

Application Reference: 19/00307/FUL

Address: Buffingham Kennels, Waterworks Lane, Glinton, Peterborough, PE6 7LP

Proposal: Proposed two-year temporary continuation of use of land and siting of mobile home in connection with, and use of, land, kennels and associated fencing as licenced establishment for breeding dogs

Financial Information

Members will recall that this application was deferred as financial information submitted in support of the application had not been formally considered by Officers within the Committee Report, which went to the heart of the matter of the first reason for refusal.

The business use to which this application relates granted a temporary and personal permission in 2017 to establish whether the business was financially viable. The submitted accounts cover years 2015-2019, where it demonstrates that the Applicant secured an average net profit of £7,151 per annum after expenses, which includes repairs, admin costs, fuel, legal, professional and bank costs.

In accordance with Policy LP11: Part D(m), it states that the nature of the business must relate to a full time worker, which Officers have set at a conservative 37 hour week.

On the basis of the information submitted, and that the Applicant works at least 37 hours per week, this equates to an hourly rate of £3.19 per hour. Were the Applicant to work a 20 hour week, this becomes £5.77 per hour, and a 16 hour week, an average of £7.21 per hour.

A useful comparison of minimum wages can be made by referring to the Gov.UK website, which sets out the minimum wage for Agricultural Workers, as well as the National Minimum Living Wage.

According to the 'Agricultural Minimum Wage' for 39 hours of work, a minimum hourly rate of £6.96 should be paid to a Grade 2 worker, i.e. someone who is 18 years or older.

Referring to the 'National Living Wage', as of April 2020, any person over the age of 25 years should be paid a minimum of £8.72 per hour.

As confirmed by the Gov.UK website, should the National Living Wage exceed the Agricultural Minimum Wage, the higher amount should be applicable.

Officers understand that the net profit allows the Applicant to continue his modest lifestyle. However, it is understood that the Applicant's wife is employed at a local care home, which may supplement their lifestyle.

Notwithstanding this however, it should be emphasised that this application is not about the specific Applicant's needs, it is a case of demonstrating that current and future owners could operate a financially sound business that has a functional need for a permanent dwelling in the open countryside.

Based on the financial information provided it would not be possible for the Applicant to pay himself a National Living Wage, let alone the Agricultural Minimum Wage, for a 37 hour working week. As such it has not been demonstrated that 'the unit and the ... activity concerned ... is currently financially sound with a clear prospect of remaining so...', therefore the application is in conflict with Policy LP11 of the Peterborough Local Plan (2019).

It should be highlighted that Policy LP11 states, 'after the three year temporary permission has expired, permission will only be granted for a permanent dwelling if the above criteria have been met. A further temporary period will not be permitted'.

Other Matters

The Agent has submitted additional information in support of the application;

- Within the Committee report, none of the statutory consultees have objected to the proposal.

Officer Response: Whilst there may be no objections from statutory consultees, this does not overrule or overcome principle planning issues, set out within the reasons for refusal below.

- The Parish Council state that they would not oppose a further temporary extension personal to the Applicant.

Officer Response: The Parish Council have advised they are opposed to the granting of a permanent consent. Were a further temporary consent permitted, this would be contrary to Policy LP11.

- There are Personal Circumstances of the Applicant which need to be considered.

Officer Response: These were considered as part of the original Committee Report.

- The Applicant has a love for dogs, and the site is not a 'puppy farm'. He is a licensed breeder with PCC for up to 12 litters per year.

Officer Response: Noted, however as set out above, and based on the financial information provided, it has not been demonstrated that the business is financially sound.

- Mr Greenhow and his wife have lived on the site since 2017 and during this time there have been no incidents or accidents on the road in the vicinity of the site. It is not a through road and is used by local traffic. The width of the road at the passing point is just over 7m and the layby can accommodate 3 or 4 vehicles. There is ample passing space even if a car is parked in the layby.

Officer Response: Whilst it is not a through road, it does serve several residential dwellings, farms and a dog kennelling business, as well as the Etton Treatment Works and District Office, and carries a range of vehicles including and up to heavy goods vehicles. It should also be highlighted that the layby is a passing place, and should not be used for the parking of vehicles.

