



**MAP SCALE 1:** 1250  
**CREATED DATE:** 03/02/2021

**COMMITTEE DATE**    21/07/2021                      **WARD**            Huthwaite and Brierley

**APP REF**                      V/2020/0796

**APPLICANT**                      Mr Jim Price

**PROPOSAL**                      Amenity Block and Timber Dog Kennels

**LOCATION**                      22A Back Lane, Huthwaite, Sutton in Ashfield, Notts, NG17 2LL

**WEB-PAGE**                      <https://www.google.co.uk/maps/@53.1308498,-1.3051362,19z>

**BACKGROUND PAPERS**    A, C, D & K

App Registered: 18/11/2020                      Expiry Date: 12/01/2021

*Consideration has been given to the Equalities Act 2010 in processing this application.*

*This application has been referred to Planning Committee by Councillor Hollis on the grounds of visual and residential amenity.*

### **The Application**

This is an application that seeks planning consent for the construction of an amenity block, comprising of a day room and shower/laundry room, and the construction of timber dog kennel in association with an established traveller site off Back Lane, Huthwaite.

### **Consultations**

A site notice has been posted together with individual notification to surrounding residents.

The following responses have been received:

### ***Resident Comments:***

4x Letters of objection/concern have been received from local residents raising the following:

- Increased obstruction of the public right of way
- The proposal would attract more residents to the site
- Increased noise disturbance
- Will lead to a dog related business operating form the site
- Increased intimidation from dogs

1x Letter received from a local resident neither objecting or supporting the application raising the following:

- If the kennels help alleviate noise problems then they would be of benefit, however they would not be suitable if the applicants intention is to use the kennels to increase dog numbers or for breeding purposes.

***Ashfield District Council Community Protection:***

From a community safety perspective, Community Protection Officers can request dogs to be on leads in a public area as part of a public space protection order if this is witnessed by officers. If unleashed dogs are considered to be dangerous, this should be reported to the police and considerations can be taken under the Dangerous Dogs Act.

***Nottinghamshire County Council Highways:***

No objections to the proposed development provided there is no intensification of the access and that this proposal is for the sole use of the applicant.

***Nottinghamshire County Council Rights of Way:***

Sutton in Ashfield Footpath 120 runs adjacent to the application site. The Rights of Way team has no objections to the proposal as the public footpath appears unaffected.

**Policy**

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

**National Planning Policy Framework (NPPF) 2019**

Part 2 – Achieving Sustainable Development

Part 12 – Achieving Well Designed Places

**Ashfield Local Plan Review (ALPR) 2002**

ST1 – Development

ST2 – Main Urban Area

HG7 – Residential Extensions

**Supplementary Planning Documents**

Residential Extensions Design Guide 2014

**Relevant Planning History**

**V/2016/0742**

Details: Change of Use of Land to use as Residential Caravan Site for Two Gypsy Families, Including the Erection of Amenity Building

Decision: Refused - Allowed on appeal

**V/2019/0520**

Details: Shower block  
Decision: Conditional Consent

**V/2019/0521**

Details: Application to Vary Condition 3 and 6 of Planning Permission V/2016/0742 Approved by Planning Appeal APP/W3005/C/17/3172500 - to Allow 4 Residential Static Caravans and 4 Touring Caravans and 6 - Revised Site Layout  
Decision: Conditional Consent

**V/2020/0545**

Details: Amenity Block  
Decision: Refusal

Adjacent site

**V2020/0243**

Details: Change of use from derelict land to domestic with vehicle storage shed, chicken coup, grassed recreation area and hard standing for vehicle storage.  
Decision: Refused - significant harm to visual amenity of the area.

**V/2020/0647**

Details: Change of Use from Derelict Land to Domestic with Vehicle Storage Shed, Grassed Recreation Area, Hard Standing for Vehicle Storage, Hard Surfacing for Access Road and Erection of Boundary Fencing  
Decision: Pending

**Comment:**

The application site is located within the main urban area of Sutton in Ashfield and comprises of one of two established traveller plots off Back Lane, Huthwaite. The site presently comprises of an area of hardstanding and is occupied by two caravans.

