

Parish:	Outwell	
Proposal:	Retrospective: Change of use of dwellinghouse to a mixed use as a dwellinghouse and for the keeping and breeding of up to 16 dogs together with the retention of kennel buildings, a cat building and open runs and a proposed field shelter.	
Location:	1 Liege Cottages Basin Road Outwell Wisbech PE14 8TQ	
Applicant:	Mr & Mrs Jones	
Case No:	23/00940/F (Full Application)	
Case Officer:	Bradley Downes	Date for Determination: 18 August 2023 Extension of Time Expiry Date: 9 February 2024

**Reason for Referral to Planning Committee** – Called in by Cllr Crofts

**Neighbourhood Plan:** No

### Case Summary

**Deferred item: updated parts in bold.**

The site lies on the south side of Basin Road to the rear of the donor dwelling 1 Liege Cottages. While the semi-detached main dwelling is within the built up extent of Outwell and within the development boundary, the application site lies outside the development boundary and is therefore classified as countryside. The proposal is retrospective for the change of use of part of the residential garden to Sui Generis use for commercial breeding and selling of puppies together with ancillary development and uses. The proposal involves erection of a kennel building and runs, a cat building, and field shelter. The business currently has a breeding licence for up to 16 adult dogs and maximum of 3 litters **on site at any one time**. The application arose as a result of an enforcement investigation.

### Key Issues

Principle of development  
Form and character  
Noise and disturbance of neighbours  
Highway safety and access  
Other material impacts  
Specific comments and issues

### Recommendation

**APPROVE**

## THE APPLICATION

The site lies on the south side of Basin Road to the rear of the donor dwelling 1 Liege Cottages. While the semi-detached main dwelling is within the built-up extent of Outwell and within the development boundary, the application site lies outside the development boundary and is therefore classified as countryside. Outwell is classified as a key rural service centre, joined with Upwell.

The proposal is retrospective for the change of use of part of the residential garden to Sui Generis use for commercial breeding and selling of puppies. The proposal involves erection of a kennel building and runs near the rear of the site for accommodating the animals, together with a cat building, and field shelter. The business currently has a breeding licence for up to 16 adult dogs and maximum of 3 litters **on site at any one time**. The business has a 3-star breeding license which means it meets the minimum expected welfare standards. The application arose as a result of an enforcement investigation.

**PLANNING HISTORY** No relevant planning history

## RESPONSE TO CONSULTATION

**Parish Council: OBJECT** for the following reasons:

- Site is in built-up area, not suitable for this type of business.
- all work has been carried out before permission is granted - should be no presumption this would be allowed.
- Proposed shelter is on a right of way of a private land owner.
- noise from this property is not good for the mental state of those living close by.
- what facilities are put in place for dog waste and drainage?
- the site in in a flood plain.
- there is not adequate off road parking for staff and customers.
- Outwell PC are not aware that the owners have a licence to breed.
- the noise, smell and lighting from the business will cause great consternation.

**Highways Authority: NO OBJECTION**

On the basis that the facilities are being used in relation to the breeding of dogs which tends to attract low levels of traffic, I believe it would be difficult to substantiate an objection on highway safety grounds to the small increase in on-street parking that may result. Your authority may wish to consider any social or domestic concerns that on-street parking may create.

**NCC Public Rights of Way: NO OBJECTION**

No objection in principle but would highlight that Public Right of Way known as Outwell Bridleway 3 is aligned east-west within the section shaded orange on the submitted plans. The full legal extent of this bridleway must remain open and accessible for the duration of the development and subsequent occupation.

**Emergency Planning: NO OBJECTION**

As the site could become isolated during a flood event, the occupiers sign up to the EA flood warning service and a flood evacuation plan should be prepared.

## **CSNN: NO OBJECTION**

Provided the number of adult dogs is restricted to 16 to comply with the licence for breeding; the attached site plan is conditioned to be retained as agreed with respect to the fencing, noise attenuation measures, uses of different areas of the site, external lighting and the location of dog waste bins; full adherence with the noise plan document; and the EPA informative is attached to any approval issued, I confirm we would not object to this proposal.