- The pedestrian gate does not impact the wildlife corridor

Officer Response: Noted.

- Evidence submitted to Officers describes how the business operates; people interested in purchasing puppies are seen by appointment and arrangements are such that people do not arrive on site together. It is rare that there would be more than 2 or 3 appointments a day, with visits averaging less than 2 or 3 per week and mainly at weekends when the road is most lightly used. The low frequency of visits cannot

realistically be considered to have an adverse impact on residential amenity by virtue of traffic generation.

Officer Response: As set out within the original Committee Report, Officers did not list traffic generation as an adverse impact to neighbour amenity per se. Reason for refusal number 2, which is listed below, stipulates concerns of the coming and going of vehicles from the proposed satellite parking area adjacent to neighbouring residential properties and the associated issues of noise and disturbance, particularly in an area where these residents will benefit from high levels of privacy and amenity given their remote location. It should be emphasised that this satellite parking area was required to be provided to overcome an objection from National Grid.

- At the last planning committee meeting issues were raised concerning the use of a generator. The original caravan used a generator around 5 till 10 at night, however they haven't used that caravan residentially for nearly 18 months and now live in the new caravan which is powered by solar power. The applicant uses the generator for charging domestic hand power tools that he uses on site. The generator is small and is never running for more than a couple of hours. Its use could be restricted to limited hours daytime hours to be agreed with officers through a condition.

Officer Response: It should be highlighted that the second caravan, which is referred to above, does not have the benefit of planning permission, and requires planning permission in its own right. If the application were to be recommended for approval by Officers, a condition would be appropriate to control the use of generators on site.

- The Applicant has built up a business which provides him with a modest income and a lifestyle which suits his personal circumstances. He could not provide the necessary welfare for the dogs and the business could not operate without his onsite presence. He does not cause harm or have adverse impact on residential amenity of the highway network and as far as possible keeps himself very much to himself. He has a very good name in the dog breeding community and wants to continue on the site for the next 2 years. The Applicants hope that they are not penalised for adopting what is by most standards a very sustainable lifestyle and hope that you will lend your support this proposal.

Officer Response: For the reasons set out above and within the original Committee Report, this application is not about the specific Applicant's needs, it is a case of demonstrating that current and future owners could operate a financially sound business that has a functional need for a permanent dwelling in the open countryside. Officers do not contend that the use meets a functional need or the Applicant's reputation, however it has not been demonstrated that the business is financially sound, and the proposal is contrary to Policy LP11.

It should also be noted that the residential amenity of the 'highway network' is not a material planning consideration.

As such the information submitted does not overcome Officers previous recommendation, and the reasons for refusal remain unchanged;

- R 1 As a temporary planning permission has already been granted for the development, the residential caravan element must be considered as a permanent dwelling within the open countryside. Insufficient evidence has been provided to demonstrate that the enterprise has been planned on a sound financial basis; the need relates to a full-time worker; and the functional need cannot be fulfilled by an existing dwelling, or the conversion of an

existing building in the area, or any other existing accommodation in the area which is suitable and available by the worker concerned. As such, the proposal is unacceptable in principle and contrary to Policy LP11, Part D (m, n and o) of the Peterborough Local Plan (2019).

- R 2 Due to the proximity of the proposed satellite parking area to neighbouring dwellings and the associated coming and going of vehicles and persons in connection with the residential and business uses of the application site, unacceptably harmful levels of noise and disturbance to neighbouring residents would result. As such, the proposal would result in undue harm to neighbour amenity and is contrary to Policy LP17 of the Peterborough Local Plan (2019).

- R 3 In the event that the field between the proposed satellite car park and application site become impassable through flooding (being situated within Flood Zones 2 and 3), persons in connection with the residential and business uses of the application site would be forced to use Waterworks Lane, a road subject to the national speed limit with no dedicated footway and unlit. As such, the development proposed would not provide a safe route from the satellite car park to the application site, and is therefore contrary to Policies LP13 and LP17 of the Peterborough Local Plan (2019).