

<b>APPLICATION NO</b>	<b>PA/2018/150</b>
<b>APPLICANT</b>	Mr Richard Johnson
<b>DEVELOPMENT</b>	Planning application to remove condition 1 of PA/2014/1270 dated 11/02/2015 restricting occupation of dwelling to persons employed in the kennels business
<b>LOCATION</b>	Kennels & Cattery, Heron Lodge, access road to Heron Lodge, Broughton, DN20 0BG
<b>PARISH</b>	Broughton
<b>WARD</b>	Broughton and Appleby
<b>CASE OFFICER</b>	Leanne Pogson-Wray
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Broughton Town Council

## **POLICIES**

**National Planning Policy Framework:** Paragraph 14 states that at the heart of the National Planning Policy Framework there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 34 states that plans and decisions should ensure developments which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

At paragraph 37 it states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Paragraph 48 states that local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which guide housing supply should not be considered up-to-date.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

**North Lincolnshire Local Plan:**

RD12 (Removal of Agricultural Occupancy Conditions)

DS1 (General Requirements)

**North Lincolnshire Core Strategy:**

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering more Sustainable Development)

CS3 (Development Limits)

**CONSULTATIONS**

**Highways:** No comments or objections.

**TOWN COUNCIL** Objects to the proposal on the grounds that it was not intended to be used as a full-time residential property.

**PUBLICITY**

A site notice has been posted. No comments have been received.

**ASSESSMENT**

The application property is a large detached house set in substantial grounds. It was built under PA/2003/1821 which included a condition restricting occupation to Mr Sipling (the applicant) in relation to the boarding kennels. A further application was made in 2014 (PA/2014/1270) re-wording this occupancy condition to 'a person solely or mainly employed in the kennels and cattery business at Heron Lodge or a widow or widower of that person or any resident dependant'. This application seeks to remove this occupancy condition to allow free occupancy of the dwelling.

The business formally known as Heron Lodge is no longer operational on the site and all parts of the business have been removed from the site. Planning permission was granted in March 2018 under PA/2018/148 for change of use of the kennels to a printer supply and refurbishment business with ancillary storage.

**The main issue in determining this application is whether removing the condition would lead to an unacceptable market dwelling in the open countryside.**

A site visit has established that the new use of the kennel buildings has been implemented (with printers and shelf racking being stored on the site) and the previous use as a kennels and cattery is no longer operating. The printer business is now considered to be the authorised use of the former kennels and associated buildings on the site. The condition under PA/2014/1270 restricting occupancy to a person employed in the kennel and cattery business can therefore no longer be complied with as the business has ceased to exist.

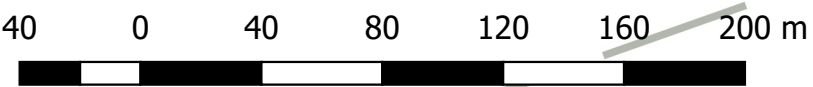
It is not considered necessary or appropriate to tie the dwelling to the new business as the business does not require any person to live on site and, due to the nature of the business, there would not be any concerns that this type of business could justify a further dwelling. Whilst it is the intention of the owner of this business to live in the dwelling and operate the business on the site, tying the dwelling to a new business would likely result in a similar situation arising in the future.

If this condition was not removed, the dwelling would not lawfully be able to be occupied and this could potentially lead to the building falling into disrepair which would have an adverse impact on the character of the area and would be a target for crime. The removal of the condition would not lead to any additional pressures on facilities in Broughton or on the highway network as the dwelling already exists. The proposal is therefore considered to be acceptable. As there were no other relevant conditions on the previous application to be re-attached to the recommended consent, an unconditional planning permission is proposed.

**RECOMMENDATION: Grant permission.**

### **Informative**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



**PA/2018/150**

© Crown copyright and database rights 2018. Ordnance Survey 0100023560