The CSNN team have no registered complaints regarding the site. There remains potential for some dog noise impact on attached and adjacent residents, given the number of dogs and the close location of neighbours to the site. However, the applicants have worked with me to consider control of noise and have made detailed efforts to try and mitigate impacts on residential amenity. By attaching the EPA informative I make it clear that, regardless of planning consent, justified complaints will be investigated and action could be taken by this team upon evidencing a statutory nuisance.

I have no concern with noise levels of the proposed air conditioning units or external lighting as provided on the plan.

## **Environmental Quality: NO OBJECTION**

The site lies to the west of the Wisbech canal landfill which has been investigated by the Council. No potential sources of contamination are identified in our records or in the information provided by the applicant.

## **Licensing: NO OBJECTION**

(Verbal correspondence - file note on file). The site benefits from a breeding licence for up to 16 adult dogs and 3 litters per year, including 12 breeding bitches and 4 studs. The licence is 3 stars which meets minimum welfare standards. The operator has more than 10 years of experience. If welfare conditions are not being met then licensing can inspect and take action.

## **Ecologist: NO OBJECTION**

(Verbal correspondence – file note on file). The buildings on-site have low/negligible potential to support bats based on the features of those buildings as assessed from site photos. It is unlikely therefore that a bat roost was destroyed, but in any case, the matter would be for the police, not the Council. However, there are likely to be foraging and/or commuting bats through the site, but they would not be significantly affected by the proposed development.

The Council does not have any records of barn owls in the immediate area. It is considered there is not sufficient evidence to indicate that further surveys are necessary. On that basis, it is considered the ecology matters are sufficiently covered under the Wildlife and Countryside Act 1981.

## REPRESENTATIONS

**FIFTEEN** different letters were received in total, with **FOURTEEN OBJECTION** letters and **ONE SUPPORT**.

Since the last committee meeting, **EIGHTY-TWO** additional letters of **SUPPORT** have been received, and **ONE OBJECTION** letter has been received. Salient points in bold below.

The supporting letter was received by owner of the field within the site area which is rented to the applicants and raises the following points:

- Dogs barking from other properties, not all from the site.
- Outwell has many heavy vehicles on the roads, therefore proposed business would not significantly impact on traffic flow in the village.
- The area was not entirely residential historically, site was previously used as a working farm with pigs and chickens.
- As site used to be working farm there is plenty of space for parking.
- Neighbouring property has a large workshop to the rear which benefits from permission for commercial vehicle repair.
- Applicants previously had licenced breeding business for over 20 years in Fenland and had not received complaints.
- The applicants live adjacent the site which shows they are confident they can minimise impact from the kennels on themselves or neighbours.
- Outwell needs new and diverse businesses. The business will also contribute to the economy of other businesses in the village.

**Other supporting comments as follows:**

- **Don't see issue with breeder in the countryside, isn't that where they should be?**
- **Applicants previous address was more densely populated and no noise complaints.**
- **Never any bad smells or nuisance noise from dogs at the previous address.**
- **Customers visiting is no different than having friends or family visit.**
- **Applicants are caring, animal focussed and responsible.**
- **Applicants maintain a safe and secure environment.**
- **Dogs are well looked after, friendly, healthy and happy.**
- **The set up is clean and calm with minimal noise and no smells.**
- **Applicants provide a serve supplying well socialised and mannerly puppies.**
- **Wasn't aware the applicants breed dogs until they told me.**
- **Owners are preserving a traditionally built property.**
- **Approval would benefit local community.**
- **Kennels are soundproofed and use proper waste management.**

The **FOURTEEN** letters of objection raise the following concerns:

Noise and disturbance

- Housing 16 dogs, puppies, cats and staff is going to cause significant disturbance to neighbours.
- Donor dwelling is small semi-detached and unsuitable for breeding of dogs with additional noise and traffic.
- Vehicle movements on site cause disturbance due to the gravel driveway.

