

REPORT SUMMARY

REFERENCE NUMBER: 24/502749/FULL		
APPLICATION PROPOSAL: Part retrospective erection of a building and its use as a dog grooming parlour.		
ADDRESS: Three Chimneys Barn Coldbridge Lane Grafty Green Kent ME17 2AX		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed development is acceptable regarding the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: This proposal is a departure from the local plan.		
WARD: Headcorn And Sutton Valence	PARISH/TOWN COUNCIL: Boughton Malherbe	APPLICANT: Mr Mike Mansfield AGENT: DHA Planning
CASE OFFICER: Gautham Jayakumar	VALIDATION DATE: 05/07/24	DECISION DUE DATE: 28/11/24
ADVERTISED AS A DEPARTURE: Yes		

Relevant Planning History

16/506677/FULL

Conversion of barn to single dwelling (as approved by Prior Notification Consent reference 15/508818/PNQCLA) with additional change of use of land to residential garden with the erection of a garage/log store; and change of use of paddocks for the keeping of horses with the erection of stable block.
Approved 30.11.2016

16/506679/SUB

Submission of details pursuant to Condition 1 of prior approval 15/508818 being external materials for the barn conversion.
Approved 08.12.2016

20/505534/PAPL

Advice: Household

About the Site: I recently purchased the property in April 2020 and have a out building which was originally build as stables, as I have no horses I would like to apply for change of use at the moment we are just using it for storage the problem is I'm not sure what I'd like to use it for so I'm after advice on what would be possible, it seems a waste of a good building for us not to put it to a good use, please advise my options, I would also like to change the layout of the garden to work in with the building change.
Received

Enforcement History:

20/500761/CHANGE

Enforcement Enquiry
DC Application Submitted

MAIN REPORT

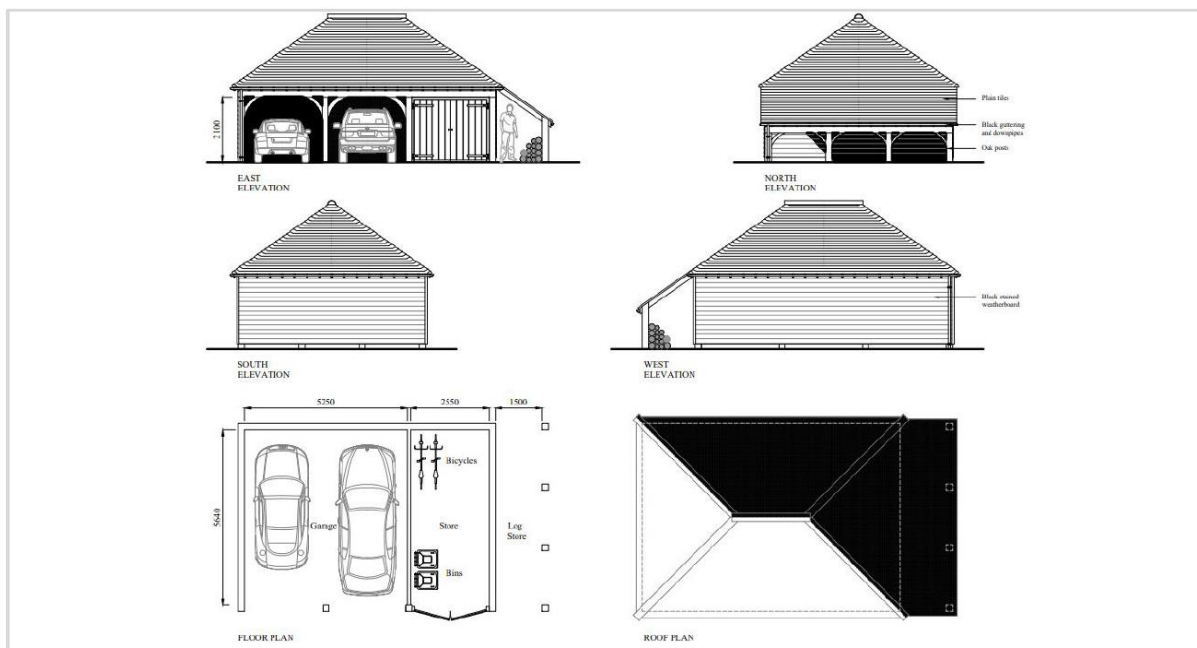
1. DESCRIPTION OF SITE

- 1.01 The application site is located on the southern side of Coldbridge Lane and to the east of the junction at Woodcock Lane. The site is located outside any settlement boundary, and as such, is within the countryside. The nearest settlement is at Lenham which is approx. 2.3m to the northeast of the application site; however, there are other urban clusters, although not defined as settlements, at Grafty Green and Ulcombe which are closer to the application site.
- 1.02 The surrounding area is sparsely populated by residential developments, with only one dwelling located within a 95m radius from the site. The next closest dwelling is located approx. 450m to the west. This paints a picture of the rural nature of the area surrounding the application site.
- 1.03 The application property is located to the south of the entrance to Three Chimneys Barn and is within the boundary of this property. The building is set back approx. 17m from Coldbridge Lane and is only slightly visible above the boundary treatment at the site.
- 1.04 The site is located within area 10 of the MBC Landscape Character Area – Southern Mixed Pastures and The Low Weald Landscape of Local Value. A public right of way runs parallel to the western boundary of the site. There are no other land designations associated with the site.
- 1.05 The entire site is located within Flood Zone 1 which has the least probability of flooding.

2. PROPOSAL

- 2.01 The proposal is a part retrospective application for the erection of a building to be used as a dog grooming parlour. The proposed use as a dog grooming parlour is considered as a commercial use which is not associated with the dwelling due to the intensity of the use. Hence, the proposed use would not be incidental to the enjoyment of the dwelling and the building will function as an independent commercial use in the countryside for which there are no specific policies in the Local Plan Review, as such, this application has been advertised as a departure.
- 2.02 The application property is a garage building that has already been erected at site following the grant of planning permission under 16/506677/FULL which included the erection of a garage/log store. The building erected at site is slightly varied in design from the one that was approved. The screen grabs below show the difference between the approved garage and erected building in terms of scale and design (Image 1).

