

Rother District Council

Report to - Planning Committee
Date - 15 April 2021
Report of the - Head of Strategy and Planning
Subject - Application RR/2020/1128/P
Address - The Granary Woodlands Farm
Netherfield Road
BATTLE
Proposal - Use of part of agricultural barn for a dog kennel business and external exercise areas.

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED** to **GRANT FULL PLANNING**

Head of Service: Tim Hickling

Applicant: Miss K. Snelling
Case Officer: Mr J. Laibach (Email:james.laibach@rother.gov.uk)
Parish: BATTLE
Ward Member(s): Councillors Mrs V. Cook and K.M. Field

Reason for Committee consideration: Member referral: Councillor K.M. Field:
To consider the impact on the neighbouring properties in this quiet part of the Area of Outstanding Natural Beauty (AONB).

Statutory 8 week date: 6 August 2020
Extension of time agreed to: 29 April 2021

This application is included in the Committee site inspection list.

1.0 SUMMARY

- 1.1 The application seeks permission for use of part of agricultural barn for a dog kennel business and external exercise areas.
- 1.2 The existing barn has a gross internal floorspace of 234.7sqm and it is proposed that 137.7sqm of the barn (the eastern side) would be converted to provide 16 Kennels, with a license for 25 dogs proposed which incorporates multiple dogs from the same households sharing. All kennels would be above the minimum requirement of 1.9m² with a 24/7 staff presence to be provided for the supervision of the dogs.

- 1.3 5 No. secure exercise paddocks with 2.4m high close board fencing around the perimeter are proposed to the rear of the barn some 15m to the north east and outside of a 15m buffer from the adjacent ancient woodland. The exercise paddocks would be accessed via a woodchip path running through a secure area that would be enclosed by 2.4m high green wire mesh fencing to the east of the exercise paddocks and 2.4m high close board fencing to the south of the paddocks. Dogs will not be outside all day and will be completely shut inside at night.
- 1.4 The view is taken that proposed business would bring economic benefits to the local rural economy, with the creation of new employment opportunities. The development would be modest in scale and would not adversely impact on the landscape and scenic beauty of the AONB. It has also been satisfactorily demonstrated that the living conditions of nearby neighbouring residential properties would not be adversely affected, with specific consideration given to the potential for disturbance from barking dogs. Finally, the development would not adversely impact on highway safety. The granting of planning permission is appropriate, and accordingly it is recommended that planning permission be granted.
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2.0 SITE

- 2.1 Woodlands Farm is a holding approximately 20 ha in size. The existing barn is to the north of a cluster of converted agricultural buildings. The barn is close to an existing building of a smaller size used as stables. The land is currently used for the grazing of rescue horses and the production of hay.
- 2.2 The proposal is surrounded by woodland to the north and west, with agricultural fields to the east and residential properties present to the south. The site is outside of any development boundary and is within the High Weald AONB.
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3.0 PROPOSAL

- 3.1 The application seeks permission for use of part of an agricultural barn for a dog kennel business and external exercise areas.
- 3.2 The existing barn has a gross internal floorspace of 234.7sqm and it is proposed that 137.7sqm of the barn (the eastern side) would be converted to provide 16 kennels, with a license for 20-25 dogs proposed which incorporates multiple dogs from the same households sharing. All kennels would be above the minimum requirement of 1.9m² with a 24/7 staff presence to be provided for the supervision of the dogs.
- 3.3 The footprint and external appearance of the barn would remain unchanged with the building finished with timber weatherboard and a metal profile sheet roof. The barn is to be insulated internally to provide soundproofing with each kennel unit being fully enclosed and insulated within the barn.
- 3.4 5 No. secure exercise paddocks with 2.4m high close board fencing around the perimeter are proposed to the rear of the barn some 15m to the north east and outside of a 15m buffer from the adjacent ancient woodland. The

exercise paddocks would be accessed via a woodchip path running through a secure area that would be enclosed by 2.4m high green wire mesh fencing to the east of the exercise paddocks and 2.4m high close board fencing to the south of the paddocks. Dogs will not be outside all day and will be completely shut inside at night.

- 3.5 The dogs would not have outside access in the form of a kennel run and as such the dogs would be required to be out of their kennel four times a day for a minimum of 20 minutes.
- 3.6 This outside time would be split into two methods, walks individually around the site and off lead time in the secure paddocks to the rear of the barn. If the kennels were at full capacity it will take approximately an hour 2-3 times a day to exercise 16 kennels in the paddocks, meaning the dogs would be actively outside for no more than three hours a day in the paddocks along with a one-to-one walk with a staff member.
- 3.7 A treatment plant is proposed to the north of the barn which would discharge into an existing pond, with dog waste to be disposed of using a local external company.
- 3.8 The dog kennel business would offer day care and overnight boarding with opening hours to be restricted to a morning and evening session to reduce traffic. It is anticipated by the Applicant that there should not be any more than four cars per day, but it may differ depending on the time of year such as Bank Holidays and Christmas.
- 3.9 A breakdown of the planned operation of a day at the kennel would be as follows:
- 08:00 – 10:00: Dogs can be dropped off or collected from the kennel by their owners. No dogs other than those being dropped off/collected are outside of the kennels.
 - 10:00-12:30: Dogs exercised, Maximum of five dogs outside at any one time. Using the paddocks to and then 20 minute walks. This is rotated until all dogs have had 20 minutes on each activity. Predicted to take a maximum of 2 hours 30 minutes with change overs.
 - 12:30 -14:30: All dogs inside the kennel.
 - 14:30-17:00: Dogs exercised for the second time, following the same methodology as the first.
 - 17:00:18:30: Dogs can be dropped or collected from the kennel by their owners. No dogs other than those being dropped off/collected are outside of the kennels.
 - 18:30-08:00: All dogs inside the kennel.
- 3.10 The existing vehicular access on to Netherfield Road would be utilised, with parking for customer vehicles provided in front of the barn on the existing hardstanding area.
- 3.11 During the application, acoustic assessments have been submitted and additional plans showing details of the exercise paddocks and the discharge of the treatment plant.

