



Application Number and Registration Date	MO/2018/1691 (Detailed) 12-Dec-2018
Applicant	Miss E Gardner
Case Officer	Donna Penson
Amendments /amplifications	
Committee Date	3 April 2019
Ward(s)	Brockham, Betchworth & Buckland
Proposal	Change of use from residential (C3) to Mix C3 and dog grooming (Sui Generis). The dog grooming activities are restricted to a specific half of the outbuilding.
Site Description	6, The Quarry, Betchworth, Surrey, RH3 7BY

RECOMMENDATION: Approve subject to conditions

Summary

This application is for the change of use of the entire site from residential (Class C3) to a mixed use of residential (Class C3) and dog grooming (Sui Generis). The dog grooming activities are restricted to a specific half of the detached outbuilding located within the rear garden. The proposal is considered to be appropriate development within the Green Belt as it is the re-use of a building which is of a permanent and substantial construction. Furthermore, concerns have been raised that the use is intrusive to neighbouring amenity in terms of noise, privacy and parking. Taking into account all of the information submitted including the comments from letters of objections it is considered that the proposal would not be in contrary to policy ENV22 and could be monitored/controlled by the relevant conditions to protect the amenities of neighbouring residents and the host property No. 6 The Quarry.

1. Development Plan

- 1.1. Metropolitan Green Belt
- 1.2. Area of Outstanding Natural Beauty

2. Relevant Planning History

MO/2010/0308	Erection of single storey side/rear extension	Approved 30.04.2010
--------------	---	---------------------

3. Description of Development



Figure 1 – Location plan

- 3.1. The application site is located to the west of The Quarry within the Metropolitan Green Belt and Area of Outstanding Natural Beauty. Access to the site is via a private track off the main road known as Station Road.
- 3.2. To the south of the site lies the railway line.
- 3.3. The site accommodates a semi-detached dwellinghouse with an outbuilding located in the rear garden. The outbuilding is Permitted Development.
- 3.4. The current application seeks planning permission for change of use from residential (C3) to Mix C3 and dog grooming (Sui Generis). Dog grooming activities are restricted to a specific half of the outbuilding.
- 3.5. The outbuilding is single storey with a shallow pitched roof. It has an overall height of approximately 2.4 metres and has a floor area of 20sqm (5m x4m). There is a partition wall within the outbuilding; the left hand side is being used as domestic storage

incidental to main dwellinghouse. The right hand side is where the dog grooming parlour is sited.

3.6. The outbuilding has two windows and a door on the southern elevation with one window in the eastern elevation which faces the rear garden of No.5 The Quarry.

3.7. There is approximately one metre from the rear and sides of the outbuilding to the boundary with neighbouring properties.



Figure 2 – Photo of outbuilding for reference

4. Consultations

- 4.1. Environmental Health – Noise – On the basis of our visit to the business premises we can confirm that we have considered the noise issues raised by objectors and that we consider the use can be controlled by suitable conditions. The foul water is disposed of into a cesspit, therefore no EH concern as it does not go into main drains.
- 4.2. Natural England – No objection, based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites.
- 4.3. Mole Valley Access Group – No objection
- 4.4. Southern Gas Works – No objection

5. Representations

- 5.1. Initially 3 letters of representations were received from three neighbouring properties raising the following summarised concerns:
 - Operating outside of stated hours on application form. – *Officer Comment – There are no operating hours as there is no permission. Imposition of enforceable conditions can address this issue.*
 - Affecting peace and privacy especially at weekends and in the summer months
 - Building is too close to neighbouring properties – *Officer's Comment – The outbuilding falls within the permitted development parameters.*

- Parking issues
- Noise issues relating to dogs barking (inside the house and cabin), howling and the equipment which is used. The sound of dogs howling and barking is incessant and intrusive. – *Officer Comment – This application does not relate to the house. The Applicant confirmed that in 2018 she was carrying out unauthorised dog day care whilst waiting for the dog grooming business to build up. This has now cease.*
- Cabin not fit for purpose
- Unsuitable place for a commercial enterprise
- Intrusive
- Increase in volume of traffic
- Proposal is for partial use, yet the opening times are 9am to 6pm. *Officer Comment – This application is for a mix use with dog grooming activities restricted to specific half of the outbuilding*
- It has affected the peace, quiet and privacy of residents.

