

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Development and Conservation Control Committee      2<sup>nd</sup> August 2006  
**AUTHOR/S:** Head of Planning Services

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**S/1062/06/F - Fen Drayton**  
**Change of Use from Farm Shop to Dwelling in Association with Dog Training**  
**and Erection of Additional Kennels and Retention of Existing Kennels**  
**40A Middleton Way, for Mr and Mrs R Ingle**

**Recommendation: Delegated Approval**  
**Date for determination: 19<sup>th</sup> July 2006**

### Site and Proposal

1. The site lies in the rural area to the west of Fen Drayton, which is characterised by agricultural dwellings and smallholdings in horticultural use, with many glasshouses. This area is known as the former Land Settlement Association Estate, which was disposed of by the Ministry of Agriculture in the early 1980's. The site is served by a narrow road, Middleton Way. There are dwellings at Nos. 40/41 with rear windows approximately 40 m from the proposed dog training area. The dwellings at Nos.38/39 are some 50m away.
2. The application received 24<sup>th</sup> May 2006, relates to an existing single-storey building and associated land (0.21ha plus 0.89ha land to the rear in the same ownership). The single-storey building, which has the appearance of a domestic bungalow, is not currently occupied, and was last in use as a farm shop. The applicant wishes to occupy this building as a private dwelling, for himself, his wife and his mother-in-law, Mrs L Lawrence. The occupation is to be associated with the establishment of a greyhound training enterprise on the land.
3. A kennel for up to 12 dogs exists on the site without the benefit of planning permission, this application seeks retrospective consent. The proposal is to erect an additional kennel block for up to 40 dogs which, if approved, would give a total capacity of up to 52 dogs. The applicant's intention is to train up to thirty dogs and leave capacity for sick/ lame dogs and breeding of one litter a year.

### Planning History

4. The site has an extensive history of planning decisions:
  - (a) **S/3207/88/F** – 2 mobile homes -Refused 25 May 1989 (applicant Mr R D Ingle). The reasons for refusal refer to the holding having been served by the dwelling at 40 Middleton Way. Mr Ingle sold this dwelling off before bringing the mobile homes onto his remaining land.
  - (b) **Enforcement Notice A**, dated 9 June 1989, against erection of a bungalow on agricultural land served on Mr R Ingle. The remedies that were required were 1) to demolish the building and 2) to clear the site of all materials arising from such demolition. The appeal was dismissed by the Inspector on 19 January 1990 (the period for compliance was extended to six months). It was noted that Mr Ingle had recently disposed of a dwelling on the holding, 40 Middleton Way. The Inspector commented:

*“The Land Settlement Association area has a predominantly horticultural character quite different from that of the village proper. In my opinion it can reasonably be considered part of the countryside...Your client ...chose to dispose of the original dwelling which served the holding. Whilst I understand his personal circumstances, and have dealt with this case on its merits, if permission were granted in this instance, even with conditions attached, it would be difficult in fairness to refuse to allow the subdivision of holdings and the establishment of new residences throughout the Land Settlement Area, and throughout the countryside generally, leading to a considerable and harmful change in the character of the open countryside. The fact that features like a bungalow and the mobile homes are not unusual in the locality does not in itself justify a proliferation of similar features... Nor do I consider that the requirement that it be demolished is unreasonable or excessive given its present form”.*

- (c) **Enforcement Notice B**, dated 9 June 1989, against siting of 2 mobile homes on agricultural land, served on Mr R Ingle. Remedy sought 1) to cease to use the mobile homes for residential purposes and 2) to remove the mobile homes from the site. Appeal dismissed by decision dated 19 January 1990.
- (d) **Stop Notice** dated 9 June 1989, requiring construction of the bungalow to cease. Mr Ingle failed to heed the Stop Notice, which resulted in him being fined by the Court.
- (e) **S/0859/90/F** – Use for pre-packaging and farm shop/office – Refused 12 June 1990 (applicant Mr and Mrs R D Ingle).
- (f) **Section 106 legal Agreement**, dated 11 September 1991, signed by Mr and Mrs R D Ingle. The Agreement refers to the combined area of 1.1ha, and states that the Council is satisfied that the building may remain without further enforcement action provided that:
  - 1) The building shall not be used for any purpose other than agriculture but including preparation, packaging and sales of agricultural products grown on the property or raised as livestock on the property, and incidental offices;
  - 2) The building shall not be used as residential accommodation or offices;
  - 3) The property and building shall be a single planning unit.
- (g) **S/0526/05/F** - Change of use from farm shop to dwelling – Refused 12<sup>th</sup> July 2005 by Members on the grounds that there was insufficient justification to allow the occupation of the unit as a dwelling in this rural area.