Sited immediately adjacent to the east of the site is a further established traveller plot, whilst to the north and west of the site is existing residential development on Rowan Croft. Adjacent to the south of the site is the access driveway, which also forms Sutton footpath no. 120, which links Chesterfield Road with Back Lane. Beyond the access and footpath is further residential development sited on Back Lane and Chesterfield Road.

As part of the proposal, a brick and tile built amenity block is to be constructed. The amenity block is proposed to comprise of a day room and a shower/laundry room for residents of the site.

A previous application at the site for a larger amenity block was refused by members of the Planning Committee last year. The reason for refusal given was that the proposed development was considered to result in a harmful impact upon the character, quality, amenity and safety of the surrounding environment due to its size

and siting. The proposal was also deemed to represent an overdevelopment of the site. This application seeks to overcome the previous reasons for refusal.

The construction of two timber built dog kennels are also proposed as part of this application, to provide sufficient accommodation for the applicants existing dogs.

The main issues to consider as part of this proposal is the impact of the proposal on visual and residential amenity, as well as matters relating highway safety.

***Visual Amenity:***

The amenity block is to be sited 0.9m off the sites northern boundary to the rear of 8 Rowan Croft. The block measures approximately 4m in width and will extend for a length of 6.6m. The amenity block is proposed to have a hipped roof design, which will measure 2.4m in height to the eaves, and 3.9m in height to the ridge line.

The building includes windows and doors in its front elevation and windows in its side elevations but the rear of the building is brick work. The building materials include red facing brick and grey concrete roof tiles which are considered acceptable in design, and the hipped roof design is in keeping with the design of development found within the immediate locality. The building as proposed would be of similar proportions and design to the amenity block allowed under the 2016 appeal decision.

Two dog kennels are also proposed as part of the development. Taken together, the kennels measure approximately 4.8m in length, 2.4m in depth, and have a total height of 2.4m. The kennels are to be sited along the sites northern boundary, adjacent to the proposed amenity block. The dog kennels are to be constructed using timber, and will not appear dissimilar in appearance, size and scale to domestic garden shed buildings found within the curtilage of surrounding residential properties on Rowan Croft and further afield on Wenham Lane and Chesterfield Road.

The buildings are sited away from public views from Back Lane and therefore is limited in any impact on the street scene. Whilst the ridgeline of the amenity block will be partially visible from the adjacent highway known as Rowan Croft to the north, the proposed building is not of a size or height that will appear overly intrusive in any view available over the boundary fence.

***Residential Amenity:***

The proposed amenity block and dog kennels are to be sited approximately 9m away from the rear elevation of neighbouring property 8 Rowan Croft, which is sited to the north of the site. At present there is an approximate 2m high timber fence sited along the sites northern boundary, therefore the visual impact of the proposed development on neighbouring residential occupiers is considered to be limited.

Given the overall siting and size of the proposed development, it is considered that the proposed amenity block and kennels structures would not give rise to any

significant massing or overshadowing impact on nearby residents. Furthermore, as no windows are to be sited in the rear (northern elevation) of the proposed amenity block, the proposal will not result in any obtrusive overlooking or loss of privacy to neighbouring residents. No windows are to be installed in the kennel buildings.

Details provided in the submitted application form and plans, indicates that the foul water from the laundry/shower room, as well as surface water from the rainwater pipes will be directed and connected to an existing public sewer.

Objections have been received from local residents in respect of the proposal attracting further residents to the site and increased incidences of noise arising from the use of the dog kennels.

As part of the original permission (V/2016/0742) for the traveller site, a condition was attached preventing the site from being occupied by anyone other than the named persons and their dependents. As such, the proposed development would be highly unlikely to attract any further residents to the site, alleviating nearby residents concerns.

Further to the above, the proposed kennels are to be used to house the applicant's existing pet dogs, and therefore their construction will not result in any increase in noise disturbance to nearby residents above what is already experienced. In addition, a condition would be imposed to any approval of the application restricting any business use from the site, ensuring that the proposed kennels would not be used for commercial breeding purposes.

