

**5m 3/11/0514/FP – Change of use of part of residential garden and erection of 25 free standing pens in two blocks to form a boarding home for cats at Wareside Lodge, Ware Road, Wareside, SG12 7RB for Mrs Carol Pennington**

---

**Date of Receipt:** 06.04.2011

**Type:** Full – Minor

**Parish:** WARESIDE

**Ward:** HUNSDON

**RECOMMENDATION:**

That planning permission be **GRANTED** subject to the following conditions:

1. Three year time limit (1T12)
2. Approved plans (2E10) (Location Plan, 01, 03, 04, Photo 1)
3. Materials of construction (2E13)
4. Lighting details (2E27)
5. The cattery pens hereby approved shall be used for the occupation of boarding cats only and for no other use of purpose.

**Reason:** To ensure that the Local Planning Authority retains control over the development.

6. Prior to the commencement of development hereby permitted, a detailed method statement of the customer delivery and collection service shall be submitted to, and approved in writing by the Local Planning Authority. The proposed development hereby approved shall only operate in accordance with the detailed method statement pursuant to this condition.

**Reason:** To ensure the number of vehicle movements to and from the site is minimised in the interest of highway safety and capacity, in accordance with Policy TR20 of the East Herts Local Plan Second Review April 2007.

7. Advance/screen planting (4P14)

**Directives:**

1. Other legislation (01OL)

2. You are advised that an Animal Boarding Establishment License is required to run a boarding cattery. You are therefore advised to contact the Council's Environmental Health department on 01279 655261 for further information.

### Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular GBC3, TR7, TR20, ENV1, ENV2, ENV23 and Planning Policy Statement 5: Planning for the Historic Environment. The balance of the considerations having regard to those policies is that permission should be granted.

\_\_\_\_\_ (051411FP.LD)

#### **1.0 Background:**

- 1.1 The application site is located to the east of the settlement of Wareside within the Rural Area Beyond the Green Belt, and is shown on the attached OS extract. The site is located adjacent to the junction between the southern end of Scholar's Hill and the B1004.
- 1.2 Wareside Lodge is a two storey detached dwelling which is Grade II Listed. The site is bound by the B1004 to the south, open countryside to the north and a private access road to the west which leads to the Blakesware Manor estate. The property itself is elevated above street level and located at the western end of the triangular shaped site which is laid-to-lawn with mature landscaping around the boundary. There is off-street parking available on the site for up to 2 vehicles and it was observed that occasional parking is also available along the adjacent private access road.
- 1.3 The application seeks permission for the change of use of part of the residential garden of Wareside Lodge and the erection of 25 free standing pens in two blocks to form a boarding home for cats. The built development would be concentrated within the eastern corner of the site and each cat pen would be 15.5 metres in length, 4.6 metres in width and 2.4 metres in height to the top of the roof. The proposed cattery pens would comprise of a timber frame structure with infill wire mesh and flat felt roof. It should also be noted that an existing garden shed in the far corner of the site would be converted into an isolation pen. The existing property would remain as a

## 3/11/0514/FP

dwelling and the cattery would be run by the current occupants. The applicant has indicated that the proposed pens would be stained in a dark colour and landscaping would be planted to shield the development from the listed dwelling.

### **2.0 Site History:**

2.1 An application was submitted in January 2011 for the change of use of part of the residential garden of Wareside Lodge and the erection of 25 free standing wooden framed pens in two blocks of 10 and one block of 5 to form a boarding home for cats (LPA Ref: 3/11/0051/FP). This application was withdrawn in March 2011 following an objection from County Highways.

### **3.0 Consultation Responses:**

3.1 The Council's Conservation Officer comments that the location of the pens are within the angle of the triangle located furthest away from the listed building, screened by natural hedging, which is evident along the south boundary of the property when viewed from the B1004. Due to the location of the pens and natural vegetation between the listed building and wider setting of the associated land, the proposal is considered to have little or no impact on the character and appearance of the heritage asset. However, it is recommended that the pens are painted a 'sage' green, to reduce their initial impact and assist with their immediate integration.

