

Application	04.
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Application Number:	23/00229/FUL
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Application Type:	Full Planning Application
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Proposal Description:	Change of use to allow the running of a dog grooming business from a dog grooming pod
At:	Hayfield Cottage Hayfield Lane Auckley Doncaster DN9 3NP

For:	Mrs Sarah Hurd - Immaculate Dogs
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Third Party Reps:	6 letters of objection	Parish:	Auckley Parish Council
		Ward:	Finningley

Author of Report:	Jess Hill
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SUMMARY

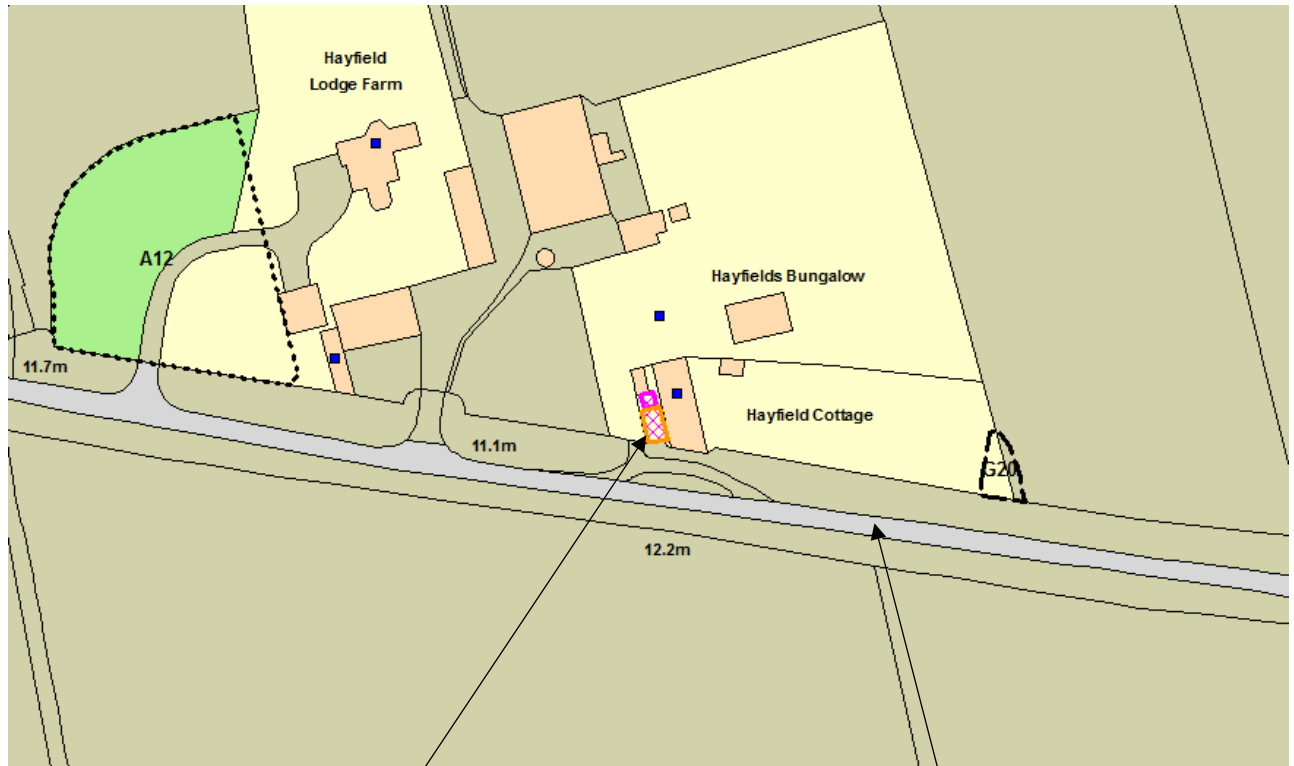
The proposal seeks full planning permission for the change of use of part of the site to allow the running of a dog grooming business from an outbuilding next to Hayfield Cottage, Auckley.

The site is located within the Countryside Policy Area, however, the site is within the curtilage of Hayfield Cottage. The site comprises part of the driveway located next to the dwelling.

The application is retrospective as the applicant has been running the business since moving to the house. The applicant previously ran the dog grooming business from their previous address which was granted consent under application 19/01344/FUL.

The application is being presented to Committee as there have been six objections to the proposals. The proposed dog grooming business is however considered to be acceptable and the recommendation is to grant consent for the application.