The following concerns have been raised which are not material planning considerations:

- No consideration or consultation with neighbours. – *Officer Comment – Consultation has been undertaken by the Local Planning Authority in accordance with the statutory regulations. All neighbouring properties which share a boundary with the site have been notified.*
- Damage and deterioration to the private road
- People knocking on the door
- Vehicles getting stuck/grounded
- Customers not entitled to use the private track- *Officer Comment – Entitlement to use a private road is a private matter and not something that the planning regime can address.*
- No soakaway fitted
- Another neighbour dog boards
- Speeding and careless parking
- Waste water going into a shared cesspool – *Officer Comment – As water goes into a shared cesspit and not main water drains, No EH concern, civil matter.*

5.2. Neighbouring properties were re-consulted on the additional information received. In which a further 5 letters were received from five properties, raising the additional summarised points

- Other commercial properties do not cause a disturbance
- Blocked Access
- Building not sound proofed

- Windows and Door not closed as per information submitted
- Still using the outbuilding unauthorised - *Officer Comment – The continued use of the building is being used at the owner’s risk, as it does not benefit from planning permission.*
- Business has already been operating from a year without permission

5.3. Betchworth Parish Council have commented on the application, requesting that due consideration is made to neighbouring properties and the use of appropriate conditions in terms of how many dogs are groomed at any one time.

6. **Main Planning Policies**

6.1. Government Guidance

NPPF (February 2019)

Section 2 – Achieving sustainable development

Section 6 – Building a strong, competitive economy – Supporting a prosperous rural economy

Section 13 – Protecting the Green Belt

Section 15 – Conserving and enhancing the natural environment

6.2. Mole Valley Core Strategy

CS1 – Where development be directed

CS14 – Townscape, Urban Design and the Historic Environment.

6.3. Mole Valley Local Plan

ENV22 – General Development Control Criteria

MOV2 – The movement implications of development

MOV5 – Parking Standards

7. **Main Planning Issues**

7.1. The main planning issues for consideration are:

- Whether the proposal would be inappropriate development in the Green Belt, including the effect on openness.
- Impact on the character of the area and visual amenity of the Green Belt
- Impact on the amenity of neighbouring properties
- Impact on the amenity of the host property 6 The Quarry
- Parking Implications

7.2. **Whether the proposal would be inappropriate development in the Green Belt including the effect on openness**

The essential characteristics of Green Belts are their openness and their permanence. Paragraph 144 of the NPPF (February 2019) states when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Some forms of development are not considered inappropriate in the Green Belt. Those forms of development that are considered inappropriate should only be permitted if Very Special Circumstances can be

demonstrated and if they are sufficient to outweigh the harm to the Green Belt.

Paragraph 146 states that certain forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land with it. One of these exceptions is the re-use of buildings provided that the buildings are of permanent and substantial construction.

The building is a permanent structure which is currently used for the purposes applied for (part residential storage, part commercial dog grooming). No external alterations are required for the business use.

The entire planning unit known as 6 The Quarry would remain one planning unit but would change to a mixed use of residential (C3) and dog grooming (Sui Generis). The dog grooming activities would be carried out in a specific half of the outbuilding. It is therefore considered that the change of use being applied for does not conflict with the purposes of the land and is not inappropriate development within the Green Belt.

7.3. **Impact on the character of the area and the visual amenity of the Green Belt**

The site lies within the Metropolitan Green Belt and the Area of Outstanding Natural Beauty.

ENV22 states that development will normally be permitted provided such development:

- is appropriate to the site in terms of its scale, form and appearance and external building materials*
- does not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking or its overshadowing or overpowering effect, noise, traffic or other adverse environmental impact*
- respects the character and appearance of the locality*
- has regard to attractive features of the site such as trees, hedges, walls or buildings that contribute to the character of the locality*
- provides any necessary screening and landscaping suitable to the character of the locality*
- provides safe access to the site and adequate parking to the adopted standards*
- provides a satisfactory environment for occupiers of the new development.'*

The mixed use would consist of residential and dog grooming. The dog grooming would take place within a specific half of the outbuilding to the rear. The outbuilding is modest in size. There are no specified size requirements in terms of spacing for dog grooming, however, the applicant has demonstrated that dog grooming can be undertaken satisfactorily within half of this outbuilding, without causing harm to the surrounding area.