- Policy CS10 in relation to impact on local residents has not been considered in the details submitted.
- Supporting text for Policy DM15 states that developments likely to have a significant impact on residential amenity should be sited away from residential areas.
- The area is mainly occupied by older generation. Dogs barking is not conducive of a peaceful old age.
- Working from home, proposal will cause disturbance on calls from clients and meetings.
- Application has caused significant worry and stress and would affect mental wellbeing.
- If applicant breeds larger dogs the situation would be unbearable.
- Kennels at Mullicourt Road have large dogs which can be heard almost a mile away.
- Current noise levels with 4 dogs reveals that soundproofing is hopelessly inadequate.
- Noise will restrict practical use of opening windows.
- How will the noise, smell, and vermin be managed at night.
- Any movement in neighbours gardens is likely to set off barking.
- Barking would be worse if neighbours get a pet dog themselves.
- Application takes away the peace of the countryside.
- Noise travels far in this area due to the openness of the surroundings.
- Noise plan refers to nearest dwelling as The Firs, but Garrilson and 2 liege cottages are even closer?

#### Traffic and parking

- Multiple workers will be required despite limited parking.
- Basin Road is often used as an alternative route during repairs and sees many near misses.
- Traffic will increase, increasing air pollution and houses getting damaged by vibration.
- No suitable off-road parking on Basin Road.
- Parking on Basin Road will cause problems with larger farm vehicles getting past.
- No parking has been shown for the business on the submitted plan.

#### Public right of way

- Application form states that site cannot be seen from public footpath but the application site intersects a public Bridleway.
- General Public has right of way over Back Drove, including the area between the applicant's land and the rented field.
- Concerned that public right of way will be cut off.
- If using the right of way will set off barking of dogs in close proximity to elderly neighbours then I'd likely avoid it entirely, making the right of way un-useable for the public as intended.

#### Other comments

- Business will add to the residential drainage system, is there capacity?
- Cannot see that drainage is provided or what happens to the dog faeces.
- The development conflicts with character and appearance of the area.
- Council was made aware the kennels were being built but made no effort to investigate.
- Applicant allegedly destroyed bat roost.
- Potentially barn owl roost within 40m of the site.
- Description of Basin Road in DAS is inaccurate and manipulated in favour of applicant.
- Description is ambiguous. Does it mean puppies will be conceived and delivered in the dwelling?
- The application does not mention the type of dogs being bred.

- The DAS states that the dwelling will not be used for the business except for paperwork, but then says that viewings will take place within the dwelling.
- DAS sets out that the business will be a positive and add to local economy without any substance as to what these benefits are.
- LPA should issue a stop notice if they have been made aware of work requiring planning permission continuing without consent.
- Construction work has continued including buildings that are not mentioned on the application.
- Only 10 kennels on site, how will 16 dogs be accommodated? Is there more kennels on site or do multiple dogs share with puppies.
- Concerned with welfare of dogs. Could more information be provided on welfare and which animals are being bred.
- What is the purpose of planning rules if they are ignored.
- Kennels would affect property value.
- Properties will be harder to sell, nobody wants to live next to a property breeding dogs.
- Would the committee members accept this if it was their neighbours?
- If people need dogs they should obtain from the many that are being abandoned due to covid-19, not from someone profiting from more breeding.
- Applicant can't see their own buildings due to vegetation, but the building can be seen from Garrilson detracting from open countryside.

**Other objecting comment as follows:**

- **Concerns regarding visual impact of site.**
- **Too many dogs in restricted space.**
- **Shouldn't have been built without permission.**

**LDF CORE STRATEGY POLICIES**

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS10** - The Economy

**CS11** - Transport

**SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

## **PLANNING CONSIDERATIONS**

### **The main considerations:**

- The principle of development
- Impact on character and appearance
- Impact on neighbour amenity
- Highway Safety
- Other material impacts
- Specific comments and issues

### **Principle of development**

While the dwelling 1 Liege Cottages lies within the development boundary for Outwell, the operational part of the proposals involving the kennels is outside the development boundary, so it is subject to those policies which seek to restrict development in the countryside to that which is identified as suitable in rural areas as set out in other policies of the Development Plan. Outwell is designated with Upwell as a key rural service centre in Policy CS02 of the Core Strategy 2011. Policy CS02 states that in key rural service centres limited growth of a scale and nature appropriate to secure the sustainability of each settlement will be supported.

