

<b>Application Number:</b>	2018/0622	<b>Application Type:</b>	Full
<b>Proposal:</b>	Horse Stabling Building (with 3 individual Stables & Tack Room) and Commercial Kennels, entailing Dog Kennel Building (with 16 separate internal kennels), Isolation Dog Kennel and fenced external dog exercise areas.	<b>Location:</b>	Sod Hey Farm Harrow Stiles Lane Weir
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	21 March 2019
<b>Applicant:</b>	Mrs C Taylor	<b>Determination Expiry Date:</b>	29 March 2019
<b>Agent:</b>	Peel Design Partnership Ltd		

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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	YES
<b>Other (please state):</b>	

## HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

### Article 8

The right to respect for private and family life, home and correspondence.

### Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

## 1. RECOMMENDATION

Approve subject to the conditions set out in Section 10 of the report.

## 2. SITE

Sod Hey Farm is situated in the Countryside approximately 850m to the NW of the Urban Boundary of Weir. It is accessed from Burnley Road (A671) firstly via Bacup Old Road and then a private road (Harrow Stiles Road) over which runs a Public Footpath.

The 'traditional' 2-storey farmhouse, of stone/slate construction, has been extended in accordance with Planning Permission 2014/0183. It is setback from the approach road by 15m, with its rear elevation facing towards the approach road. A private drive runs alongside the W gable, giving access to an extensive area of hardstanding on the S side of the house that also gives access to a rather dilapidated 2-storey agricultural/workshop building to the W side of the drive. A further Public Footpath runs alongside the E gable of the extended dwelling, the field to the E of it owned by the applicant and presently containing the frame of a large poly-tunnel. The applicant also owns a field to the W side of the dwelling and a further 3ha of agricultural land to the N side of Harrow Stiles Road, although Sod Hey Farm does not appear to now be a 'working farm'.

## 3. RELEVANT PLANNING HISTORY

2014/183 Erection of two storey & 1-storey side extension  
Sod Hey Farm, Harrow Stiles Lane, Weir  
Approved 07/07/14

## 4. PROPOSAL

Since implementation of Planning Permission 2014/183 the property has changed hands and the new owners are seeking permission to :

- Erect in the field to the E side of the dwelling, 7m from the gable, a Stables Building for housing horses & llamas kept for hobby-purposes.
- Erect in the field to the W side of the dwelling, 16m from the gable of the agricultural/workshop building, a Commercial Kennels Building.

The Stables Building is to have a footprint of 7.3m x 11m, with an eaves-height of 2.2m & ridge-height of 2.8m. A central corridor will give access to its 3 loose-boxes and tack room. As amended, it is to have timber-boarded sides and a roof of grey profiled-metal sheeting, and will stand clear of the public footpath to this side of the dwelling. It will not require any changes of ground-level.

The Commercial Kennels Building is to have a footprint of 11m x 15.3m, with an eaves-height of 2.2m & ridge-height of 2.8m. A central corridor will give access to its 16 kennels and the office & kitchen/WC at the end nearest to the dwelling. As amended, the office & kitchen/WC and other gable are to be clad with timber-boarding and a roof of grey profiled-metal sheeting (with rooflights). The upper part of the side walls will also be timber-boarded, the lower part of these walls hidden by individual dog-runs projecting to the N & S sides by 5m, with concrete floors and bounded by 1.2m blockwork walls, which are to be topped by 0.6m high mesh fences.

For the kennels building and its dog-runs to have the same level will require a degree of cut-and-fill; the existing ground level is to be maintained at that end of the central corridor to give access to the office & kitchen/WC, but at the other end of the corridor the ground level will be raised by approximately 1.2m, whilst the dog-runs to the N side will entail raising of the ground level by up to 1.7m and those to the S side will require excavation by up to 1.1m.

It is also intended to erect near to the NE corner of the main kennels building an 'isolation' dog kennel, to measure 2.5m x 3m x 2.5m in height, also to be timber-boarded, whilst to the W end of the main kennels building will be an 'open-field' exercise area to be bounded by 1.8m high open-wire fence supported on timber posts.

The Agent advises that :

- An application for a Dog Kennel Licence has been submitted to the Council's Public Protection Unit.
- The dilapidated agricultural/workshop building is to be repaired and maintained as a garage/workshop.
- There are no proposals to alter any existing access roads and the existing property has more than adequate parking areas to serve the dwelling and commercial kennels being proposed.

The submitted drawings show how 7 cars can be accommodated on the existing area of hardstanding to the S side of the house, and a further 9 cars on an 'overflow' car park on a level area to the N side of the private roadway leading up to the dwelling.