In terms of the dog grooming use, it is more a matter of fact and degree whether the overall character of the planning unit will change as a result of the business. The National Planning Practice Guidance discourages the use of personal permissions. In this case, the dog grooming activities will be carried out by the owner of 6 The Quarry which will remain one planning unit. The impact of the use would not be that different if someone else took over the business provided they resided in the residential dwelling and operated the business in the same way in accordance with the recommended conditions. Therefore, in order to protect the character of the area and the visual amenity of the Green Belt a condition is recommended to ensure that the dog grooming business will be operated only by the occupier of the residential dwelling

known as 6 The Quarry. This will prevent the outbuilding being used separately to the dwelling.

The mixed use of residential and dog grooming at the property is not therefore considered to be detrimental to the character of the area or the visual amenity of the Green Belt and is appropriate to the site in terms of its scale, form and appearance and as such is not considered to be contrary to the aims of policy ENV22.

7.4. **Impact on the amenity of neighbouring properties**

Policy ENV22 seeks to ensure that development proposals do not

'significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking or its overshadowing or overpowering effect, noise, traffic or other adverse environmental impact.'

The outbuilding is located to the rear of the application site and is in close proximity of the boundaries. Due to the orientation of the dwellinghouses to the north, the rear garden of neighbouring property 9 The Quarry is sited adjacent to the rear boundary of the application site, where the building is located. Concerns have been raised that the dog grooming business is intrusive to neighbours in terms of noise, privacy and operating hours.

Various visits have been carried out by the case officer and the environment health officer during the considerations of the application, in order to assess what impact, if any, the dog grooming business has on neighbouring properties.

Noise

Grooming dogs is carried out in a number of stages with only one issue, 'drying', generating any appreciable noise. The applicant estimates that the 'drying' stage represents approximately a quarter of the working day.

The dryers, which are within a foam insulated box generate circa 82db maximum and when appraised 2m from the outbuilding the noise level was circa 52db which was barely audible.

The nearest neighbouring property is No.9 The Quarry, with the amenity area of this property being approximately 2m away and the rear elevation of the dwelling being approximately 4m away. Given this distance, the noise generated by the dryers was measured and it was barely audible. The dryers are not therefore considered to cause a significant detrimental impact on this neighbouring property. A condition is recommended to ensure that the dryers are kept within the insulated box. Furthermore, it is considered that these noise levels are acceptable in a residential garden during the working week and on a Saturday morning.

In terms of dogs barking, howling and whining, the applicant acknowledges that dog boarding did take place at the property and this did cause some noise issues (barking dogs). However, this use has now ceased and does not form part of the application.

Concerns have been raised that when customers come to 'pick up' dogs, it triggers the dogs to bark. In order to mitigate any potential impact on neighbours in terms of dogs barking the applicant will organise all patrons pick up and drop off by mobile phone and a remote intercom system will be installed and suitably sign posted so that patrons can speak to the applicant from the outbuilding, this forms part of the Management Plan and will be conditioned accordingly.

Other conditions recommended to ensure noise levels are kept to a minimum are: no dogs shall be kept in the garden when dog grooming is permitted to take place; all windows and doors of the dog grooming area shall be kept closed when the powered equipment is being used and; the applicant will record all dogs on a card index system, which can be viewed by the local planning authority at any time so operations at the site can be monitored.

Privacy

Concerns have been raised that the dog grooming business is intrusive to neighbours in terms of privacy. Whilst the dog grooming operation can be quite irregular, permission is sought for the whole of the working day (9am – 6pm). Patrons pick up and drop off their dogs to the front of the dwelling and although this may cause a little disturbance in terms of privacy (in particular to No. 7 The Quarry as the front door faces the application site), it is considered to be acceptable during the working week and on Saturday mornings.

Operating Hours

Concerns have been raised the operating hours as stated on the application form are not being adhered to and are unacceptable.

The proposed hours of operation are:

Monday to Friday: 09:00 to 18:00

Saturday: 10:00 to 17:00

Sunday and Bank Holidays: Closed

The Councils Environmental Health Officer raised concerns with the hours of opening on a Saturday and has suggested the following proposed hours in order to protect the amenity of neighbouring properties

Monday to Friday: 09:00 to 18:00

Saturday: 10:00 to 14:00

Sunday and Bank Holidays: Closed

The above operating hours will be secured by condition and such a condition is enforceable.

7.5. Impact on the amenity of the host property known as 6 The Quarry.

It is accepted that the entire planning unit would be used by the owner of the property for the purposes of this application. However, if the property was sold or rented or if a different dog groomer operated from the outbuilding who did not live at 6 The Quarry, the use would have the potential to cause harm to the amenities of the occupiers of 6 The Quarry. A condition is therefore recommended to restrict the use of the dog grooming business to a person who occupies the residential dwelling known as 6 The Quarry.