Policy CS10 of the Core Strategy 2011 is also relevant, which concerns economic development. The policy makes an allowance for rural employment sites in the countryside, with the criteria that the operation should be appropriate in size and scale to the local area, it should be adjacent to the settlement, and the proposed development would not be detrimental to the amenity of local residents. Further, the NPPF says that planning decisions should enable the sustainable growth of all types of business in rural areas and there are many cases of kennels and dog breeding business in rural areas in the borough.

It is considered the site lies adjacent to the settlement and that the scale of the business is appropriate for the local area. The proposed breeding business employs 1 full time and 1 part time member of staff. The full time member of staff lives at the address. The proposal would contribute to economic benefit in terms of employment and supporting economic development of rural areas. Overall, it is considered the land use and principle of development is acceptable subject to the impact on the amenity of neighbours, which is considered later in the report.

### **Impact on character and appearance:**

The development involves erection of a kennel building with footprint of approximately 59 sqm and a total height of 3.05m. A field shelter is proposed in the field to the rear of site, this will be approximately 9.6sqm and 2.6m tall. The development also involves fencing. While some of the fencing is currently above a height of 2m, it is understood this will be reduced to avoid the need for another planning application i.e. considered permitted development.

The small scale of the buildings and location to the rear of the dwelling means that they are not easily visible from the street. The buildings are similar in scale to what could be constructed as domestic outbuildings and therefore it is considered they do not have any significant impact on the character and appearance of the street scene.

It is also considered the proposed buildings are small enough in scale that they do not have any significant impact on the character and appearance of the countryside. Overall, it is considered the development would not conflict with the character and appearance of the

area, in accordance with Policies CS06 and CS08 of the Core Strategy 2011 and DM15 of the SADMPP 2016.

**Impact on neighbour amenity:**

The proposed buildings are not considered to have any significant overbearing or overshadowing impact on neighbouring occupiers due to their small scale. No first-floor windows are proposed and windows at ground floor level in the kennels building will not have any significant overlooking impact. It is considered the main issues in relation to this application is the impact of the proposal on neighbouring residential amenity as a result of noise and handling of waste.

The supporting text for Policy DM15 states that developments which are likely to have a significant impact on residential amenity should ideally be sited away from residential areas. This is reflected in the main text of the Policy which states that development that has a significant adverse impact on the amenity of others will be refused. As such, while it is noted the site lies immediately adjacent to a predominantly residential area, this does not automatically prohibit the development proposed unless it can be demonstrated there will be a significant adverse impact on the residential amenity of neighbouring occupiers which cannot be mitigated. It is also noted that land immediately to the north-west benefits from a lawful development certificate for MOT and vehicle repairs under 04/01831/LDE, and therefore the application is not considered within the context of a pristine background noise environment.

Regarding waste and surface water drainage, the outdoor runs are set out over a grassy area and will naturally absorb surface-water waste when the dogs are using these areas. When the dogs are in the kennel, it is not anticipated that there will be significant urine waste. A soakaway is provided for the proposed kennel building which will assist surface-water runoff and would adequately prevent any increased risk of surface-water flooding off-site. Solid waste shall be double bagged and stored temporarily in bins on-site, which are collected regularly by a waste company.

The dwelling associated with the proposed use lies in a row of linear dwellings. Immediately to the north-west is the other half of the semi-detached pair 2 Liege Cottages, beyond that 'Salara'. From the nearest point of the kennel building to the nearest point of the neighbouring dwelling, there is a gap of approximately 72m to Salara, and 48m to 2 Liege Cottages. To the east of the site lies 'Garrilson' (56m), followed by 'The Firs' (54m). The Firs is slightly closer as it is set further back in its plot. The proposed kennel building lies in between the gardens of 2 Liege Cottages and Garrilson, who ultimately would be most affected by the proposed development as a result.

