

5h 3/11/1067/FP – Change of use from residential garage to 3No boarding kennels at Thorley Wash Cottage, Thorley Street, Bishop’s Stortford, CM23 4AS for Mr Stacey

Date of Receipt: 06.07.2011

Type: Full – Other

Parish: THORLEY

Ward: BISHOP’S STORTFORD SOUTH

RECOMMENDATION

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

1. Three year time limit (1T12)
2. Approved plans (2E10) (insert:- 630.01, 630.02, 630.03 A, 630.04 A, 630.05 A)

Directives:

1. Other legislation (01OL)
2. You are advised that an Animal Boarding Establishment License is required to run kennels. 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 GBC1, ENV1, TR7 and Planning Policy Statement 5: Planning for the Historic Environment. The balance of the considerations having regard to those policies and the limited harm to the openness of the Green Belt that arises from the proposed development is that permission should be granted.

_____ (106711FP.MP)

1.0 Background:

- 1.1 The application site is located to the south of Bishop’s Stortford within the village of Thorley and is shown on the attached OS extract. Access is gained off Thorley Street onto a large graveled driveway. A detached

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double garage is set 10 metres from the road frontage.

- 1.2 Thorley Wash Cottage itself is a two storey detached dwelling which is Grade II Listed. To the east of the site is Thorley Street which is the main road which links Sawbridgeworth and Bishop's Stortford. The property benefits from a significant rear garden space with open countryside to the north, south and west of the site. The property is a yellow rendered building with traditional gable styled dormers within the front roof slope. The dwelling is well screened from the road by a large mature hedge. There is significant off-street parking available on the site with turning space to allow vehicles to leave the site in a forward gear.
- 1.3 The application seeks permission for the change of use of the existing residential garage into 3no boarding kennels. The kennels are located within the existing garage building with no external alterations proposed to alter the appearance of the building. To the rear of the building a space is enclosed with a timber fence which is proposed to be used as a dog run as part of the use of the garage for the kennels.

2.0 Site History:

- 2.1 The only planning history relevant to the site relates to LPA reference 3/07/0591/FP in which retrospective planning permission was granted for the garage building.

3.0 Consultation Responses:

- 3.1 The Council's Conservation Officer recommends that planning permission be granted. The Officer comments that there are limited alterations to the internal layout of the garage which would have little if any impact on the external appearance of the garage and therefore little or no impact on the setting of the Listed Building.
- 3.2 Hertfordshire County Highways comment that they do not wish to restrict the grant of permission. The Highways Officer comments that the existing access, parking provision and turning space together with modest traffic generation as a result of the proposal is acceptable in a highway safety context.
- 3.3 Environmental Health raises no objections to the proposal. The Environmental Health Officer comments that a license is required to run a boarding kennels.

4.0 Town/Parish Council Representations:

- 4.1 Bishop's Stortford Town Council object to the application based upon the impact of noise pollution on neighbour amenity and impact on highway safety.
- 4.2 Thorley Parish Council have been consulted on the application, although no comments have been received at the time of writing.

5.0 Other Representations:

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 One letter of representation has been received on the application which raises no objection if the kennels stay small.

6.0 Policy:

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

GBC1 Appropriate Development in the Green Belt
TR7 Car Parking – Standards
ENV1 Design and Environmental Quality

In addition to the above it is considered that Planning Policy Statement 5: Planning for the Historic Environment (PPS5) and Planning Policy Guidance 2: Green Belts (PPG2) are of relevance 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 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 site is located within the Green Belt wherein there is a presumption against inappropriate development. The guidance in PPG2 outlines the national planning approach for dealing with development within the Green Belt. Paragraph 1.4 of PPG2 sets out that the fundamental aim of Green Belt Policy, is to prevent against urban sprawl by keeping land permanently open. The most important attribute of Green Belts is their openness.
- 7.3 Within the Green Belt there is a presumption against inappropriate development, except in very special circumstances. PPG2 does set out some exceptions to inappropriate development within the Green Belt which is generally reflected in policy GBC 1 of the Local Plan. However, the provision of a change of use of the garage building and a proportion of the land (the dog run) into a dog kennels is not included within any of those exceptions and therefore represents inappropriate development.
- 7.4 However, in considering the proposals, the Council must consider the impact of the development on the openness of the Green Belt and whether any other harm arises.
- 7.5 The proposed alterations to the building are limited to the internal reconfiguration of the building to provide three kennels. The alterations are therefore confined to the internal fabric of the garage and will not result in any external alterations which will not therefore cause significant harm to openness. The space proposed for the dog run consists of an existing space enclosed with a timber fence. That element also will not therefore result in further harm to openness. There are therefore no physical alterations associated with the proposed development which will result in significant harm to the openness of this part of the Green Belt.
- 7.6 The proposed nature of the use as a boarding kennels will result in some additional traffic movements into the site as a result of dropping off or collecting dogs by their owners. The applicant has commented that the vehicular movements generated by the proposals would be less frequent than those generated by the current domestic activities and it is intended to operate a dog collection and delivery service. In Officers opinion any such impact in respect of the dog kennel business would be limited to the space allocated for the kennels which involves the provision of three kennels. Such a number of kennels is, in Officers opinion, a very limited and small scale operation which will not result in a significant number of visits to the site such that there will be significant harm to the openness of the Green Belt.

- 7.7 In accordance with those considerations and, taking into account the limited nature of the business operation and space allocated for the kennels, Officers do not consider that the proposed development will result in significant harm to the openness of the Green Belt.

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

- 7.8 As is set out above, the proposed development does not involve any external alterations to the existing garage building or any other alterations to the layout of the site. The Conservation Officer considers that the proposed development is likely to have little or no impact on the setting of the listed building. In accordance with those considerations, Officers consider that the proposed alterations to the garage building and associated development will not result in significant harm to the character or appearance of the buildings on the site or the setting of the listed building. The proposed development therefore accords with policy ENV1 of the Local Plan and PPS5.

Neighbouring amenity considerations

- 7.9 The application site does not have any neighbours which immediately adjoin the site. To the east of the site are the residential properties of Woodview and The Glade. However, those properties are the other side of the main road and approximately 20-30metres from the application site. To the north of the site is the property known as Elm Tree which is located some 35 metres away with boundary/landscape features obscuring the view.
- 7.10 Whist mindful of the concerns raised by the Town Council in respect of noise issues, having regard to the above considerations and, taking into account the small scale nature of the development, Officers do not consider that the proposal will result in significant harm to neighbour amenity in terms of noise or other disturbance.

Highway/ Access considerations

- 7.11 The application site benefits from a large driveway space wherein there is ample parking and turning space for vehicles associated with the existing residential use and the proposed kennels. The Highways Authority raises no objection with the development and consider that the proposal will not result in significant harm to highway safety. In accordance with those considerations, Officers consider that the development proposal is acceptable in terms of highway/access

matters.

8.0 Conclusion:

- 8.1 Whilst the proposed development is not specified in PPG2 or Policy GBC1 of the Local Plan as being appropriate development within the Green Belt, having regard to the above considerations it is concluded that the proposal would not conflict with the aims and objectives of maintaining openness within the Green Belt. The proposal, by reason of the nature of the 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, such as the application site. Furthermore, it is considered that the proposal would not result in any other harm, such as impact to the character and appearance of the dwelling, setting of the listed building or neighbour amenity which would warrant refusal of the application.
- 8.2 It is therefore considered that there are very special circumstances in this case to allow permission to be granted contrary to Policy GBC1 of the East Herts Local Plan Second Review April 2007, and it is recommended that permission be granted, subject to the conditions set out above.