RECOMMENDATION: GRANT planning permission subject to conditions



Application Site

Hayfield Lane

1.0 Reason for Report

- 1.1 The application is being presented to Members due to the level of public interest (six objections have been received).

2.0 Proposal and Background

- 2.1 The submitted application seeks full planning permission for the change of use of part of the site to allow the running of a dog grooming business from a dog grooming pod located at Hayfield Cottage.
- 2.2 The application is retrospective. The applicant previously ran the dog grooming business from their previous address which was granted consent under application 19/01344/FUL. Environmental Health have reviewed the current proposals and have set out that they have no significant concerns regarding the proposed business. There have been no recorded noise complaints at the previous address of the dog grooming business. The applicant is the only employee of the business. The operating hours will be 9am to 5pm (Monday to Friday) and one or two Saturdays per month from 9:30am to 12:30pm. Only one dog is groomed at a time and 3 to 4 dogs are groomed per day. Only one customer is expected to be on site at any time and there is room for customer parking on the driveway of the property.

3.0 Site Description

- 3.1 The site comprises the driveway next to Hayfield Cottage.
- 3.2 The nearest dwellings include Hayfields Bungalow, located to the north, and Hayfield Lodge Farm, located to the northwest of the site. Hayfield Lane is located to the south of the site and the area around the site features mostly agricultural fields. Hayfield Lakes are located approximately 330m to the northwest of the site
- 3.3 The site is located within the Countryside Policy Area, however, it is located within the curtilage of an existing dwelling.
- 3.4 The site is not within a Conservation Area and there are no listed buildings on or next to the site. The site is within Flood Zone 1 (a low risk flood area from main rivers). There are no Public Rights of Way on or next to the site.

4.0 Relevant Planning History

- 4.1 There have been no previous planning applications submitted on the site.

5.0 Relevant Planning Policy

- 5.1 The site is located within the Countryside Policy Area as defined by the Doncaster Local Plan. The site is also located within Flood Zone 1. The site is not within a conservation area and there are no listed buildings on or next to the site. There are no Public Rights of Way on or next to the site.

National Planning Policy Framework (NPPF 2021)

- 5.2 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning

permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:

- 5.3 Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.4 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.5 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 5.6 Paragraph 47 reiterates that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.7 Paragraphs 55 and 56 states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.8 Paragraph 84 states that development should enable the sustainable growth of rural businesses, enable the diversification of agricultural and other land based rural businesses, allow for sustainable rural tourism and retain/develop local services.
- 5.9 Paragraph 85 states that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).
- 5.10 Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Local Plan

- 5.11 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster consists of

the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case:

- 5.12 Policy 1 sets out the Settlement Hierarchy for the Borough. It seeks to concentrate growth at the larger settlements of the Borough with remaining growth delivered elsewhere to support the function of other sustainable settlements and to help meet more local needs taking account of existing settlement size, demography, accessibility, facilities, issues and opportunities.
- 5.13 Policy 13 relates to sustainable transport within new developments. Part A.6 states that proposals must ensure that the development does not result in an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network. Developments must consider the impact of new development on the existing highway and transport infrastructure.
- 5.14 Policy 25 sets out that proposals for non-residential developments will be supported in the Countryside Policy Area provided that:
- A) the rural location of the enterprise is justifiable to support a prosperous rural economy in accordance with national policy in the NPPF;
 - B) the location of the enterprise would not have a significant adverse effect on neighbouring uses or on highway safety;
 - C) the development is of a size (including floorspace) and scale commensurate with an existing use, or that reasonably required for a new use, and with the rural character of the location; and
 - D) the scale and design of the proposal would not have a significant adverse impact on the landscape.
- 5.15 Policy 41 relates to character and local distinctiveness and states that development proposals will be supported where they recognise and reinforce the character of local landscapes and building traditions; respond positively to their context, setting and existing site features as well as respecting and enhancing the character of the locality. Developments should integrate visually and functionally with the immediate and surrounding area at a street and plot scale.
- 5.16 Policy 42 requires proposals to reflect and respect character and local distinctiveness. In all cases, the components of a development must be designed and assessed to ensure that, amongst other things, it provides safe and secure private property, public areas and the adoptable highway ensuring access points.
- 5.17 Policy 46 requires no-residential development to be designed to be high quality, attractive, and make a positive contribution to the area in which they are located.
- 5.18 Policy 55 deals with the need to mitigate any contamination on site.
- 5.19 Policy 56 requires the need for satisfactory drainage including the use of sustainable drainage systems where possible.