There have been objections to the proposal relating to noise and disturbance issues, and concerns raised regarding the welfare of the animals. The welfare of the dogs and the general management of the site are not planning considerations, these matters are subject to a separate licencing regime. However, it is acknowledged that poor welfare may impact on the overall noise that may be generated from the use. The welfare of the dogs and the management of the business is monitored by Licensing; they are responsible for enforcement to ensure minimum standards of space and enrichment are provided for the dogs. It is considered this will limit the noise from barking to an extent. However, additional control is required from planning control to ensure that noise is minimised and will not give rise to undue adverse effects on neighbouring occupiers.

During the course of this application, certain aspects of the scheme have been amended in order to mitigate the noise impact from dog barking as far as practicable. This has included reducing the total number of adult dogs from 17 to 16, erecting additional noise attenuation



fencing, and producing a robust noise management plan. **The number of litters on site at once is set by the breeding licence to a maximum of three. Numbers provided by the agent indicate that a total of 18 puppies have been accommodated on site in the last 9 months of 2023, indicating approximately 6 puppies per quarter. However, the applicant considers this to be a low figure and wishes to expand to approximately 12 puppies per quarter while remaining within the limit of 3 litters on-site at once.**

The submitted noise management plan sets out the strategies which will be employed to further mitigate noise on site. This management plan sets out when the dogs are confined to the kennels (8pm to 8am), how many will be in each outdoor pen at once and how many taken to the exercise field at any one time (maximum of 4 dogs at once), how the site will be monitored (CCTV and noise sensors) and methods of enrichment to placate the dogs in absence of staff (radio, toys, regular feeding).

Some confusion was raised in third party comments regarding whether viewings would take place in the dwelling or the kennel as the supporting statement says both at different points. The agent has confirmed that viewings for puppies will take place in the dwelling to minimise disturbance to the dogs to the rear of the site. Breeding of puppies will only take place in the kennel building.

The Borough Council Community Safety and Neighbourhood Nuisance team (CSNN) consider the noise attenuation measures put in place and the noise management plan submitted and subject full compliance with these measures, will enable the proposed dog breeding business to be carried out without significant detriment to neighbouring occupiers. While some barking from dogs is unavoidable, it is considered the proposed mitigation would be capable of minimising any significantly adverse impact on residential amenity.

The recommended conditions include compliance with the noise management plan, permanent retention of physical noise attenuation features, timings and uses of different areas of the site, controlling installation of external lighting and ensuring of dog waste storage and collection is carried out as proposed. The application will also be conditioned to limit the use to keeping and breeding of the applicants own dogs, with no boarding or grooming of other peoples dogs to take place. Customer visiting hours shall also be limited, and the maximum number of adult dogs permitted to be on site for the purposes of the business is no more than 16 dogs. Officers note the applicant has two pet dogs which would not count toward the 16 dog limit.

If the site causes amenity issues, the Council will have suitable planning enforcement powers to enforce the planning conditions imposed and statutory nuisance powers from the CSNN team to control noise on the site. The CSNN team do not object on the basis of the conditional mitigation set out above. Subsequently, it is considered that the proposed dog breeding business would not have a significant adverse impact on residential amenity that may otherwise warrant refusal.

Third party comments have raised additional concerns in relation to amenity. Firstly, is the gravel driveway and noise generated from additional vehicle movements from customers. As set out in the supporting statement, the business expects **a maximum of approximately 20 visits from customers per quarter. This includes viewings which are not undertaken virtually, and some visits which may not result in a sale. Lastly the figure accommodates for the unpredictable size of litters; Larger litters would naturally result in a higher number of customer visits. So the number of 20 visits per quarter is a maximum estimate and would not be representative of a typical quarter.** Most viewings of puppies are carried out remotely via video call.