## **Planning Policy**

- 5. **Planning Policy Statement 7** (Sustainable Development in Rural Areas). This advice states that isolated new houses in the countryside will require special justification for planning permission to be granted. The Government supports the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building.

*Cambridgeshire and Peterborough Structure Plan 2003:*

6. **Policy 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.
7. **Policy P1/3** (Sustainable Design in Built Development): a high standard of design and sustainability for all new development will be required which minimises the need to travel and reduces car dependency.
8. **Policy 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

*South Cambridgeshire Local Plan 2004:*

9. **Policy SE8** (Village Frameworks) – Residential development outside frameworks will not be permitted.
10. **Policy CS1** (Planning Obligations) the Council will seek to negotiate planning obligations to ensure the provision of any matters that are necessary and directly related to the proposed development, without which permission ought not otherwise be granted. The obligation will be reasonably related to the proposed development in scale and kind.
11. **Policy HG20** (Dwellings associated with Horsiculture) - Planning permission will not be granted for dwellings in the countryside for the on-site security of horses, stabling and ancillary uses unless the site lies outside the Green Belt and the District Council is satisfied that the applicant has proven an essential functional need for, and financial justification of that dwelling in that location having regard to other policy considerations concerning design and site layout.
12. **Policy Fen Drayton 1:** Within the area of the former Land Settlement Association Estate, planning permission will not be granted for housing or commercial development unless it is directly related to the effective operation of local agriculture, horticulture, forestry or other uses appropriate to a rural area. The supporting text indicates that the former estate is the subject of a 1937 Planning Agreement which restricts the use of land, buildings and dwellings to those of agriculture and horticulture.

*Local Development Framework Submission Draft (2006):*

13. **Policy HG/9** (Dwelling to Support a Rural-based Enterprise)
  - 1) 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:
    - (a) There is a clear, existing functional need relating to a full-time worker or one who is primarily employed in agriculture;
    - (b) 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);

- (c) There are no suitable existing buildings available in the area;
- (d) The conversion of appropriate nearby buildings would not provide suitable accommodation;
- (e) No existing dwelling serving the unit or closely connected with it has either recently been sold off or in some way separated from it.

In general, preference will be given to the re-use or replacement of existing buildings over those which propose the erection of a new dwelling in order to avoid further development in the countryside. Where new buildings are proposed to be erected they should be sited and designed to minimise impact on the countryside

- 2) Where criterion (b) 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.
3. 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.
4. Dwellings associated with the keeping of horses are an inappropriate form of development in the countryside. Where the future need for accommodation is anticipated, stables should be located close to an existing dwelling, or suitable building capable of conversion to such use. Dwellings connected to the keeping of horses where the scale of the business meets the test of a rural enterprise will be considered in accordance with the tests included in this policy.
5. 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.

When considering planning applications for new enterprises in the countryside and the need for any associated accommodation, the District Council seeks advice concerning the commercial viability of the proposed enterprise. Where such advice indicates that the viability of the enterprise is uncertain, the District Council will firmly resist a permanent dwelling in the countryside.

In such circumstances, temporary planning permission may be granted for a caravan associated with the enterprise to enable the applicant to prove that it can provide his / her main livelihood.

14. The supporting text states, “With increasing leisure time and the changes in agriculture bringing forward pressures for farmers to diversify, the District Council has experienced increasing demand for horse-riding and the setting up of equestrian activities (often referred to as “horsiculture”). In this context, planning permission is usually required for the construction of new buildings or the conversion of existing buildings for stabling horses and for the change of use of land for exercise, training or jumping horses.

With these approvals, on occasion, there may be pressure to develop a dwelling on site for security purposes - this will be invariably outside village frameworks. It is not considered that the security of horses justifies the provision of a dwelling and there are other methods of providing site security. The District Council will resist such proposals since they introduce new residential development in the countryside which can often be conspicuous in the generally flat landscape of South Cambridgeshire.

Policy HG/9 will also apply to development proposals associated with studs in the district where they comprise a rural enterprise.

15. **Policy SP/9** (Fen Drayton Former Land Settlement Association Estate)  
Within the former Land Settlement Association Site at Fen Drayton, as defined on the Proposals Map, where it can be demonstrated that buildings (excluding glass houses) are no longer needed for agricultural purposes, planning permission for change of use or redevelopment of existing buildings will be permitted for on site experimental or other ground-breaking forms of sustainable living provided that development would not occupy a larger footprint than existing buildings.