Auckley Neighbourhood Plan

- 5.20 Auckley Neighbourhood Plan (NP) has been 'made' during the determination of the application on 19 May 2023. The Plan therefore now carries weight in the determination of planning applications. The site is located within the NP area.

- 5.21 There are not considered to be any specific policies within the Plan that relate to the provision of a small-scale business that is run from a residential dwelling.
- 5.22 Policy 4 (Making Efficient Use of New and Existing Buildings) requires proposals for new buildings to respond positively to the local context, character and distinctives of the site and host building, amongst other design considerations.
- 5.23 Policy 6 of the NP Design Principles requires new development to be of a high-quality that reflect the positive feature that make up the character of the local area, amongst other design considerations.

Other material planning considerations and guidance

- 5.24 Doncaster Council's previous suite of adopted Supplementary Planning Documents (SPDs) have been formally revoked in line with Regulation 15 of the Town and Country Planning (Local Planning) (England) Regulations 2012, following the adoption of the Local Plan.
- 5.25 The Transitional Developer Guidance (April 2022) provides guidance on certain elements, including design, during the interim period, whilst new SPDs to support the adopted Local Plan are progressed and adopted. This guidance is attached limited weight.
- 5.26 Other material considerations include:
- National Planning Practice Guidance (ongoing)
 - National Design Guide (2019)
- 5.27 Other Council initiatives include:
- Doncaster Green Infrastructure Strategy 2014 – 2028
 - Doncaster Masterplan
 - Doncaster Delivering Together

6.0 Representations

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of the council website and neighbour notification.
- 6.2 Representations have been received from six different households outlining the following reasons:
- The application is retrospective.
 - Fire safety hazard caused by the new building.
 - The parking provision is insufficient. There are concerns that people will use the grass verge to park and damage it.
 - The vehicular access has been tarmacked.
 - Traffic concerns as the lane is narrow and already congested with traffic due to the academy and resident parking.
 - The noise generated from barking dogs will be unacceptable.

- Dog waste goes under hazardous waste regulations and is supposed to have a licenced carrier to transport it and use an authorised disposal site. How would this be enforced?
- How do they intend to dispose of the potentially harmful chemicals used to clean dogs, such as organophosphates and carbamates which must not be allowed to go into the farm and surrounding water courses. What will happen to the run off surplus water that's contaminated?
- Concerns the business will overload and flood the cesspit near to the site where water goes after existing the property. Concerns the business will result
- Due to the hazardous chemicals being used and generated clinical waste management there is a concern that this will contaminate the field currently used for dog walking / training as the septic tank is located in this field. Therefore, the land will no longer be fit for purpose and not be available for this service to operate.
- Disposal of potentially harmful and dangerous chemicals. I am led to believe that the waste from this property is not connected to any main's system and is linked to the cesspit on Mr Goforth's property.
- Concerns chemicals will leak into Hayfield Lakes.

6.3 Other non-material matters have also been raised as follows:

- No evidence of the applicant's dog grooming qualifications.
- The pod is in a garden of a cottage if the cottage is mortgaged will the provider be informed as most mortgage providers will not allow this sort of activity on a residential property and that could null and void any public liability.

7.0 Relevant Consultations

7.1 **Environmental Protection:** No significant concerns. Noise complaints at the address have been checked where the pod is currently located and Environmental Health have not received any complaints. Based on the pod specs it seems unlikely that they will be having numerous dogs on site at any one time.

7.2 **Contaminated Land:** No conditions are recommended

7.3 **Highways:** No response received.

7.4 **Auckley Parish Council:** There are no comments or objections there is an expression of concern that the change of use may allow for a permanent building in the future

8.0 Assessment

8.1 The proposal seeks retrospective permission for the running of a dog grooming business from an outbuilding located within the driveway or Hayfield Cottage.

8.2 The main consideration of relevance to the proposals is considered to relate to the principle of development which centres on whether the proposals accord with policy 25 of the Local Plan. This policy requires proposals to be assessed in terms of their amenity and highways safety impact, therefore the following section assesses the proposals against the assessment criteria of Policy 25.

