



Appeal Decision

Site visit made on 28 October 2019

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 09 December 2019

Appeal Ref: APP/V2635/W/19/3235888

9 Lime Grove, Gayton PE32 1QU

- 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 Natasha Price against the decision of King's Lynn & West Norfolk Borough Council.
 - The application Ref 19/00942/F, dated 23 May 2019, was refused by notice dated 7 August 2019.
 - The development is for a change of use required following enforcement action, for breeding and boarding of dogs following all licences obtained. Up to 5 dogs boarding and 12 working dogs (out working from September to February).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal property is already being used as a commercial business for the breeding and boarding of dogs in the associated kennels, sheds and dog run. This is in accordance with the submitted plans and therefore I am considering this appeal retrospectively.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupants of the neighbouring properties in relation to noise and odour.

Reasons

4. The appeal site is a two-storey, semi-detached residential dwelling with rear conservatory situated on Lime Grove. The property consists of front and rear gardens, with an area of hardstanding to the rear, which contains a series of outbuildings which relate to the domestic and commercial business of housing and breeding of dogs. They consist of a working dog kennel, food shed, breeding shed and an open sided dog run.
5. The site and its associated buildings are presently used by the appellant to board up to 5 dogs, kennel 12 working dogs and breed one litter of puppies a year. During my site visit only two dogs were present outside in the dog runs and one dog was also present in the conservatory.
6. The appeal property is surrounded on all sides by residential dwellings, all in close proximity to the kennels. It was also evident from my site visit that this was a very quiet, rural location with little background noise. Therefore, any

noise from the dogs or the business would be exacerbated in this tranquil and peaceful location.

7. Noise from the proposal will undoubtedly have an unacceptable effect on the occupiers of neighbouring properties. There will be general interaction between the dogs and levels of excitement and associated noise will build at feeding, walking and cleaning times.
8. An increase in dogs, during busy times, will also result in an increase in odours, and activity by the appellant to ensure the runs and kennels are kept clean. The impact due to noise and odour will also be worse in the summer months, when temperatures are higher, and neighbours are out in their gardens and have windows open. The appellant mentions the lack of complaints over the 6 years that the business has been in operation. However, the Council references 3 historical complaints relating to this proposal, in addition to objections received during the planning process. Therefore, this does not alter my decision.
9. I therefore conclude that the development will have a significant adverse impact on the living conditions of the occupants of the neighbouring properties in relation to noise and odour. As such, the development fails to accord with policies CS06 of the Core Strategy¹, and policy DM15 of the Development Management Policies Plan² and paragraph 127 of the Framework³. Together these policies, among other things, require that development provides a high quality environment and does not adversely affect the neighbouring uses and the occupants.
10. Policy CS08 of the Core Strategy was also referenced in the reason for refusal on this issue. However, this contains little reference to living conditions and therefore has not been determinative in my consideration of the proposal.

Other Matters

11. I have taken into account representations about traffic and highways, and in relation to neighbours objecting due to historic personal differences, but these are matters which do not affect my findings on the main issue.
12. I recognise the appellant's concern about other objections being partly related to neighbour's fears that planning permission is being sought to extend the business. However, the proposal's description clearly sets out what the appeal scheme relates to. In any event, this does not alter the harm that I have identified.
13. Reference is also made to the suitability of the site as a kennels due to the issuing of a boarding and breeding licence. However, this licence mainly relates to animal welfare and gives little weight to the effect on the living conditions of the occupants of neighbouring properties.
14. The appellant has questioned whether the proposal requires planning permission. However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990.

¹ King's Lynn & West Norfolk Borough Council, Local Development Framework – Core Strategy, Adopted Version July 2011.

² Borough Council of King's Lynn & West Norfolk, Site Allocations and Development Management Policies Plan, Adopted September 2016.

³ Ministry of Housing, Communities & Local Government, National Planning Policy Framework, February 2019.

It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Conclusion

15. For the reasons detailed above, I conclude the appeal should be dismissed.

D Hilton-Brown

INSPECTOR