Based on the numbers provided, additional vehicle movements arising from the business would be limited to 2-3 a week. A third party also raised concern that increased traffic visiting the site would result in additional road vibration causing damage to neighbouring property. It is considered that such a low number of visits would not have any significant impact on residential amenity in terms of noise and disturbance from vehicle movements or vibrations. Notwithstanding, damage to neighbouring property is not a material consideration, rather it is a civil matter.

Third parties have also raised concern that the applicant may wish to breed larger dogs in the future. It is considered that the existing noise attenuation and noise management plan would still be effective in managing the noise at the site. It would also be unreasonable to impose a restriction on which breeds of dog can be kept on the site via planning condition. Officers note that the specific breed of dog is controlled via the Borough Council licencing along with the scale of the individual kennels and runs.

It is considered the proposed waste storage and disposal details provided, in addition to the extensive cleaning regime set out in the supporting statement are sufficient such that it is considered the development would not have any significant impact in terms of odour or vermin. Licencing controls add robustness to this consideration.

While it is noted that there are 16 dogs on site but only 10 kennels, the agent has stated that dogs are often doubled up in the kennels with the same breeds to aid socialisation skills. Third party comments raised concern that the proposed breeding business would affect property values and the ability to sell their properties in the future. While this is noted, it is not a material consideration for which any weight can be attached. Lastly, a third party raised concern that the proposed kennel building disrupts their view of the countryside. Views are also not material planning considerations and as set out above, it is considered the building would not have any significant overbearing or overshadowing impact.

Overall, for the reasons set out above, and subject to full compliance with the recommended conditions, it is considered the development would not have any significant detrimental impact on residential amenity in accordance with Policy DM15 of the SADMPP 2016 and CS08 of the Core Strategy 2011. Subsequently, it is considered the application meets the requirement in Policy CS10 that the proposed business would not be detrimental to the local residents.

#### **Highway safety:**

The development is not likely to pose a risk to highway safety due to the relatively low number of trips generated from the business. Public comments have raised concerns regarding the parking arrangements, however the parking spaces proposed are adequate to serve the needs of the business, and it is considered limited on-street parking in this location would not be detrimental to highway safety. On this basis there is no objection from the County Highway Officer.

#### **Other material impacts:**

Third party representations raised concern that a bat roost may have been destroyed on the site. The Borough Council ecology officer considers that the buildings on site have low to negligible potential to support roosting bats and therefore it is unlikely that a bat roost has been destroyed. In any case, it would be a matter for the police to deal with and the allegation is not a material planning consideration. Roosting barn owl was also mentioned. The Borough Council do not have any records of a barn owl roost within close proximity to the site. It is not considered necessary for any further surveys to be carried out. Overall, it is

considered the proposed development would not have any significant impact on protected species or biodiversity.

Third party responses expressed concern that the Public Right of Way could be affected as a result of the development. Two impacts were raised, firstly being the potential for the right of way to be physically blocked. Ensuring the right of way remains open is the responsibility of the landowner and enforceable by the County Council, it is not a material planning consideration. The second impact is the fear that using the public right of way will set off barking and that this will lead to nuisance. The possibility of passing dog walkers to set off barking on-site is acknowledged, however it is considered the infrequency of the use of the Public Right of Way and the measures put in place to limit dog barking are sufficient to ensure that usage of the adjacent Public Right of Way does not pose a significant risk to the amenity of neighbouring occupiers in terms of noise and disturbance.

The Parish Council have raised concern that the proposed field shelter is situated on a private right of way. It is noted that the proposed field shelter does not intersect with the extent of the adjacent Public Right of Way. Due notice has been served on all relevant landowners. Any other matters relating to private covenants or rights of way are not material planning considerations. The Parish Council also expressed uncertainty whether the business was licenced to breed. It is noted the Parish Council comment was received on the 20th June at which time the business did not have a granted licence. However, a dog breeding licence was granted on the 4th July so the site does not benefit from a breeding licence. The Parish Council lastly mentioned that the 'site is in a flood plain'. The site does not lie in any flood zone, however it does lie in a 'Dry Island' which could become isolated in a flood event. This is not considered to have significant implications for the proposed development.