Principle of Development

- 8.3 The application site is located in the Countryside Policy Area (CPA); however, it is within the curtilage of the dwelling at Hayfield Cottage. Policy 25 allows for some forms of non-residential development within the CPA provided that certain criteria are met. The criteria are set out within Part 4 of Policy 25:

“Part 4: New Non-Residential Development

Proposals for non-residential developments will be supported in the Countryside Policy Area provided that:

A) the rural location of the enterprise is justifiable to support a prosperous rural economy in accordance with national policy in the NPPF;

B) the location of the enterprise would not have a significant adverse effect on neighbouring uses or on highway safety;

C) the development is of a size (including floorspace) and scale commensurate with an existing use, or that reasonably required for a new use, and with the rural character of the location; and

D) the scale and design of the proposal would not have a significant adverse impact on the landscape.”

- 8.4 In terms of criteria A referenced above, Paragraph 84 of the NPPF is relevant and set outs that planning decisions should enable ‘the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings’. Paragraph 85 of the NPPF also sets out the following in relation to proposals for the rural economy:

“85. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

- 8.5 In terms of Part 4A referenced above, the dog grooming business operates on a relatively small scale and allows a local business owner to operate. The outbuilding where the dog grooming takes place is located next to the dwelling.
- 8.6 The applicant is the only employee of the business. The operating hours are from 9am to 5pm (Monday to Friday) and one or two Saturdays per month from 9:30am to 12:30pm. Only one dog is groomed at a time and 3 to 4 dogs are groomed per day. Only one customer is expected to be on site at any time and there is room for customer parking on the driveway of the property.
- 8.7 The applicant used to run a dog grooming business from their previous residential address, and as such the proposed dog grooming business operates in a similar way.

The previous dog grooming business was considered under application 19/01344/FUL and was deemed to be acceptable. Environmental Health have confirmed that they have not received any noise complaints at the previous address.

- 8.8 The comings and goings from the proposed business are therefore considered to be acceptable and the business is not considered to have a significant adverse effect on neighbouring uses or on highway safety. The proposals therefore accord with Part 4B.
- 8.9 In terms of Parts 4C and 4D, the dog grooming pod is located on the driveway of the property. The proposed pod measures 3.05m by 2.44m and 2.2m in height. The pod is therefore relatively small, particularly in comparison to the dwelling. The pod resembles an outbuilding or shed, which is subordinate to the host dwelling. The pod is located between the dwelling and a close boarded timber fence. As such the pod does not encroach onto the openness of the countryside and its visual impact is considered to be acceptable and to accord with Parts 4C and 4D.
- 8.10 Policy 46 of the Local Plan also requires non-residential development to be designed to have no unacceptable effects upon the amenity of neighbouring properties. As set out above, the impact of the proposals on the amenity of neighbouring properties is considered to be acceptable. As such the development accords with Policy 46.
- 8.11 The principle of the development is therefore considered to be acceptable as the proposals are considered to accord with Policy 25 of the Local Plan.

Other Matters

- 8.12 As the proposal is only being considered at committee due to the level of interest in the proposals, it is considered appropriate to address some of the key concerns raised in public representations. The key matters are considered as follows:
- **Fire Hazard:** The building is not considered to represent a particular fire safety hazard caused by the new building. South Yorkshire Fire and Rescue Service have not been consulted on the proposals as it was not deemed necessary. They have however been in touch following concerns raised by a member of the public. SYFRS have not however set out any fire safety concerns with the building.
 - **Parking and Traffic:** There is considered to be sufficient room for parking. Only one customer is expected to be on site at any one time, therefore the parking requirements are not significant. The vehicular movements from the proposed business are also not considered to be significant given that only 3 to 4 dogs are groomed daily.
 - **Noise:** Only one dog is groomed on site at a time. The outbuilding is specifically designed for dog grooming and has noise insulation measures built in.
 - **Chemicals:** The applicant uses natural and organic dog shampoos which are not considered to be hazardous. The wastewater once used from washing the dogs is poured down the drain where other wastewater from the dwelling also goes. The impact is not considered to be harmful.
 - **Septic Tank Overload:** The wastewater that is produced is minimised due to the use of a hydrobath which only needs a small amount of water per dog. The wastewater is collected and goes poured down the drain where other wastewater from the house goes. This then goes to the new septic tank the applicants have had installed prior to moving into the property in November 2022. This is not shared with anyone.

- **Dog Waste:** The dogs are not usually kept for more than 90 minutes therefore the waste generated is very minimal.

9.0 PLANNING BALANCE & CONCLUSION

- 9.1 The development is considered to accord with policies 25 and 46 of the Local Plan. The business is considered to be of a small scale and has an acceptable impact in terms of amenity and highways safety.