Approved garage



Erected building

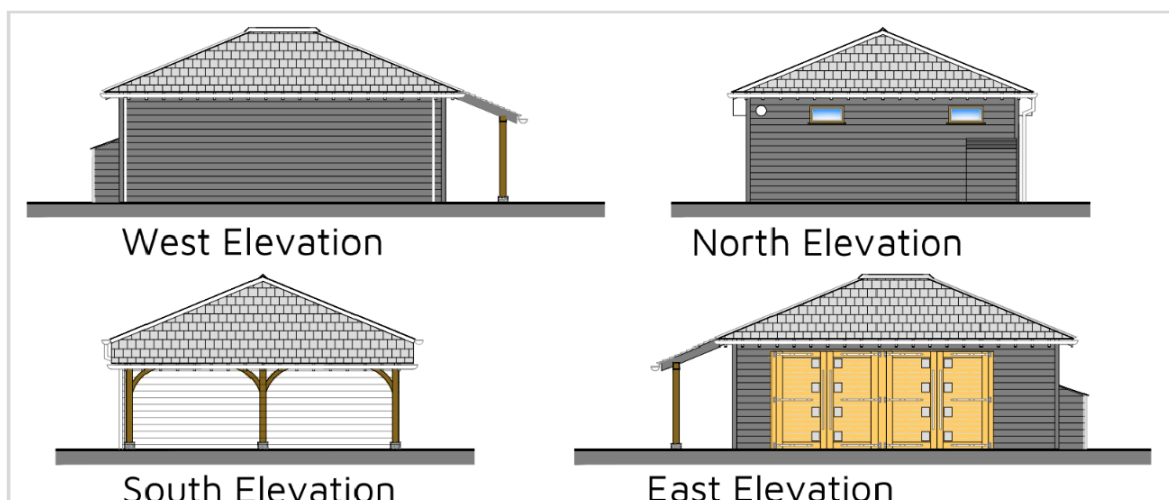


Image 1: Comparison between approved and proposed elevations

- 2.03 The materials used in the erected building are similar to the materials previously approved with the façade comprising natural finish weatherboarding, natural slate roof tiles and timber doors and windows. The front doors appear very much like garage doors and so the building would appear externally as an incidental outbuilding so that it would not look incongruous in its residential setting.
- 2.04 Regarding the proposed use of the building as a dog grooming parlour, the planning statement mentions that the dog groomers would be open from 9am to 5:30pm, Monday, Wednesday, Thursday and Saturday with a maximum of 6-8 dogs groomed each day dependent on size and breed. The grooming would last between

1-3 hours for smaller breeds and 3-4 hours for larger breeds. The clients would arrive by car and utilise the off-road parking within the applicant's driveway.

- 2.05 A boiler room has also been erected at site to the south of the erected garage. It is understood that the boiler would be used in association with the dog grooming building. The structure would have a depth of approx. 1.9m, width of approx. 2m and a pitched roof with an eaves height of approx. 1.74m and ridge height of approx. 2.38m and is comprised of neutral brick, natural slate roof tiles and a timber hardwood door.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan Review (2021 – 2038)
Policy LPRSP9 – Development in the Countryside
Policy LPRSP15 – Principles of Good Design
Policy LPRQD4 – Design principles in the countryside
Policy LPRTRA4 – Parking
Policy LPRTRA 2 – Assessing the Transport Impacts of Development

The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG):

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No comments or objections from consulted neighbours or local residents.

Parish Council

- 4.02 Broughton Malherbe Parish Council was consulted and commented that they had no comments to make on the application.

5. CONSULTATIONS

Environmental Protection Team MIDKENT

Commented that they had no objections to the application.

KCC Public Rights of Way

Commented that they had no objections to the application and confirmed that the Public Right of Way Footpath KH486 which lies to the west of the property would be unaffected by the application.

6. APPRAISAL

Policy consideration

- 6.01 For developments within the countryside, Policy LPRSP9 of the Local Plan Review states that they would *"not be permitted unless they accord with other policies in this plan and will not result in significant harm to the rural character and appearance of the area."*
- 6.02 In relation to visual amenity, Policy LPRSP15 states that proposals that meet the following criteria would likely be granted planning permission:

"Respond positively to, and where possible enhance, the local, natural, or historic character of the area. Particular regard should be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage;"

6.03 Policy LPRQD4 of the Local Plan Review sets out that developments in the countryside would only be permitted if the following criteria are met:

- i. The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features.*
- ii. Impacts on the appearance and character of the landscape would be appropriately mitigated. Suitability and required mitigation will be assessed through the submission of Landscape and Visual Impact Assessments to support development proposals in appropriate circumstances.*
- iii. Proposals would not result in unacceptable traffic levels on nearby roads; unsympathetic change to the character of a rural lane which is of landscape, amenity, nature conservation, or historic or archaeological importance or the erosion of roadside verges.*

6.04 Regarding new developments that have a potential to generate a considerable number of vehicular trips, policy LPRTRA2 of the Local Plan Review states:

"Development proposals must demonstrate that any measures necessary to mitigate the transport impacts (in terms of highway safety and capacity as well as air quality) of development are viable and will be delivered at the appropriate point in the proposed development's buildout. This will be ahead of the first occupation for some measures and at an agreed trigger point for others"

This policy is applicable to the proposal as it relates to a change of use from an existing dormant garage to a business use which would introduce additional vehicular trips to the site.

6.05 In consideration of the policies above, the key issues concerning the proposed development are:

- Impact of the proposed use as a dog grooming parlour
- Impact on visual amenity and landscape character
- Trip generation
- Other

Impact of the proposed use as a dog grooming parlour

6.06 The proposed dog grooming parlour would cater to a maximum of 6-8 dogs a day for four days in a week. Due to this intensity, the dog grooming parlour is considered as an independent commercial business that is not incidental to the enjoyment of the dwelling. However, as mentioned in the planning statement the business is solely run by the applicant's wife and there are no additional staff associated with the business. Therefore, the residential character of this area would not be altered by the proposed use and would essentially allow the applicant's wife to work from home.