3.2 County Highways does not wish to restrict the grant of permission subject to a condition requiring a detailed method statement in relation to the customer delivery and collection service.

3.3 The Environment Agency have no comments to make based on the information contained within the application.

3.4 Environmental Health raised no objections to the proposal however, they commented that the application is required by law to apply for a license to run a boarding cattery.

3.5 The Campaign for the Protection of Rural England comment that the site is located in the Rural Area Beyond the Green Belt and consequently is subject to the provisions of Local Plan Policy GBC3. As such, permission should not be given for the construction of new buildings or for changes of use other than for those scheduled in the policy. Commercial catteries are not included in those uses.

3.6 While they have some sympathy for the case set out by the applicant regarding the difficulty of establishing a cattery in urban locations, it does not demonstrate how the business will meet the service and employments needs of the local community, or in itself, justify overturning of a policy designed to conserve the environmental assets of the countryside.

**4.0 Parish Council Representations:**

4.1 No comments were received from Wareside Parish Council at the time of writing this report.

**5.0 Other Representations:**

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 Curwens Solicitors acting on behalf of Paul Rogers of Blakesware Farm raised concerns that the existing car parking within the application site would not be able to accommodate two vehicles and that customer vehicles would be encouraged to park on the highway, causing a hazard to other road users, particularly those passing to and from Blakesware Farm and Scholar's Hill.

5.3 Curwens have also raised objections on the grounds that the correct procedural process has not been followed for this application and that the proposed car parking would be situated on land not within the ownership of the applicant. These comments have been duly noted, however, officers are mindful that issues of land ownership are a civil, rather than a planning matter and cannot be considered in the determination of this application. Furthermore, it is considered that the correct procedural process has been followed for the current planning application and the relevant certificates have been signed.

**6.0 Policy:**

6.1 The relevant Local Plan policies in this application include the following:

GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
TR7	Car Parking – Standards
TR20	Development Generating Traffic on Rural Roads
ENV1	Design and Environmental Quality

ENV2 Landscaping  
ENV23 Light Pollution and Floodlighting

In addition to the above it is considered that Planning Policy Statement 5: Planning for the Historic Environment is of consideration in the determination of this application.

## **7.0 Considerations:**

7.1 The determining issues in relation to this planning application are as follows:

- The principle of development within the Rural Area Beyond the Green Belt;
- The impact of the proposed development on the character and appearance of the area and the setting of the listed building;
- Neighbouring amenity considerations;
- Highway/ Access considerations.

### Principle of Development

7.2 The application site is designated as within the Rural Area Beyond the Green Belt in the Local Plan, wherein permission will not be given for the construction of new buildings or for changes of use other than for those purposes as specified within Policy GBC3. The proposed development does not fall within one of the specified developments or uses outlined in the Policy, thereby forming a departure from the Local Plan. It is therefore necessary to consider whether in this instance a departure from policy would be acceptable.

7.3 It should be noted that, due to the nature of the development, it is not a use which in the main will be considered to be acceptable within the built-up area. As such any use of this type is likely to be located within the rural area, and within the District of East Herts these are areas in which the policies are one of development restraint.

### The impact of the proposed development on the character and appearance of the area and the setting of the listed building

7.4 It is considered that the proposed cattery pens, which would be clad in timber boarding and wire mesh, would be lightweight in their design and appearance. Furthermore, the proposed pens would be limited in height and would not appear out of keeping with other buildings found in the rural area. The proposed pens would comprise of two blocks, which

### 3/11/0514/FP

would be located adjacent to the northern and southern boundaries of the site (respectively). It was observed on site that mature trees and hedgerow along the southern boundary screen the site from the adjacent B1004 and other mature trees within the vicinity of the site and its surroundings shield the site from public vantage points to the north and west. It is therefore considered that the proposed siting of the cattery pens, their limited height and lightweight design would reinforce the low key appearance of the development, which together with the existing mature landscaping would be well screened from the surrounding open countryside. Having regard therefore to the above considerations, it is considered that the proposed new buildings would not result in any significantly detrimental impact to the visual character and appearance of this part of the rural area.

