

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

---

**REPORT TO:** Development and Conservation Control Committee      5<sup>th</sup> April 2006  
**AUTHOR/S:** Director of Development Services

---

**S/0151/06/F - Swavesey**  
**Extension of Kennel Block and Conversion of Part of Cattery Building into Staff Accommodation; Windmill Kennels and Cattery, Hale Road for Mr P Morgan**

**Recommendation: Delegated Approval/ Refusal**  
**Date for determination: 8<sup>th</sup> May 2006**

### Departure Application

#### Site and Proposal

1. The application relates to an existing kennels and cattery enterprise located in the rural area to the west of Swavesey. The business is sited within the curtilage of The Old Windmill, a grade II listed building, which is the applicant's dwelling. Access to the site is via Hale Road, an unmade private track and public footpath (No.7). Open countryside surrounds the site with the nearest residential properties situated some 170 metres to the east. The kennels are sited adjacent to the western boundary of the site and house approximately 20 dogs. The cattery is sited adjacent to the eastern boundary and provides accommodation for up to 20 cats.
2. The application, dated 9<sup>th</sup> January 2006 and completed by plans and certificate dated 9<sup>th</sup> March, proposes the erection of a single-storey extension to the existing kennel block to provide an additional 12 kennels. The extension will measure 13.0 metres deep x 10.5 metres wide. The appearance will match the existing. In addition, the applicant intends to erect accommodation for up to two staff within an extension to the separate cattery block. This extension, consented in 2002 for additional cattery accommodation, has been commenced but not completed, the roof and frame having been erected but no walls provided. The accommodation will have two bedrooms, living/dining room and a linked kitchen.
3. The accommodation is required to enable managerial supervision to be present on the site at all times. Statements from the applicant are included at [Appendix 1](#).
4. The southern part of the site fall within Flood Zones 2 and 3 (low/medium and high flood risk). Although indicative, the map shows Zone 2 to cover part of the existing cattery, the proposed staff accommodation and the proposed kennel extension.

#### Planning History

5. Planning permission for the establishment of the kennels and cattery was allowed on appeal in 1997 (**S/0545/97/F**). Details of the kennel and cattery buildings were approved in 1998 (**S/0086/98/F**). Permission for an extension to the cattery was granted in 2002 (**S/0512/02/F**). This extension has been commenced but not completed.

## Planning Policy

### *Cambridgeshire and Peterborough Structure Plan 2003*

6. **P1/1** (Approach to Development)- development should be located where travel distances by car can be minimised, walking and cycling encouraged and where good transport accessibility exists or can be provided.
7. **P1/2** (Environmental Restrictions on Development)- development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.
8. **P2/6** (Rural Economy) – sensitive small-scale development in rural areas will be facilitated where it contributes, *inter alia*, to supporting new and existing businesses; to farm or rural diversification where appropriate to the rural area; to the re-use of existing buildings; towards helping to maintain or renew the vitality of rural areas.
9. **P6/4** (Drainage) – development will be expected to avoid exacerbating flood risk by using sustainable drainage systems for the disposal of surface water run-off.
10. **P7/6** (Historic Built Environment) LPA's will protect and enhance the quality and distinctiveness of the historic built environment.

### *South Cambridgeshire Local Plan 2004*

11. **SE8** (Village Frameworks) – Residential development outside frameworks will not be permitted. The supporting text states “Buildings associated with countryside uses (eg. farm buildings, houses subject to agricultural occupancy conditions or affordable housing schemes) are not normally included within the framework”.
12. **CS5** (Flood Protection) – planning permission will not be granted where the site is likely to increase flood risk unless it can be demonstrated that the effect can be overcome by appropriate alleviation and mitigation measures.
13. **EM10** (Conversion of Rural Buildings and Future Extensions) – outside village frameworks planning permission will be granted for the change of use and conversion of rural buildings to employment use subject to a number of provisions.
14. **EN28** (Development within the Curtilage or Setting of a Listed Building) – where development would damage the setting, well-being or attractiveness of a listed building, planning permission will be refused.

### *Local Development Framework Submission Draft (2006)*

15. **ET/6** (Expansion of Existing Firms) – Development for the expansion of existing firms will be permitted within previously developed sites next to or very close to village frameworks. A firm or business will be considered as ‘existing’ if a significant element of its operation has been based in the Cambridge Area for a minimum of five years prior to the date of the planning application. Expansion will not be permitted where it consolidates a non-conforming use, or causes problems with traffic, noise, pollution, or other damage to the environment.

16. **HG/9** (Dwelling to Support a Rural-based Enterprise) – Development of a new permanent dwelling for agricultural or forestry purposes, or exceptionally for a rural-based enterprise, will only be permitted if it is demonstrated to the satisfaction of the District Council that:
1. There is a clear, existing functional need relating to a full-time worker or one who is primarily employed in agriculture;
  2. It relates to a well established agricultural unit (which has been established for at least three years, has been profitable for at least one of them, is currently financially sound, and have a clear prospect of remaining so);
  3. There are no suitable existing buildings available in the area;
  4. The conversion of appropriate nearby buildings would not provide suitable accommodation;
  5. No existing dwelling serving the unit or closely connected with it has either recently been sold off or in some way separated from it.