### **Consultations**

16. **Fen Drayton Parish Council** - Recommendation of refusal on a split vote 5-2. The Parish Council is aware of draft LDF Policy SP/9. The Parish Council considers that the proposal conforms with draft Policy SP/9 to the extent that the site is no longer needed for agricultural purposes and does not occupy a larger footprint than the original piggery building. However, the proposal is not ‘experimental or other ground-breaking form of sustainable living.’ The Council has sympathy with Mr Ingle’s situation where, if planning permission is granted, this will give him a home well suited to his needs. It would enable him to expand his business activities and release his present rented home for occupation by another family in need of affordable accommodation in the village. The Parish Council supports the principle of providing or adapting accommodation to enable residents to continue living in the village in a property suitable for their individual needs, but it does object to the granting of permission where this would contravene applicable planning rules and restrictions.

17. **Chief Environmental Health Officer**

No comments received.

18. **Environment Agency**

No objection, subject to adequate measures to protect surface and underground waters from contamination.

## **Representations**

19. None received.

## **Applicant's Supporting Statement**

20. The applicant has stated that the new kennel block would allow him to supply around 30 racing dogs at Henlow Stadium (Bedfordshire), as well as cater for sick/ lame dogs. The land would be used for dog recreation and training. He would ensure that there would be no noise disturbance, or danger to horses or other grazing animals. The applicant would be the trainer, his son would be a full-time head kennel hand, his grand-daughter would be a part-time kennel hand. The rules of the National Greyhound Racing Club require residence at the premises. He intends to live at the premises with his wife and mother-in-law.

The applicant has submitted a cash flow forecast showing projected earnings of £9K approximately in the six months September – February.

The proprietor of Henlow Stadium has written to confirm that his venue is actively seeking more graded greyhounds, and that he welcomes Mr Ingle's proposals.

## **Consultant's Appraisal**

21. An assessment had been received from Acorus Rural Property Services. The report concludes: "I...would be supportive of a temporary consent for approximately three years so as to allow the full establishment of the unit. In terms of the retention and new kennels, I am not opposed to the scheme as presented although I do feel it would be prudent to invite ... removal of derelict glasshouses and landscaping. Also, the LPA may wish further details in respect of any impact on neighbour amenity from any potential noise/ smell. I would seek a S106 Agreement so as to tie the land buildings and dwelling as one overall unit".

## **Planning Comments**

22. Members will note from the site history that the farm shop was originally erected without the benefit of planning permission, and that last year the applicant failed in his attempt to gain planning permission for its occupation as a stand-alone dwellinghouse unrelated to any use on the former smallholding.
23. The submitted proposals are similar to those where an applicant is seeking to establish a horse-related facility, under Policy HG20 and emerging Policy HG9. In the current application, the applicant has indicated that residency on-site is essential for the security and welfare of the dogs. This shows an essential functional need, which has been supported in the consultant's appraisal. The consultant states that he is "reasonably satisfied that the enterprise has been planned on a sound financial basis. However, actual figures will ultimately need to be provided to support any permanent dwelling".
24. No written objections to the application have been received from occupiers of neighbouring properties. The applicant has been operating dogs from the premises apparently without complaint from nearby occupiers. In the event of planning permission being granted, a temporary period should be allowed to enable potential noise disturbance to neighbouring properties to be kept under review. The comments of the Chief Environmental Health Officer are awaited.

25. In my opinion, the occupation of the premises and the erection of additional kennels is an acceptable use of the site subject to the financial viability of the business being established over a period of three years. The Section 106 legal agreement that already exists on this property will require amendment to take account of this planning permission, if granted. I do not consider that a limited period consent justifies a S106 Agreement to tie the land, buildings and dwelling as one overall unit.

### **Recommendation**

26. Subject to the completion of an appropriate amendment to the S106 Agreement dated 11<sup>th</sup> September 1991, and to no objections being received from the Chief Environmental Health Officer, approval subject to the following conditions:
1. The erection of the kennel block to which this permission relates shall be commenced not later than the expiration of three years beginning with the date of this Decision Notice. (RcA);
  2. The residential occupation of the former farm shop and the use of the premises and land edged in red upon the submitted layout plan for the keeping and training of greyhounds shall be discontinued on or before three years from the date of this Decision Notice. (Reason – To enable the financial viability of the enterprise to be assessed and to keep the site under review.);
  3. Sc60 – Details of boundary treatment (Rc60);
  4. Any conditions required by the Chief Environmental Health Officer.

### **Informatives**

#### **Reasons for Approval**

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - **Cambridgeshire and Peterborough Structure Plan 2003:**  
**P1/2** (Environmental Restrictions on Development)  
**P1/3** (Sustainable Design in Built Development)  
**P2/6** (Rural Economy)
  - **South Cambridgeshire Local Plan 2004:**  
**HG20** (Dwellings associated with Horsiculture)  
**Fen Drayton 1**
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 settlement policy

**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
- Local Development Framework Submission Draft (2006)
- Planning file Ref. S/1062/06/F and those identified in the Planning History section above.
- Acorus Report dated June 2006.

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