## **5. POLICY CONTEXT**

### **National**

#### National Planning Policy Framework

Section 2	Achieving Sustainable Development
Section 6	Building a Strong, Competitive Economy (inc Supporting a Prosperous Rural Economy)
Section 9	Promoting Sustainable Transport
Section 11	Making Effective Use of Land
Section 12	Achieving Well Designed Places
Section 14	Meeting the Challenges of Climate Change, etc
Section 15	Conserving and Enhancing the Natural Environment

### **Development Plan Policies**

#### Rossendale Core Strategy (2011)

AVP2	Area Vision for Bacup, Stacksteads, Britannia & Weir
Policy 1	General Locations and Principles
Policy 8	Transport
Policy 9	Accessibility
Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity, Geodiversity & Landscape Conservation
Policy 21	Supporting the Rural Economy & Its Communities
Policy 23	Promoting High Quality Designed Spaces
Policy 24	Planning Application Requirements

### **Other Material Considerations**

National Planning Practice Guidance

## **6. CONSULTATION RESPONSES**

### RBC Environmental Health

No objection.

## LCC Highways

No objection; requests an Informative advising that planning permission does not entitle a developer to obstruct a right of way.

## **7. REPRESENTATIONS**

To accord with the General Development Procedure Order a site notice was posted and letters were sent to neighbours.

The following Objections have been received :

- Height End Cottage, Bacup Old Road, Weir
- Height End Farm, Bacup Old Road, Weir
- Croft Farm, Burnley Road, Weir

Reasons for Objection :

- Traffic : Bacup Old Road & the road leading to Sod Hey Farm are single-track and, with potentially 16 additional vehicles, issues will be caused for other residents/horse-riders/walkers.
- Public Footpaths : Potential users may be discouraged by the kennels or set dogs barking.
- Noise Pollution : Noise disturbance for local residents from dogs barking at all hours.
- Light Pollution
- Waste Disposal

## **8. ASSESSMENT**

There are two elements to the application - the Stables Building and the Commercial Kennels - and the main considerations in respect of them are :

- a) Principle; b) Visual Amenity; c) Neighbour Amenity; & d) Access/Parking.

### **Stables Building**

#### Principle

The proposed stables is to be sited within Countryside, wherein National guidance and Core Strategy policies seek to retain the essentially open and rural character of land.

The proposed building is intended for animals kept by the residents of Sod Hey Farm for hobby-purposes. Having regard to the amount of land the applicant owns a building with 3 loose-boxes and a tack-room is not considered to be disproportionate in size.

Accordingly, there is no objection in principle.

#### Visual Amenity

The stables will be visible at close-quarters from the public footpath running alongside the E gable of the house. However, as amended, it will not obstruct the public footpath and is to have its sides constructed with timber-boarding (rather than the profile-metal sheeting initially proposed). On this basis it is not considered that it will appear unduly prominent or intrusive.

#### Neighbour Amenity

The proposed stables will not detract from the amenities any neighbours currently enjoy or could expect to enjoy. It will stand more than 100m from the nearest neighbouring dwelling.

## Access/Parking

Subject to a condition to ensure this building is used by residents of Sod Hey Farm to keep animals for hobby-purposes it is not considered likely to alter the volume or nature of vehicles on the local highway network.

## **Commercial Kennels**

### Principle

As stated above, National guidance and Core Strategy policies seek to retain the essentially open and rural character of Countryside.

With respect to this element of the proposal both National guidance and Core Strategy policies are both supportive of proposals adding to economic activity/employment in rural areas, whilst mindful of the need for such development to be sensitive to its surroundings.

The National Planning Policy Framework reads as follows :

*“Planning policies and decisions should enable [amongst other things] :*

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;”* (Paragraph 83)

*“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport...”* (Paragraph 84)

Policy 23 of the Core Strategy reads as follows :

*“Development will be restricted to existing rural settlement boundaries and within identified major developed sites.*

*Outside of these areas, proposals should demonstrate the social and/or economic needs/benefits for the local rural community and strict consideration will be given to the impact of rural development on the countryside (including the natural environment) and/or Green Belt.*

*Support will be given to the social and economic needs of rural communities by encouraging [amongst other things] :*

- The retention or expansion of appropriately sized businesses*
- The re-use or replacement of suitable rural buildings for employment generating uses*
- Diversification of the agricultural economy for business purposes*
- Sustainable tourism developments, including recreation and leisure uses appropriate to a countryside location such as horse-related activities*
- Arts and crafts based industries*

*In all cases, the Council will seek to protect the most productive and versatile agricultural land in the Borough, including agricultural practices unique to the area.”*

The applicant envisages that the proposed kennels will employ 1 person full-time and 1 person part-time.

The proposed kennels cannot be considered an agricultural use and will occupy agricultural land. However, it is not the most productive/versatile of agricultural land and has not been used for agricultural practices unique to the area. Furthermore, commercial kennels of such a scale cannot

easily be accommodated within a settlement or immediately adjacent to it. Accordingly, there is no objection in principle.