- 7.5 It is acknowledged that the proposed cattery pens would be located within the eastern corner of the residential curtilage belonging to Wareside Lodge, which is Grade II Listed. However, the Council's Conservation Officer commented that, due to the location of the pens and natural vegetation between the listed building and wider setting of the associated land, the proposal is considered to have little or no impact on the character and appearance of the heritage asset. As such, it is considered that the proposed development would not adversely impact upon the setting of the listed building to warrant refusal of the application in this instance.
- 7.6 The comments from the Campaign for the Protection of Rural England have been duly noted however, for those reasons outlined above it is considered that the proposed development would not be visual intrusive or detrimental to the openness and rural character and appearance of the surrounding Rural Area.

#### Neighbouring amenity considerations

- 7.7 It is considered that the proposed cattery would be situated over 150 metres away from the nearest neighbouring dwellings, known as Scholar's Hill House and Elia Cottage, which are located north of the application site. It is also noted that Environmental Health raised no objections to the proposal. As such, it is considered that the proposed development would not result in any detrimental impact to the amenities of the occupiers of these properties.
- 7.8 Whilst it is acknowledged that the proposed development would result in the loss of part of the residential garden belonging to Wareside Lodge, the proposal would enable the existing occupiers to run the business from home and there would be a generously sized garden remaining for

the enjoyment of the existing occupiers. Furthermore, it is proposed that the cattery pens would be situated approximately 15 metres away from the main dwelling and screened with existing and proposed soft landscape features.

It is therefore considered that the proposed change of use and resulting development would not be harmful to the amenities of the existing occupiers of Wareside Lodge.

#### Highway/ Access considerations

- 7.9 The application proposes that 2 off-street parking spaces would be available within the vicinity of the application site (existing) and 3 off-street parking spaces would be available on land adjacent to the private access road which runs along the western boundary of the site. These off-street parking spaces have been incorporated into this application as a result of the objection from County Highways to the previous application. With regards to this earlier application, they commented that the proposed use of the public highway (specifically the white hatched area on the corner of the B1004 and Scholar's Hill, in front of the application site) for customer parking was not appropriate and as such the proposal then attracted a highway objection. County Highways have since raised no objections to the current proposal as the visibility at the junction onto the B1004 is adequate and highway safety would not be compromised by vehicles parking within highway limits.
- 7.10 It is noted that there is the potential to provide 5 off-street parking spaces, 3 of which would be situated on private land outside the ownership of the applicant. The comments from Curwens Solicitors regarding the availability of these parking spaces have been duly noted. It is acknowledged therefore that the 3 car parking spaces along the access road may not be available (subject the land owner's consent). However, it is considered that the 2 off-street parking spaces within the existing site, together with the proposed customer delivery and collection service (outlined in the Design and Access Statement), would be sufficient in this instance. County Highways does not require a minimum number of car parking spaces for the proposed development and they consider that, subject to the inclusion of a condition relating to the customer delivery and collection service, the proposed development would be acceptable in a highways context.
- 7.11 It is noted that concerns have also been raised that the existing on-site car parking provision would not accommodate 2 vehicles. However, it was observed on site that this level of car parking provision is available within the application site and no further alterations to the property are

required as part of the application. Turning to those concerns raised regarding highway safety, it is considered that the proposed development would be acceptable for those reasons outlined in paragraph 7.9.

**8.0 Conclusion:**

- 8.1 Whilst the proposed development is not specified in Policy GBC3 as being appropriate development within the Rural Area, having regard to the above considerations it is concluded that the proposal would not conflict with the aims of the Council's planning strategy to protect, preserve and enhance the quality and character of the countryside. The proposal, by reason of the nature of the development and use, is one which is not considered to be appropriate within many urban areas, and as such is more appropriate within the rural area away from residential settlements. Furthermore, it is considered that the proposal would not result in any significant detrimental impacts which would warrant refusal of the application.
- 8.2 It is therefore considered that there are circumstances in this case to allow permission to be granted contrary to Policy GBC3 of the East Herts Local Plan, and it is recommended that permission be granted subject to the condition set out above.