6.07 The planning statement has also set out the timings for which the dog groomers would be open which would be within normal working hours except for Saturday. It has been stated that the clients would arrive by car which would generate additional traffic movement and noise on the operational days of the dog grooming parlour including Saturday.

- 6.08 The nearest neighbouring property is located at Three Chimneys which is approx. 51m to the northwest of the application property. Policy LPRSP15 of the Local Plan Review sets out that proposals would only be permitted where they “*respect the amenities of occupiers of neighbouring properties and uses*” and ensure that proposals do not result in “*excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking, or visual intrusion, or loss of light to occupiers*”. Due to the distance between the building and the nearest neighbouring dwelling, it would not cause harm in terms of overlooking, visual intrusion, or loss of light.
- 6.09 Due to the nature of the use, the proposal would generate additional noise and increase the intensity of vehicular movements in the surrounding area. The Environmental Health Officer (EHO) was consulted to comment on the proposal and assess the potential for impact from noise and disturbance. The EHO did not raise any objections to the proposal or raise concerns regarding the impact of noise generated by the use. Considering this and the distance between the neighbouring dwelling and the application property, I am satisfied that the proposed use would not cause significant harm in terms of excessive noise. As set out in the planning statement, each grooming session would last between 1-3 hours for smaller breeds and 3-4 hours for larger breeds; considering this, in a day not more than 7 clients would visit the site on a maximum and this would be spaced out. This would not be what could be regarded as a ‘considerable number of vehicular movements’ in a day. The neighbouring dwelling at Three Chimneys is set back further into the site from Coldbridge Lane and screened by hedgerows. Therefore, considering the separation distance, the proposed use would not cause significant disturbance from noise or vehicular movements.
- 6.10 Within the salon any problems of dog noise could be mitigated through installation of appropriate noise insulation materials. A condition limiting the number of dogs that could be present at any one time within the salon would also reduce the likelihood of dog barking. The possibility of excessive dog barking is greatest at times of changeover when one dog might encounter another, to a certain extent this potential problem could be reduced by leaving intervals between appointments and having the clients book appointments in advance rather than allowing a drop-in service. However, considering the context of the site, these issues would not result in significant harm to neighbouring residential amenity. An informative has been added to inform the agent of the above noise mitigation methods.
- 6.11 Overall, considering the intensity of the proposed use and the separation distance between the application property and the nearest neighbouring dwelling, the proposal would not cause significant harm to neighbouring residential amenity at Three Chimneys, provided that the conditions imposed are adhered to. All other dwellings are a significant distance away to be unaffected by the proposal.

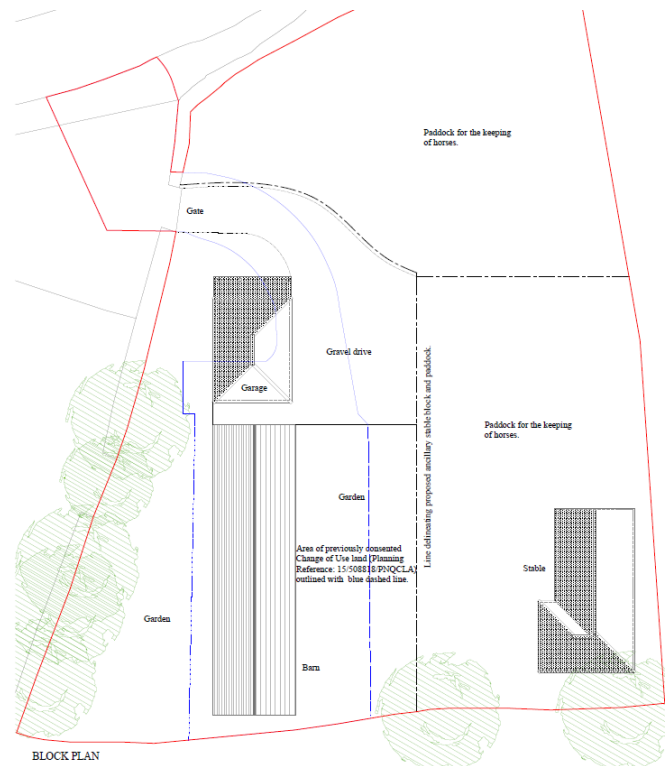
Impact on visual amenity and landscape character