***Highway Safety:***

The proposed amenity block and kennels will be sited approximately 15m from the adjacent access driveway and public footpath, and subsequently do not cause any obstruction to users of the driveway or footpath.

The County Council Rights of Way team and the Highways Authority have confirmed that they have no objections to the proposed development, given that the adjacent footpath will remain unaffected.

It is further considered that due to the overall size of the building, which is over half the size of the previous proposal, that it does not result in any overdevelopment of the plot and subsequently the amenity block will not negatively impact the turning space for touring caravans or other vehicles that enter or exit the site.

The application is therefore considered to not result in any significant detriment to highway safety in the area.

Concerns have been raised by local residents in regards to dogs being allowed to freely roam on the adjacent public right of way, intimidating any passers by. Whilst the provision of the kennels should help to alleviate this matter, by providing secure

shelter for the applicants dogs, the Council's Community Protection team have confirmed that they have powers to order any dogs seen freely roaming the public right of way to be placed on leashes, and should there be any concerns regarding the dogs being dangerous and/or aggressive, this should be referred to the police to be dealt with under the Dangerous Dogs Act.

**Conclusion:**

The construction of the proposed amenity block and dog kennels are proposed in association with an established traveller site. Given the siting and size of the development, it is considered that the proposal will not give rise to any significant impact upon the appearance on the street scene, nor will it give rise to any undue impact on the amenity of nearby residents.

In addition to the above, the proposal will also not result in any detriment to the adjacent driveway or public footpath and will not give rise to any impact upon highway safety within the vicinity of the site.

In conclusion, it is therefore recommended that this application be approved, subject to the planning conditions listed below.

The Authority are aware that the applicant has a protected characteristic under the Equality Act 2010. The Authority understand the relevant requirements of the Equality Act 2010 and conclude that the applicant is in no way being treated unfairly based on their protected characteristic, namely their race, during the consideration of this application.

**Recommendation: Full Application – Conditional Consent**

**CONDITIONS**

- 1. The materials and finishes to be used for the external elevations and roof of the hereby permitted amenity block shall match those detailed in the submitted application form.**
- 2. This permission shall be read in accordance with the following plans: Site Location Plan, Received 19/08/20; Proposed Block Plan, Received 24/03/21; Proposed Amenity Block Elevations and Floor Plans, Received 21/08/20; Proposed Kennel Block Elevations, Received 24/03/21. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**
- 3. The development hereby permitted shall be carried on only by the following and their resident dependants: Mr Jim and Mrs Florie Price, Mr John and Mrs Eva Price, Mr Amos and Mrs Geraldine Price and Miss Tina Price.**

4. The amenity block hereby permitted, shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, those named in Condition 3.
5. No commercial activities shall take place on the land at any time, including external storage of any kind (unless associated with the construction of the amenity block) and the burning of materials.
6. No sheds, kennels, amenity/utility buildings or structures other than those hereby shown on the approved drawing (Block Plan, received 24/03/21) shall be erected on the site at any time.
7. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the application site.
8. All areas for parking, storage and delivery of materials associated with the construction of this development shall be provided within the site on land which is not part of the public right of way and the use of such areas must not interfere with the use of the public right of way.
9. All dogs shall be kept under control, leashed or housed indoors and off the public right of way when the sites access gates are open, unless being walked on a leash for the purpose of exercise.

## **REASONS**

1. To ensure the satisfactory appearance of the development.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To define the terms of the permission, for the avoidance of doubt.
4. To define the terms of the permission, for the avoidance of doubt.
5. To safeguard the amenities of residents living in the vicinity of the application site.
6. To safeguard the amenities of residents living in the vicinity of the application site and in the interests of visual amenity.
7. In the interest of highway safety.
8. In the interest of highway safety.

9. In the interests of public safety.

## **INFORMATIVES**

1. **The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).**
2. **Landowners, individual property owners and users are responsible for managing the drainage of their own land. The applicant must satisfy themselves that drainage is managed in such a way as to prevent adverse impacts of neighbouring land. The council take no responsibility for incorrect information or interpretations made by the applicant or their representatives. The responsibility for the checking of the design, calculations and details remain with the developer, or agent acting on their behalf.**