent of what was being sought through the application in order to ensure Councillors, officers and the public were clear and fully appraised of the proposal.
- 2.3 Regarding the concerns raised by the Parish Council, the impact of noise, highways and impact on the character and appearance of heritage assets has been considered by the appropriate consultees, issues have previously been investigated regarding noise, and no objections have been forthcoming. The report below responds to the material considerations as raised by the Parish Council and residents who have concerns regarding the development.

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 one and a ½ storey barn building located to the north of this dwelling and the associated land which is given over to grass land for the grazing of horses, sheep and more recently for use as a run for dogs in association with the dog day care business. In addition there is a retained stable building to the east of the barn the subject of this application, however this is unaltered by this proposal and does not form part of the application.

- 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.
- 3.3 The application site is within an Area of Attractive Landscape and within the Crafton Conservation Area. To the south of the application site and on the other side of Crafton Lodge Road is a Scheduled Ancient Monument.

4.0 PROPOSAL

The application seeks retrospective consent for four elements:

- retention of the dark stained timber barn building (including alterations to the barn from the approved scheme) with a tiled roof and in the location defined on the site plan and as built,
- the use of the barn building as a dog day care business and ancillary residential accommodation at first floor
- use of the main dwelling and associated curtilage in association with a dog boarding business
- The mixed use of land for agricultural, equestrian, grazing and the exercising of dogs.
- Related to the four elements to be considered, proposals relating to parking and access arrangements accompany the application.

- 4.1 The application was originally brought before the committee on the 5th September 2019 but was deferred pending further clarification regarding the extent of the works required to be regularised.
- 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 following the erection of the barn. The day care business is limited in size by the presence of a license for a maximum of 11 dogs.
- 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 opposed to the approved 5m ridge height and 2m eaves height. has also been 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 non 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 4 dogs. These dogs mix with the applicants own dogs (uncontrolled by the licence). 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.

4.6 In addition to the above, an area of land to rear of the property and barn is also used primarily for agricultural and equine grazing purposes (equine being non-commercial in nature), and for the exercising of dogs, associated with the day care business only, during the day (Monday to Friday) so that they do not need to be taken off site. The application also seeks to regularise this within the planning consent.

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

At a meeting of the Parish Council on 19th June 2019 it was resolved to OBJECT to the application on the following grounds.

Noise and Residential Amenity: The location is close to residential dwellings, within the Crafton Conservation area and the noise and disturbance this business causes is unwarranted. This is represented by the objections filed by parishioners. At the very least an adequate cordon sanitaire of 75 metres should be conditioned to protect residents.

Traffic; This business brings extra traffic along a single track road which is unsuitable given its location inside the Crafton conservation area, again this has been covered extensively in parishioners objections.

The title of the application is misleading as the retention of a barn is in fact the retention of a barn converted without permission to a dwelling. We wonder why this isn't two separate applications, one for the conversion of the barn to a dwelling and the other for the dog boarding business. We are confident that should this application be made conventionally, as two separate planning issues and not as a retrospective application, it would be refused.

We now see it is clearly used as a dwelling. We are also concerned that in connection with 19/01769/APP this is an attempt to split this property into separate dwellings. This and its potential use as a dwelling should be controlled by condition.

Should the officer be minded to approve this application we request to speak at committee.

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 recommended 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.
- 7.7 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 Scheduled 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 have advised that they share a rear boundary with the application site and that dogs roam freely on open land adjacent to the boundary which is 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 use for the residential dog care business and not associated with the dog day care business.

- 8.3 In response to the letters of objection, the applicants agents submitted an additional letter, responding to a number of points raised by objectors, however a further letter from a neighbour highlighted concern that the letter did not provide further clarity.

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. 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 retention of the existing barn (as built) and use of the ground floor as a dog day care facility and first floor for ancillary staff break out area and for residential purposes.

- 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 to the west of the public footpath. The boundary between the barn and the footpath is defined by a 2m high close boarded fence.
- 9.4 The materials used in the construction of the barn 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.
- 9.5 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.
- 9.6 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 roof lights 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 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. Officers consider that had the building as designed and in its present location been proposed, officers would have recommended approval for the structure.
- 9.7 Following the previous site visit, officers visited the barn and assessed the internal layout. Downstairs is laid out for dog boarding/day care – with 4 individual pens for dogs. Upstairs however is a small respite area for a worker, a bathroom as well as a bed.

- 9.8 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.
- 9.9 Officer's are of the view that the appearance of the building and its use, as well as the immediate secure curtilage' 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. Overall the building as built does not lead to any detrimental harm to the character of the area. In this instance, whilst the application seeks to regularise the use of the first floor as ancillary residential accommodation, and the applicant stating that it provides much needed accommodation ancillary to the dwelling, in this instance this element of the development cannot be supported. The barn is separate from the residential curtilage of the dwelling, and whilst it appears there would be some reliance on the main dwelling in terms of there being no cooking or living space beyond the bedroom, the barn itself is separated from the main dwelling's residential curtilage and therefore cannot be considered ancillary on this basis. Conditions limiting its use as ancillary accommodation during the operation hours of the business for members of staff would be appropriate, 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.
- 9.10 Further to this, the proposed downstairs layout and the upstairs area which provides respite for workers during the day is considered 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.