- 6.12 The erected building is similar in design, materials, scale and height to the detached garage that was previously approved under application 16/506677/FULL. The only visual difference in terms of the building itself being the ridge height being lesser than the approved garage, slight difference in length and width (Table 1) and the use of slate roof tiles instead of plain tiles. The siting of the building is also slightly varied with the erected building being closer to the entrance and further away from the dwelling (Image 2).

Development	Length	Width	Eaves height	Ridge height
Approved garage	10.39	6.44	2.31	4.8
Erected building	9.65	6.99	2.57	4.11

Table 1: Dimension comparison between approved and erected building.

Approved block plan



Proposed block plan



Image 2: Comparison between approved and proposed block plans

- 6.13 Having observed during the site visit, the erected building would be visible above the boundary treatment (Image 3) with clearer visibility on winter months when the trees are bare. However, as the approved location is only approx. 6m to the southeast of the erected building, the building would still be visible at this location

from Coldbridge Lane. Also, with the greater ridge height on the approved garage, along with a slightly smaller footprint, the proposal would not have a significantly increased similar visual prominence due to its lower height. Overall, considering the scale, bulk and siting of the erected building in comparison with the approved garage, it is not considered to cause significant additional harm to the openness of the countryside or visual amenity to warrant an alternative decision to the previous application.



Image 3: Erected building minimally visible from Coldbridge Lane

- 6.14 Therefore, considering the above, the erected building would not result in significant harm to the visual amenity or character of the countryside.

Trip generation

- 6.15 The proposal would undoubtedly result in an increase in vehicles using the local road network. However, any increase in car journeys resulting from this scheme would not be significant enough to pose any additional highway safety challenges due to the scale and nature of the development.

Other

- 6.16 The proposed site plan shows that within the property boundary there is sufficient space for parking cars for the clients using the business. As such, the proposed use would not result in any on-street parking causing concerns to highway safety or traffic movement on Coldbridge Lane.

- 6.17 No trees or vegetation have been removed from the site to erect the building and the site is surrounded by extensive mature vegetation.
- 6.18 The proposal is within flood zone 1, which is the least likely to flood and so no flood assessment is required. Furthermore, no additional accommodation is proposed and in terms of building footprint, the erected building is of a similar size to the one that was approved. As such, the erected building would not cause any flooding concerns at the site.
- 6.19 Considering the scale of the proposed development, it would be expedient to impose biodiversity enhancement condition to include on-site biodiversity enhancements on the site such as bat/bird boxes attached to the building and wildflower meadows, log piles, hedgehog boxes within the wider site. As such, a biodiversity enhancement condition has been imposed.
- 6.20 Although the structure erected is similar in scale to the development which was previously approved, it would be expedient to demand the incorporation of renewable energy within the building, as the erected building would operate a use that is different to the one that was approved. The equipment used in the dog grooming parlour would utilise more electricity in comparison to a garage which is used as parking, as such, a renewable energy condition has been imposed. Incorporation of renewable energy on the building can also be seen as a viable way to offset the impact caused by individual vehicular trips to the business, which would be in accordance with Policy LPRTRA2 of the Local Plan Review.
- 6.21 The planning permission granted under 16/506677/FULL, contained within it a condition to retain the parking areas for the purpose of parking and restrict any development that precludes vehicular access to them. However, considering the available off-street parking spaces at the site, outside the garage, it is not considered the loss of garage as parking space would result in any parking or highway issues.
- 6.22 The block plan proposed initially showed a larger area to be hardstanding than what was approved in the previous application 16/506677/FULL. The original application for the dwelling also contained a condition to prevent the use of the land shown as 'Paddock for keeping of horses' as being used as residential garden land. Based on the block plan submitted initially and having observed during site visit, it appears that this area is used as residential garden and the stable building on this land used for other purposes not relating to the approved equestrian use. However, this application does not now relate to this adjacent land and is only for the erection of a building and its use as a dog grooming parlour. For this reason, the agent was required to amend the block plan to reflect the block plan that was approved previously under 16/506677/FULL to exclude the stable building and associated hardstanding. The amended plan "DHA_33641_04 Rev A Proposed Site Layout Plan" was submitted on 15 Oct 2024 and reflects the landscaping layout that was previously approved. The applicant will be informed that the change of use of land and stable building should be dealt with separately and is not being assessed or approved as part of this application.
- 6.23 The boiler room which has been erected on site is located to the south of the dog grooming building. This siting of the boiler room ensures that it is screened by the dog grooming building. The scale and height of this building is clearly ancillary to the dog grooming building which it would serve. Also, the materials and design would be congruent and appropriate to the existing character of the site.