### Visual Amenity

The main kennels building is far from small in terms of its footprint (168sqm). However, it is of modest height (2.8m) and, as amended, its external walls are for the most part now to be clad with timber-boarding (rather than the profile-metal sheeting initially proposed). When viewed from the public footpath to the N side, the proposed building will have a roof of grey profile-metal sheeting (with rooflights) and external walls of timber-boarding, with nearby perimeter walls of dog-runs of blockwork, which is not uncommon for modern agricultural developments.

However, the way in which ground-levels are to be raised to the N side (in order that the kennels and dog-runs are all on the same level) makes it all the more important that the 6.5m margin of land between the dog-runs and the private roadway to the N side (at this point a grass-track, over which the public footpath runs) are suitably landscaped. A condition is recommended to secure planting appropriate to this rural area which will go some way towards hiding the re-contoured bank and proposed building/dog-runs.

On this basis it is not considered that the kennels element of the proposal will appear unduly prominent or intrusive.

### Neighbour Amenity

The kennels element of the proposal will not detract from the visual amenities any neighbours - it will be more than 100m from the nearest neighbouring dwelling, differences in ground level going a long way towards (if not totally) screening the development from the ground-floor windows of that dwelling.

The Agent has advised that :

*The Dog Kennel proposal has kennel facilities for a maximum of 16 dogs. Each with its own external and internal area. The dogs will be allowed to roam freely during the day within their own individual areas. During the hours of darkness the dogs will always be kept inside the proposed building.*

*The owners/managers of the Kennel facility live in the adjacent property and will be on hand to deal with any disturbance which may affect the dogs should the need arise...given that the dogs will be kept indoors during the hours of darkness the potential disturbance caused by noise from the animals would be minimal."*

The Council's Environmental Health Unit has raised no objection to the proposal, satisfied that neighbours ought not experience unacceptable noise disturbance having regard to the separation distances and form of construction of the kennels buildings and dog-runs. Likewise, it has raised no concern about the arrangement being made for the storage and disposal of waste, foul-water from the kennels/dog-runs to be taken to an underground Sewage Treatment System installed in the field to the W side and with a bin storage compound between the main kennels building and 'isolation' dog kennel.

An application for a Dog Kennel License has been submitted to the Council's Public Protection Unit. The dog kennels will not be able to operate until such time as a Dog Kennel License has been issued or outside its requirements.

### Access/Parking

LCC Highways has raised no objection to this element of the proposal :

*“Access to Sod Hey Farm is via Harrow Stiles Lane which is a privately maintained road. There is sufficient visibility at the junction between Harrow Stiles Lane and Bacup Old Road and it would be recommended that any vehicular traffic accessing the proposal site should use the junction between Burnley Road and Bacup Old Road as this will provide a more accessible approach [than would use of Bacup Old Road from the south].*

*... there is sufficient parking provision within the curtilage of the development site to accommodate for the commercial aspect of the proposal. Although the incorporation of a collection and delivery service could prove beneficial to the applicants business model and also promote sustainability by reducing traffic flow to the proposed commercial aspect of the development site.”*

## 9. SUMMARY REASON FOR APPROVAL

The development for which permission is sought will not detract to an unacceptable extent from essentially open and rural character of the Countryside and, subject to the conditions, will not unduly detract from neighbour amenity or highway safety. The proposal is considered to accord with the National Planning Policy Framework and Policies AVP2 / 1 / 8 / 17 / 18 / 21 / 23 of the Council's adopted Core Strategy (2011).

## 10. RECOMMENDATION

Approve with Conditions

### CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason : To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following unless otherwise required by the conditions below.

Title	Drwg No	Date Recd
Location Plan	18-09-01-A	09/01/19
Existing Block Plan	18-09-02-A	09/01/19
Proposed Block Plan	18-09-08-D	07/03/19
Proposed Dog Kennels	18-09-10-F	07/03/19
Proposed Stables Building	18-09-12-C	04/03/19

Reason : To define the permission and in the interests of the proper development of the site.

3. The Stables Building, Dog Kennels and associated dog-runs/fences hereby permitted shall be constructed with the facing materials indicated on Drwg No 18-09-10-F and Drwg No 18-09-12-C.

Reason : In the interests of visual amenity.

4. The Stables Building shall not be used other than for/associated with animals kept by the residents of Sod Hey Farm for hobby-purposes, not for trade or business.

Reason : In the interests of highway safety.

5. No material may be imported to the site for the purpose of achieving the ground level proposed for the Dog Kennels and surrounding land without submission of details of the source, volume and nature of the material first being submitted to and approved in writing by the Local Planning Authority.

Reason : To prevent pollution.

6. Prior to first use of the Dog Kennels hereby permitted the Sewage Waste System and facilities for storage of waste shown on Drwg No 18-09-10-F shall be provided.

Reason : To prevent pollution.

7. Prior to first use of the Dog Kennels hereby permitted a scheme of landscaping, and programme for its implementation & maintenance, shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented & maintained in accordance with the approved programme.

Reason : In the interests of visual amenity.