Mixed use of the main dwelling for dog boarding purposes

- 9.11 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 dog boarding business on the site. Within the main dwelling, the space is shared as residential and for the boarding of up to four dogs. The maximum number of dogs associated with boarding is restricted by a dog boarding licence for up to four dogs. The boarding arrangements mean the dogs are within the home with the internal layout being open plan with no separation between private and boarding space and therefore the two elements, residential and boarding are intrinsically linked, which is as per the dog boarding licence.
- 9.12 In running the business in this way, which is separate from the day care of the dogs (although the applicant acknowledges that on occasion a dog that boards may also be a dog within the day care building), the boarding dogs essentially form part of the domestic household during the evenings and at weekends. As such, it is expected that the use of the residential garden for the exercise of the boarding dogs would take place in this area, 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.
- 9.13 The scale of the boarding element is limited by the terms of the license to a maximum of four dogs, this appears to reflect the limited size of the dwelling and garden area when considering the overall scale of the site and what space would be appropriate for the boarding of dogs. It is considered the use is no more harmful than the use of the area for

purely residential purposes and the number of dogs who 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.

- 9.14 Clarification has been sought as to use of the retained stable (outside the application proposal) and equestrian/dog run and grazing area to the east of the barn, identified green on the block plan. 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.
- 9.15 It is considered that these uses are entirely appropriate for the location and lead to no 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 and other heritage assets

- 9.16 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.
- 9.17 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 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.
- 9.18 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.
- 9.19 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, a reason for refusal on these grounds could not be sustained.

- 9.20 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.
- 9.21 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 green 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.
- 9.22 Concern has also been raised that the use of the land for the dog day care business would be negatively impact upon the nearby Scheduled Ancient Monument. The SAM relates to an area of land that relates to a deserted medieval village on the southern side of Crafton Lodge Road. It is considered that the development the subject of this application would not have a detrimental impact on the character or setting of the SAM given that there is no direct relationship, or inter-visibility between the development and the SAM. In addition the nearest Listed Building is Crafton Farmhouse which is some 85m from the barn with intervening buildings, boundary treatments and development between the barn and the heritage asset. It is not considered that the proposed development, either the use or built form would have a negative impact on the character, appearance or setting of any heritage asset.
- 9.23 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.
- 9.24 Special attention has been paid to the statutory test of preserving or enhancing the character or appearance of the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and to the statutory test of preserving the setting of the listed building under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which are accepted is a higher duty. It has been concluded that the development would preserve the character and appearance of the conservation area and Scheduled Ancient Monument and that the setting of any listed building would be preserved and so the proposal accords with section 66 & 72 of the Act. In addition, no harm would be caused to the significance of the heritage asset and as such the proposal accords with guidance contained within the NPPF.

Impact on residential amenity

- 9.25 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.
- 9.26 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.

- 9.27 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 amenity to the neighbouring dwelling complying with GP8 of the AVDLP.
- 9.28 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.
- 9.29 Indeed, as referenced in the EH Officers consultation response, issues relating to noise levels have previously been investigated following a complaint. These noise levels were reduced to a level that was acceptable. Following these investigations, no further complaints have been logged since. The EH Officer went on to conclude that *given the separation distance between the unit and neighbouring residential dwellings and the lack of any recent complaints environmental health has no objection to this application.*
- 9.29 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.
- 9.30 The dogs that board are kept in the applicants home and are also supervised at all times. These dogs are restricted to a small enclosed area, defined yellow on the block plan, around the main dwelling and not the paddocked area. The small area is enclosed by picket fencing to prevent the dogs running along the boundary with 17 & 18 Craffton Lodge Road and Rose Cottage.

Impact on highways & parking

- 9.31 GP24 of AVDLP seeks that new development is required to provide vehicular parking in accordance with the SPG on Parking Guidelines.
- 9.32 The property is served by an access off Craffton 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 owners 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.

- 9.33 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 visitors expected, the parking is considered adequate and visits would be by appointment and therefore can be staggered to lessen the impact

- 9.34 In addition to the above, given that boarding dogs attract less vehicle movements (due to there being a total of 4 dogs associated with this element of the business as well as being in care for a longer period of time), the vehicle movements in association with this element are not considered to be of a level or frequency to warrant any concern.
- 9.35 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.
- 9.36 Having regard for the above, it is considered that the development would accord with Policy GP24 of the AVDLP, the Council's SPG on Parking Guidelines and the NPPF.

Other matters

- 9.37 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 this is not what is proposed as part of the application. The use of the first floor for overnight accommodation has been considered in the context of it being ancillary to the main dwelling, however it is concluded the barn is not within the residential curtilage of the dwelling, is physically separated from the dwelling and therefore cannot be considered as ancillary accommodation on this basis.. However, for the avoidance of doubt, a condition is considered appropriate limiting the first floor of the unit for ancillary break out space for use in connection with the dog day care business during opening hours only addresses this concern
- 9.38 Further to the above, concern has been raised regarding events that take place on the land, potentially by the Pony or Kennel Club. The existing equestrian use remains unchanged as a result of this proposal and it would be inappropriate to put additional restrictions on the site on a use that is already lawful and not altered by this permission (other than the introduction of the mixed use as outlined within the report and the recommended conditions). The applicant has confirmed that no events are carried out on the site and in any case, this does not form part of the application.
- 9.39 Similarly, clarity had been sought regarding whether horse liveries are provided or if the horses are for private use only. Again, the applicant has confirmed that the only horses kept on site are those belonging to the applicant and that no livery is provided; the application does not relate to any commercial equine business.

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