PUBLIC SECTOR EQUALITY DUTY

Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

7.01 I would consider because of the position of the erected building being a significant distance away from nearest neighbouring property and the development not generating a significant increase in traffic along Coldbridge Lane along with adequate parking available at site to support the proposed use; that the proposed part-retrospective development would respect the amenities of the neighbouring properties. The proposed use, in my opinion, would not harm the local environment or the amenities of local residents through creation of noise, vibration, odour, air pollution, activity or vehicular movements. The erected building has minimal visibility from public vantage points due to its siting and the screening surrounding the site in the form of boundary treatment and trees and would not have a significantly greater visual impact than the approved garage building which it would replace. I would therefore not consider the development to be harmful to the character or visual appearance of the countryside.

7.02 For the reasons above, I would consider the proposed use as a dog grooming parlour of an existing building to not have a detrimental impact on the countryside or the neighbouring amenity, as such, the proposal is considered to be acceptable provided that the conditions imposed are met.

7.03

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

CONDITIONS:

- 1) The proposed use of erected building as a dog grooming parlour hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.Plans

- 2) The development hereby permitted shall be retained in accordance with the following approved plans:

Drawing no. DHA_33641_05 Proposed Plans and Elevations;

Application Form;

Both received on 03 Jul 2024.

Drawing no. DHA_33641_01 Rev A Site Location Plan;

Drawing no. DHA_33641_04 Rev A Proposed Site Layout Plan;

Drawing no. DHA_33641_06 Existing Plans and Elevations - Boiler Cupboard ;

All Received on 15 Oct 2024.

Reason: To clarify which plans have been approved.

- 3) The use of the dog grooming parlour hereby approved shall not commence until details of a scheme for the enhancement of ecology on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of ecology through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first use of the dog grooming parlour and all features shall be maintained thereafter.

Reason: To enhance the ecology and biodiversity on the site in the future.

- 4) The use of the dog grooming parlour hereby approved shall not commence until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first use of the dog grooming parlour and maintained thereafter.

Reason: Reason: To ensure an energy efficient form of development.

- 5) The dog grooming parlour hereby approved shall operate with only one client at a time and no more than 8 dogs shall be groomed at site per day. A daily log of customers shall be kept which should be made available for viewing at the request of the local planning authority.

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

- 6) No activity in connection with use hereby permitted shall be carried out outside the hours of 09:00 and 17:30 on Monday, Wednesday, Thursday and Saturday, and at any time on Sundays, Bank or Public Holidays;

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

INFORMATIVES:

- 1) The applicant is recommended to incorporate noise mitigation measures for the approved dog grooming service. These may be incorporated into the building such as noise insulation panels or may also be controlled through scheduling of appointments such that there is an interval of 5-10 minutes between each appointment to avoid noise disturbance that may occur during times of changeover when one dog encounters another. These measures would reduce any negative impact caused by noise and allow for the smooth functioning of the business, and prevent future complaints from neighbors.
- 2) Please note that the change of use of land and stable building should be dealt with separately and is not being assessed or approved as part of this application as it is outside the red line boundary of this application.

Planning Committee Report

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.