Where criterion (2) cannot, for the time being, be met, or it relates to a new farming activity on a well established unit, development of a temporary dwelling may be permitted for up to three years where all the other criteria above are met, and there is:

- a. Clear evidence of a firm intention and ability to develop the enterprise concerned;
- b. Clear evidence that the proposed enterprise has been planned on a sound financial basis;
- c. Clear evidence that the functional need cannot be fulfilled by another existing building on the unit or any existing accommodation.

The District Council will require a “Functional” and “Financial” test to be undertaken in accordance with PPS7 to demonstrate the above criteria have been met.

Where a new dwelling is permitted, this will be subject to a condition ensuring the occupation will be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry or a surviving partner of such a person, and to any resident dependants.

### **Consultations**

17. **Swavesey Parish Council** – approval (no comments)
18. **Council’s Conservation and Design Manager** – While the extension and intensification of the business will have some impact on the listed mill, he considers that this will cause no greater detriment than existing. No objection.

19. **Council's Chief Environmental Health Officer** – He has visited the site and has discussed the proposals with the applicant. He was reassured that the potential for noise and disturbance from dogs kept at the kennels has been adequately addressed by the applicant. He has no objection to the proposal.
20. **Environment Agency** – Objection as the site is identified as being in an area isolated by flood zones 3 and 2 (high and medium flood risk). The proposed development may be at risk of flooding and may increase the risk of flooding to the existing property. Flood warning and evacuation procedures will need to be agreed as part of a flood risk assessment to reduce the risk of danger to life and employees, visitors and livestock.
21. **County Council Countryside Services Section and Ramblers Association** – no comments received in respect of the public footpath.

### **Representations**

22. None received.

### **Planning Comments**

#### ***Extension***

23. The site lies in the rural area where there is a general presumption against new building. However, the operation of a kennel is a use which I consider to be essential to be located in the countryside so as to avoid noise disturbance to neighbouring properties. I consider that the proposal conforms with Policies P1/3 and P2/6. The extensions are modest in scale and will not unduly harm the appearance of the countryside or the setting of the listed building. The proposal conforms with Policy EN28.

#### ***Residential use***

24. The establishment of a new residential unit in the countryside does not conform with Policy SE8, but as this business requires a countryside location, it is more appropriate to consider it in a similar way to an agricultural unit. Draft policy HG/9 refers to dwellings for rural-based enterprises. I consider that the applicant has demonstrated a clear need for the accommodation, that the business is well-established and is likely to remain so, and that the establishment of a temporary form of accommodation for a trial period is not warranted in this case. If approved, I recommend that a condition should be attached to tie the occupation to the business and The Windmill as a single planning unit.

#### ***Traffic***

25. The likely traffic generation from the development is considered to be equivalent to that which would have been generated by the cattery extension, which has not been completed. The proposal is not likely to lead to additional traffic movements over those which would have resulted from the consented development.

#### ***Noise***

26. The noise from additional barking dogs is not likely to be cause significant disturbance to neighbouring amenity in this case, as indicated by the Chief Environmental Health Officer.

### **Flood risk**

27. The Environment Agency has required a flood risk assessment. At the time of compiling this report the applicant is arranging for a suitable flood risk assessment to be prepared. This is a fundamental aspect of the proposal which cannot be resolved by attaching a condition to any approval, for submission at a later time. I will advise Members of receipt of a FRA, if provided before the meeting, but in order for it to be determined within the statutory period it may be necessary for this application to be refused or withdrawn, and resubmitted with the appropriate information when it is available.

### **Recommendation**

28. Subject to no objections being received from the public footpath consultees, delegated powers are sought to approve the application or refuse in the event of a suitable flood risk assessment not being received or not accepted by the Environment Agency before the statutory determination date (as amended by plans date stamped 13<sup>th</sup> March 2006). If approved, that this be subject to the following conditions:
1. Standard Condition A – Time limited permission (Reason A);
  2. Sc5a – Details of materials for external walls and roofs (Rc5aii);
  3. Sc51 – Landscaping (Rc51);
  4. Sc52 – Implementation of landscaping (Rc52);
  5. Sc60 – Details of boundary treatment (Rc60);
  6. Occupancy limitation (Reason – To prevent the creation of an independent unit of accommodation in the rural area)  
+ any conditions required by the Environment Agency

### **Informatives**

#### **Reasons for Approval**

1. Although the proposed residential development in the countryside does not conform with Policy SE8 of the South Cambridgeshire Local Plan 2004, it is considered that the imposition of a condition linking its occupation to the existing established rural enterprise would render the proposal acceptable.

The development is considered generally to accord with the Development Plan and particularly the following policies in all other respects:

- **Cambridgeshire and Peterborough Structure Plan 2003:**  
**P1/1** (Approach to Development), **P1/2** (Environmental Restrictions on Development), **P2/6** (Rural Economy), **P6/4** (Drainage) and **P7/6** (Historic Built Environment).
- **South Cambridgeshire Local Plan 2004:**  
**CS5** (Flood Protection), **EM10** (Conversion of Rural Buildings and Future Extensions), **EN28** (Development within the Curtilage or Setting of a Listed Building).

2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
- Residential amenity and noise disturbance
  - Highway safety
  - Visual impact on the locality
  - Impact upon setting of the adjacent listed building
  - Flood risk

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning files Ref. S/0151/06/F S/0512/02/F S/0086/98/F, S/0545/97/F

**Contact Officer:** Ray McMurray – Senior Planning Assistant  
Telephone: (01954) 713259