The proposed mixed use is not, therefore, considered to significantly harm the amenities of neighbouring properties by reason of overlooking or overpowering effects and would provide a satisfactory environment for occupants of 6 The Quarry in accordance with policy ENV22 and the provisions within the NPPF.

7.6. Parking

The Quarry is a private road, however the NPPF and Local Plan policies do not distinguish between private and public highway. In accordance with Surrey County Councils Parking Standards, Sui Generis uses do not have a parking standard requirement and an individual assessment must be made.

The applicant has two parking spaces allocated to 6 The Quarry, one of these is designated 'Customer Parking' and applies during the operating hours. Therefore, there would be one parking space for the dwellinghouse and one parking space for the Sui Generis use.

Although, there would be a decrease in one parking space for the dwellinghouse, this decrease would only apply when the Sui Generis use is in operation. Furthermore, based on the applicants drop off and pick up system which forms part of the management plan, it is considered that one space for each use would be acceptable in this case. As such it is considered that there would be sufficient parking in accordance with policies ENV22, MOV2 and MOV5 of the Mole Valley Local Plan.

Conclusion

In view of the above, it is considered that a mixed use of residential (Class C3) and Dog Grooming (Sui Generis) as proposed is appropriate development within the Green Belt and would not have a significant detrimental impact on neighbouring properties in terms of noise, privacy and parking subject to the conditions proposed in Section 8. Accordingly, approval is recommended.

8. Recommendation

Permission be **GRANTED** subject to the following conditions/reasons:

1. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the management plan dated 01.03.2019 and no variations shall take place.

Reason: To accord with the terms of the submitted application and to ensure minimal impact on local amenity and the environment in accordance with Mole Valley Core Strategy policy CS14 and Mole Valley Local Plan policy ENV22.

2. The dog grooming business will only be operated by the occupier of the residential dwelling known as 6 The Quarry, Betchworth.

Reason: To protect the amenity of the donor and neighbouring properties and since the site lies within a rural area to which a policy of restraint is applied in accordance with the advice of the National Planning Policy Framework, Mole Valley Local Plan policy ENV22 and policy CS1 of the Mole Valley Core Strategy.

3. The use hereby permitted shall be open to customers during the hours of 09:00 to 18:00 Mondays to Fridays, 09:00 to 14:00 on Saturdays and at no time of Sundays or Bank Holidays.

Reason: To protect the amenities of the area, and in particular the amenities of neighbouring residential properties in accordance with Mole Valley Local Plan policy ENV22.

4. There shall be no dogs kept within the premises hereby permitted outside of the hours of operation specified in condition 3 above and during these hours of operation hereby permitted no dogs shall be kept in the external garden areas of 6 The Quarry, Betchworth.

Reason: To protect the amenities of the area, and in particular the amenities of neighbouring residential properties in accordance with Mole Valley Local Plan policy ENV22.

5. Within one month of the development hereby permitted, the applicant will install a remote intercom system which will be suitably sign posted as per the approved management plan.

Reason: To protect the amenities of the area, and in particular the amenities of neighbouring residential properties in accordance with Mole Valley Local Plan policy ENV22.

6. There shall be no dog grooming activities carried out outside the building hereby permitted.

Reason: To protect the amenities of the area, and in particular the amenities of neighbouring residential properties in accordance with Mole Valley Local Plan policy ENV22.

7. The dryers must remain within the insulated box and when the dryers and blowers are being used to dry the dogs all windows and doors shall be kept closed.

Reason: To protect the amenities of the area, and in particular the amenities of neighbouring residential properties in accordance with Mole Valley Local Plan policy ENV22.

8. The parking space shown on the approved plan shall be made available immediately and thereafter retained for that purpose.

Reason: To ensure that adequate facilities are provided for the parking of vehicles clear of the highway in the interests of the free flow of traffic and condition of safety on the highway in accordance with Mole Valley Local Plan policy MOV5.

9. No floodlights or other forms of external lighting shall be installed on the building

Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties, in accordance with Mole Valley Local Plan policy ENV22 and policy CS14 of the Mole Valley Core Strategy.

10. No persons are employed at the premises.

Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties, in accordance with Mole Valley Local Plan policy ENV22 and policy CS14 of the Mole Valley Core Strategy.