The Borough Council emergency planner has recommended that a flood evacuation plan is prepared and that the occupiers are subscribed to the EA flood warning system. As the site lies within a dry island and not within any area at direct risk of flooding, it is not necessary to impose these requirements via planning condition. However, the recommendations can be set out via an informative on the decision notice.

#### **Specific comments or issues:**

Some third-party responses raised concern with the way the case was dealt with via planning enforcement. One comment suggests that the Council has made no effort to investigate the site, while another comment states that a stop notice should have been issued. An enforcement file is open for the site,(ref: 23/00261/UNAUTU) and a site visit was carried out by the enforcement officer. A full expediency consideration has been completed in this matter, and it has not been necessary to serve an enforcement notice. This planning application was submitted shortly after the site visit from the enforcement officer.

Lastly, the description mentions a 'cat building' and this is reflected on the plan as it forms part of the kennel building, attached to the north side. No change of use is proposed for breeding or boarding of cats. For the avoidance of doubt, the 'cat building' will be conditioned for private use only.

#### **CONCLUSION:**

The land use principle of the proposed development is considered acceptable. The key issue is consideration of potential impact on neighbours from the operation of the business. Officers consider that due to the existing controls in place by the Licensing team and the further mitigation proposed in the form of acoustic fencing and the noise management plan,

it is considered the operation of the business would not have a significant detrimental impact on the amenity of neighbouring occupiers. The development would pose no significant material impact on the character and appearance of the area and would not be detrimental to highway safety.

Subject to the conditions set out below, the proposal is considered to comply with Policies DM2 and DM15 of the SADMPP 2016 and CS06, CS08 and CS10 of the Core Strategy 2011. The recommendation is to approve the application.

## **RECOMMENDATION:**

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition: The development hereby is hereby permitted in accordance with dwg nos. 03B (Location Plan), 04E (Proposed Site Plan), 05B (Proposed Floor Plan), 06A (Proposed Kennel Elevations), and 07A (Proposed Field Shelter Elevations).
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The use of the dwelling and garden as a place for keeping and breeding dogs for commercial purposes shall be limited to 16 adult dogs for commercial purposes and for the sole use of the occupiers of the dwelling 1 Liege Cottages, Basin Road, Outwell and shall at no time be separated or sold as a separate business site. No boarding, grooming or day care of dogs not owned by the applicant is permitted.
- 2 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 3 Condition: The proposed development shall be carried out in accordance with the Noise Management Plan submitted 4th October 2023. In particular, the noise management plan states:
  - Dogs shall be kept inside the kennel building between 20:00 PM and 08:00 AM every day.
  - No more than 4 dogs shall be exercised in the field to the rear (shaded green on the dwg no. 04E) at any one time. The field shall only be used for the dogs between the hours of 08:00AM and 20:00PM.
  - No more than 4 dogs shall occupy any single outdoor pen as detailed on Dwg no. 05B at any one time and shall only be used for dogs between the hours of 08:00AM and 20:00PM.
  - All noise attenuation fencing and insulation to the kennel building as detailed in the noise management plan and shown on Dwg nos. 04E and 05B shall be retained in perpetuity.
  - No more than 1 customer may visit the site at any one time by appointment only between the hours of 10:00 AM and 18:00 PM Monday to Sunday.
  - Puppy viewings shall take place in the main dwelling only.
- 3 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 4 Condition: Installation of external lighting and storage of waste shall be carried out and retained hereafter in accordance with the details on dwg nos. 04E and 05B Site Plan and Floor Plan), unless otherwise agreed in writing by the Local Planning Authority.

- 4 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.
- 5 Condition: The use of the 'cat house' and 'cat run' hereby approved as annotated and shown on dwg no. 05B shall be limited to purposes incidental to the needs and personal enjoyment of the occupants of the dwelling 1 Liege Cottages and shall at no time be used for business or commercial purposes.
- 5 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.