10.0 RECOMMENDATION

10.1 GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE FOLLOWING CONDITIONS:

The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

01. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:

Site Plan (22001 01)
"g:room" Pod details
Existing Plan and Elevations (22050)

REASON

To ensure that the development is carried out in accordance with the application as approved.

02. There shall be no more than one dog permitted within the business at any one time and a maximum of 4 dogs shall be treated per day.

REASON

In the interests of the amenity of the locality.

03. The hours of opening shall be limited to:

Mondays to Fridays inclusive 09:00 to 17:00
Saturdays 09:30 to 12:30
Not at all on Sundays or Bank Holidays

REASON




To ensure that the development does not prejudice the local amenity.

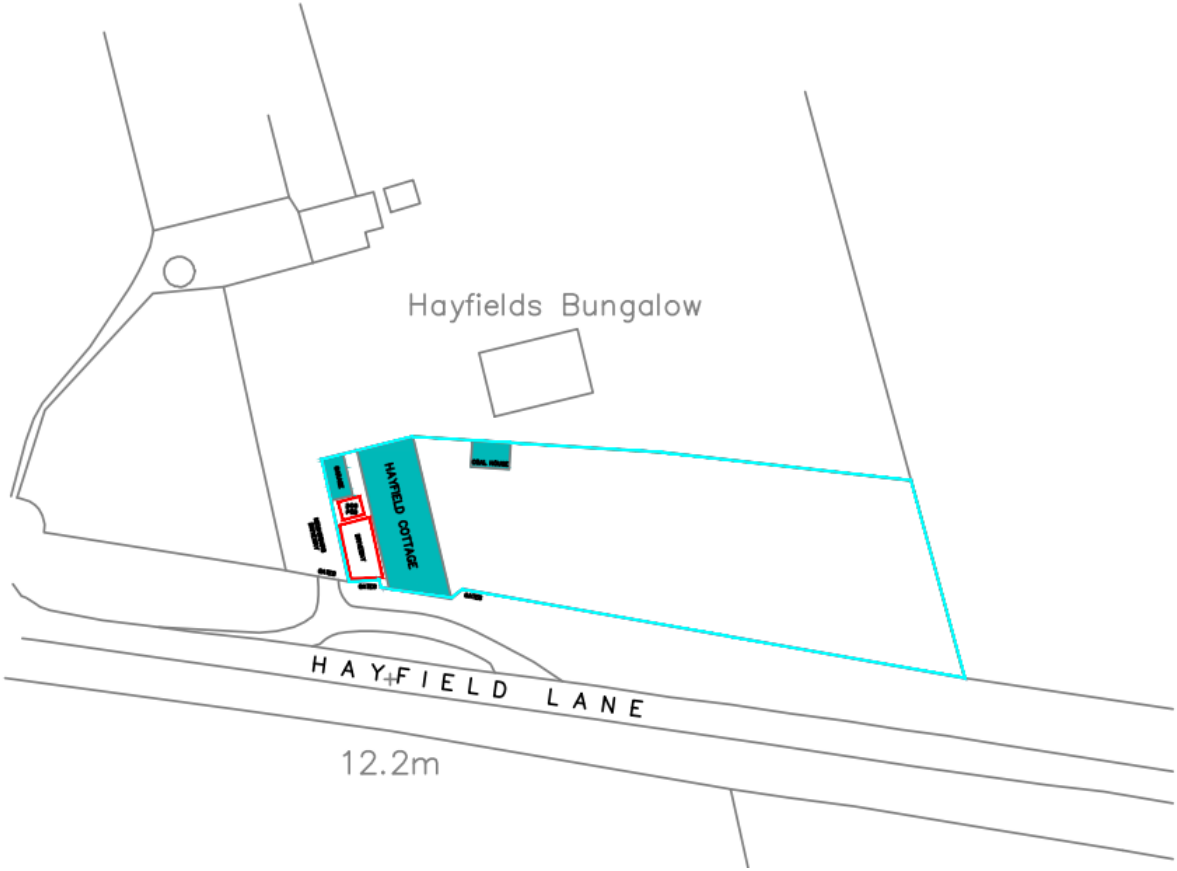
It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.

