



Appeal Decision

Site visit made on 8 October 2019

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2019

Appeal Ref: APP/Y2003/W/19/3227510
120 Scotter Road, Scunthorpe DN15 8AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Nessa Thompson of Haventrent Pet Services against the decision of North Lincolnshire Council.
 - The application Ref PA/2018/1539, dated 7 August 2018, was refused by notice dated 29 October 2018.
 - The development has been described on the application form as a proposal to partly use the property for dog day care up to 6 dogs and overnight home boarding for up to 4 dogs. The area to be used does not include the rear part of the garden where this is for personal use only. Only the downstairs of the dwelling are to be used. All areas will be cleaned and waste disposed of in compliance with the home boarding license. The front door to the house is kept locked at all times to avoid escape, and the outside area is already secured by adequate walls, fencing and the gate to the front of the house onto the drive/Scotter road is locked by means of an magnetic lock (up to 6 tonnes) and a lockable catch is fitted if at anytime there should be a power cut. No customers dogs are to be taken out of the secure areas unless they are on a lead. Areas can be separated by use of dog gates/existing doors.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from dwelling to a mixed use of dwelling and dog day care/home boarding business at 120 Scotter Road, Scunthorpe DN15 8AY in accordance with the terms of the application Ref PA/2018/1539, dated 7 August 2018, subject to the conditions set out in the schedule to this decision.

Procedural Matters

2. The Council have described the development as an application for planning permission to retain change of use from dwelling to a mixed use of dwelling and dog day care/home boarding business. I note that the appellant has also utilised this description on their appeal form. I consider that the Councils revised description provides a succinct and accurate description of the proposal and I have therefore determined the appeal on the basis of the revised description.
3. In addition to the above, the application form indicates that the proposed development has already taken place and I saw that this was the case at my site visit.

Main Issue

4. The main issue in this case is the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to potential noise and disturbance.

Reasons

5. The appeal property is a two storey semi-detached dwelling situated within a predominately residential area. The ground floor of the dwelling as well as the rear yard and garden are currently in use as a dog day care and dog home boarding business. The dog day care/home boarding business caters for up to six dogs to be cared for during the day and up to four dogs to be boarded overnight. This is in addition to several dogs already owned by the appellant that are also kept at the appeal property.
6. At the time of my visit there was a significant amount of traffic on Scotter Road travelling to and from the busy roundabout to the south serving the A18/Doncaster Road and linking to the Gallagher Retail Park and the A1077 to the west. This traffic noise could be heard from the rear of no. 120 which is something to which local residents have no doubt become accustomed.
7. The primary concern raised by the Council relates to noise from the dogs barking resulting in unwarranted disturbance to nearby residential occupiers. In this regard there are several dwellings near the appeal property, three of which have rear gardens that have shared boundaries with it. Indeed, whilst on my site visit, I noticed several dogs inside the kennels located at the rear boundary of the garden which barked as soon as I entered the rear yard/garden area. The barking did however cease once the appellant took measures to calm the dogs down.
8. The Council have also submitted evidence which suggests that noise disturbance has been an issue at the appeal property in the past. However, this appears to be unrelated to the business. That said, no evidence of any formal notice has been provided to me. In any event, given the existing levels of background noise and the fact that the business has been in operation for a period of time, the lack of any representations on the application it would be reasonable to conclude that the development has not caused any unacceptable noise or disturbance to its neighbours. That said, this is likely to be as a result of the way the business has been run, and the measures taken to ensure that any noise disturbance is kept to a minimum. In this respect, details of the management plan to minimise noise could be controlled by a suitably worded planning condition.
9. Consequently, based on the evidence before me, I consider that the proposed development would not unacceptably harm the living conditions of neighbouring occupiers with particular regard to potential noise and disturbance. I therefore conclude that the proposed development does not conflict with Policies DS1 and DS4 of the North Lincolnshire Local Plan (adopted May 2003) which amongst other things seek to protect residential amenity.

Conditions

10. The Council has suggested a number of conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
11. To ensure that adequate parking provision is made for the premises, it is necessary for the development to be operated in accordance with the parking plan.
12. In the interests of the amenity of the occupiers of nearby residential properties conditions are necessary in relation to a noise management plan, the number of dogs associated with the business at the premises at any one time, the times when dogs can be dropped off/picked up and when dogs associated with the business can have access to the rear yard.
13. The Council have also suggested a condition restricting the development to the appellant. However, I consider that such a condition is not necessary as the other conditions would provide a satisfactory method of ensuring that the use does not adversely affect the amenity of the occupiers of adjoining properties.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

C Coyne

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be retained in accordance with the parking plan and additional information received from the applicant on the 1st October 2018.
- 2) Within one month of this decision, a noise management plan shall be submitted to and approved in writing by the local planning authority. The noise management plan shall include details of measures to be implemented to prevent dog vocalisations harming the living conditions of neighbouring occupiers. In the event that the noise management plan is not approved by the local planning authority an amended noise management shall be submitted for approval within 14 days (and until such a time until there is an approved noise mitigation plan). The approved noise management plan shall be implemented in full for the lifetime of the development.
- 3) The maximum number of dogs accommodated at the facility in association with the operation of the business shall be restricted to six dogs between the following hours: 0800-1800 and four dogs between the following hours: 1800-0800.
- 4) The dropping off and collection of dogs from the facility shall take place only between the following hours: 0800-1800 and shall be by appointment only.
- 5) Dogs accommodated at the facility shall not have access to the rear yard between the following hours: 1900-0800.