

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/20/2398/OF1
2.	Proposed Development:	CHANGE OF USE OF STORAGE BUILDING TO DOG KENNELS FOR UP TO 14 DOGS
3.	Location:	QUARRY BANK FARM, WINDER, FRIZINGTON
4.	Parish:	Lamplugh
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	SITE AND LOCATION This application relates to Quarry Bank Farm which comprises a single dwelling and a number of associated farm buildings situated to the south of Winder. The existing barn, subject to the application is situated in the middle of the site, to the north of a large farm building and to the south of the residential dwelling. PROPOSAL Planning Permission is sought for the change of use of the existing barn to provide dog kennels for commercial use by the applicant. The barn is 8m x 5m and will contain 14 kennels and 2 play/run areas. The applicant intends to house no more than 14 visiting dogs at any one time. The barn has recently been upgraded after storm damage to include sound proofing and a fully insulated composite roof.

Access will remain as existing from a track joining the farm unit to the road leading from Winder to the north. Parking will be provided within the existing farm courtyard.

RELEVANT PLANNING APPLICATION HISTORY

Proposed agricultural buildings and temporary accommodation, approved in May 2000, application reference 4/00/0168/0 relates;

Notice of intention for extension to existing building for store, approved in July 2001, application reference 4/01/0389/0 relates;

Notice of intention for agricultural building for storage of hay, straw and machinery, approved in December 2003, application reference 4/03/1458/0 relates.

CONSULTATION RESPONSES

Consultees

Cumbria County Highways – No objections as it is considered that the proposal will not have a material effect on existing highway conditions.

Local Lead Flood Authority – No objections as the proposal will not increase the flood risk on the site or elsewhere.

Environmental Health – No objections.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 15 no. properties.

One letter has been received in response to this advertisement raising concerns relating to noise impact on the neighbouring dwellings.

PLANNING POLICIES

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

Copeland Local Plan 2013-2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER6 – Location of Employment

Development Management Policies (DMP)

Policy DM15B – Conversion of Rural Buildings to Commercial or Community Use

Policy DM22 – Accessible Developments

Other Material Planning Considerations

National Planning Policy Framework 2019 (NPPF)

Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 is currently the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

ASSESSMENT

The proposal is to form a dog kennel business within the existing barn building at Quarry Bank Farm. The applicant already owns dogs which currently utilize the barn as kennels and it is proposed to create a business providing kennel facilities for up to 14 visiting dogs.

Principle of Development

In general, the creation of a rural business is supported throughout the Borough, with a particular emphasis placed on the re-use of existing buildings. It is accepted that dog kennels are better located in remote locations, due to the risk of amenity issues for surrounding properties due to noise. Furthermore, the building to be utilized is of traditional construction with recent improvements to provide soundproofing and no further external alterations are required in order to create the kennels internally. The proposed floor plan shows how the kennels can be laid out satisfactorily, maintaining enough space for each dog. The farm is located close to Winder which is an existing settlement and the access road and on-site parking facility is considered to be acceptable.

It is considered that the proposal satisfies the criteria laid out in Policy DM15A and is therefore considered to be acceptable in Planning Policy terms.

	<u>Impact on Residential Amenity</u> The main consideration with respect to the change of use proposal is the potential increase in noise due to the housing of 14 additional dogs on the site. Environmental Health were consulted on the application in order that the proposal could be assessed with regards to the likelihood of amenity issues for the surrounding properties. The proposed kennel building at Quarry Bank Farm is located 128 metres to the south of the nearest residential property known as Swallow Barn and 155 metres from the closest property to the south. These separation distances are considered to be sufficient to alleviate any significant effect on neighbouring amenity from barking or other noise. One letter of concern has been received, however Environmental Health have confirmed that any issues with noise can be dealt with through separate legislation as a Statutory Nuisance. On this basis it is considered that the proposal is acceptable in planning terms and is unlikely to create problems for the surrounding properties. Overall this is considered to be an acceptable form of development which accords with the policies set out within the Copeland Local Plan and other material planning considerations.
8.	Recommendation: Approve (commence within 3 years)
9.	Condition(s): The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. Reason To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: - Site location plan, scale 1:1250, received 6th October 2020; Block plan, scale 1:500, received 6th October 2020; Floor plan, received 6th October 2020; Site layout, received 6th October 2020; Statement of use, received 6th October 2020. Reason To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

	3. This permission only authorises the housing of 14 dogs for commercial purposes within the kennels hereby permitted. Reason For the avoidance of doubt and to minimise the impact of the proposal on the amenities of occupiers of the residential properties within the locality. Informative The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority Statement The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.
Case Officer: Sarah Papaleo	Date : 30/11/2020
Authorising Officer: N.J. Hayhurst	Date : 30/11/2020
Dedicated responses to:-	