The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence

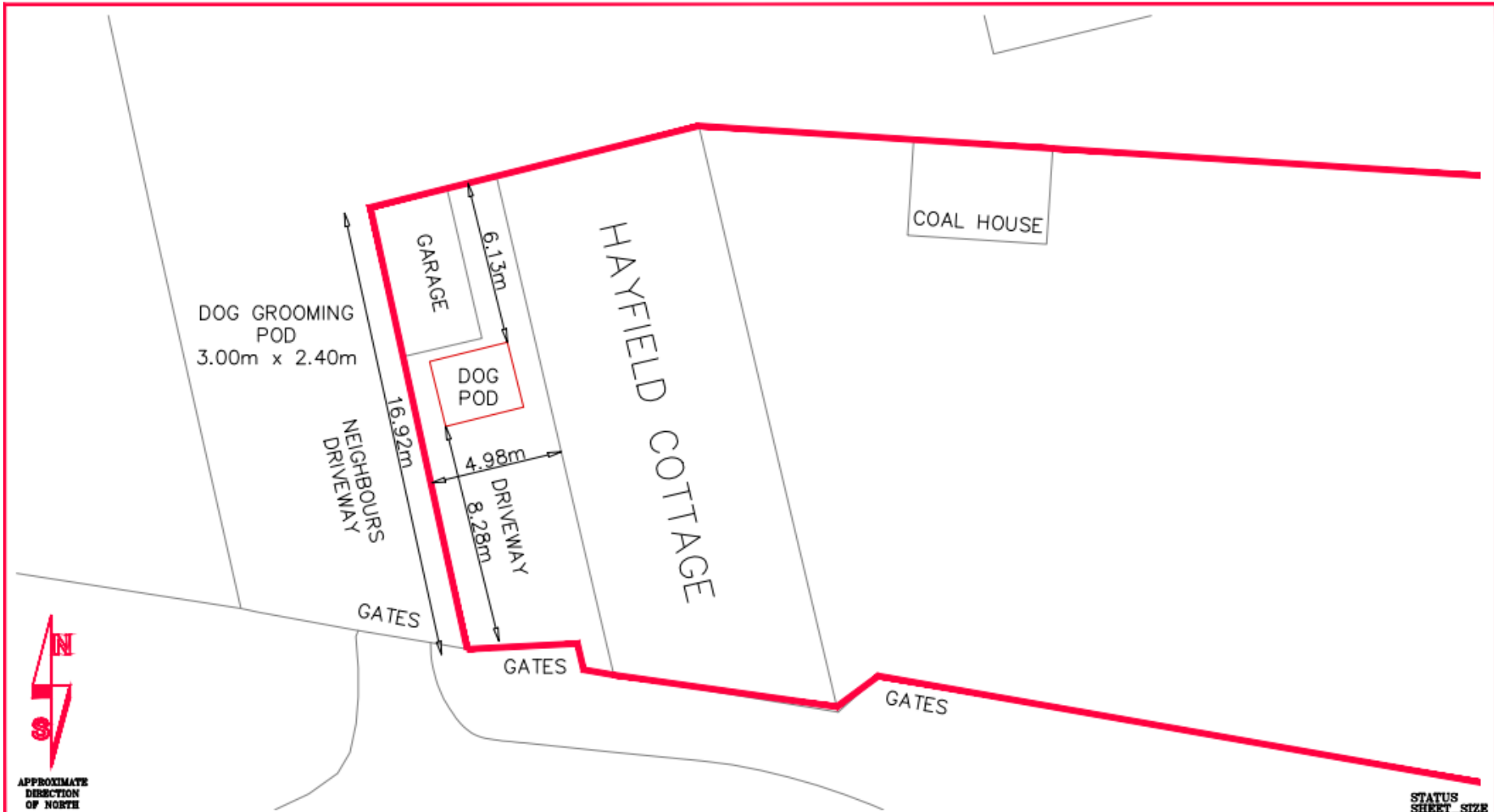
Appendix 1: Location Plan

Plan Abbreviations:

-  = ESTATE EXTENTS
-  = DOG GROOMING POD
-  = VEHICLE ACCESS



Appendix 2: Site Plan



GEOSURVEYS
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Project: **HAYFIELD COTTAGE
HAYFIELD LANE - AUCKLEY
DONCASTER - DN9 3NP**

Drawing No: **IMMACULATE DOGS POD PLAN**

Drawing Title: **POD LOCATION PLAN**

Sheet No: **2 of 2**

Date: **13 NOV 2022**
 Scale: **1:200**
 Surveyor: **MBH**
 Job No: **22001 01**

Rev	Date	By	Description

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