4.0 HISTORY (relevant)

- 4.1 RR/2017/43/FN Barn and track. Planning required.
- 4.2 RR/2017/442/P Proposed agricultural barn and access track.
Approved conditional.
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5.0 POLICIES

5.1 The following policies of the adopted [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:

- PC1: Presumption in favour of sustainable development
- OSS4: General development considerations
- RA2: General strategy for the countryside
- RA3: Development in the countryside
- CO6: Community safety
- EC4: Business activities elsewhere within the district
- EN1: Landscape stewardship
- EN3: Design quality
- TR3: Access and new development
- TR4: Car parking

5.2 The following policies of the [Development and Site Allocations Local Plan \(DaSA\)](#) are relevant to the proposal:

- DEN1: Maintaining landscape character
- DEN2: AONB
- DEN7: Environmental pollution

5.3 The following policies of the emerging Battle Civil Parish Neighbourhood Plan are relevant to the proposal. It should be noted that as the Neighbourhood Plan is in its early stages, varying degrees of weight can be given to these policies:

- HD1: Development Boundaries (some weight)
- HD4: Quality of Design (some weight)
- HD5: Protection of landscape character (little weight)
- EN2: Conservation of the natural environment, ecosystems and biodiversity (some weight)
- EN3: The High Weald AONB and Countryside Protection (little weight)
- ET1: Tourism and Local Economy (some weight)

5.4 The National Planning Policy Framework, Planning Practice Guidance (PPG) and the adopted High Weald AONB Management Plan 2019-2024 are also material considerations.

6.0 CONSULTATIONS

6.1 [Battle Town Council](#) – **OBJECTION**

6.1.1 Battle Town Council made the following comments in objections: *Council feel that this is an inappropriate use of the site in this residential location and should be refused. If minded to approve, the kennels should be soundproofed to guard against noise pollution.*

6.1.2 During the application, acoustic assessments were submitted and additional plans showing details of the exercise paddocks and the discharge of the treatment plant. Following these the Town Council made the following comments in objections:

Council remains of the view that this is an inappropriate use of the site in a residential location and should be refused.

6.2 Natural England – **NO COMMENTS TO MAKE ON THIS APPLICATION**

6.2.1 The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

6.3 Environmental Health – **NO OBJECTION SUBJECT TO CONDITIONS**

6.3.1 The Council's Environmental Health Service has reviewed the acoustic assessments and has commented that their concerns have been adequately addressed. They raise no objection to the proposal, subject to conditions.

6.4 Planning Notice

6.4.1 One comment of support has been received. The reasons are summarised as follows:

- Existing building not changed externally in any way, therefore no further impact on AONB.
- The building is substantially insulated which would have a significant impact on any noise being heard externally and by us as local residents.
- There is another small boarding kennels very close to the public road and other residential properties in the village and over the years of its existence I have never heard any commotion from the dogs or seen any environmental pollution impact from that property.
- The application is looking to employ two local people.
- It would be a facility that could be used by local residents who could walk their dog to the kennels for boarding etc, this is good exercise and environmentally friendly for everybody, as many local people have dogs.
- Must allow change over time, nothing stays the same, the building of Netherfield Way approximately 40 years ago destroyed old mature woodland which at the time had a lot of impact in an AONB, as will the ongoing necessary development in the area.
- Permission for a reduced number of dogs for a period of time could be an option and the way forward.

6.4.2 26 Comments in objections have been received. The reasons are summarised as follows:

- Day and night barking from up to 25 dogs.
- Flood lights: On and off throughout the day and night.

- Single lane 600-yard-long track/drive would suffer up to 50 vehicles per day all year long. This could effectively leave us land locked and would cause severe damage to our shared drive and the electric gates.
- The value of our property would be seriously reduced if the planning permission were granted.
- Security: Our property is half a mile from the main road (Netherfield Road) and we feel very ill at ease knowing that complete strangers would be permitted access to our private land via shared electric gate and drive gaining clear views of our property.
- Noise nuisance and subsequent reduction in the quality of life in this peaceful area of the High Weald AONB
- If approved would lead to further plans to keep more dogs with an accompanying increase in noise nuisance.
- If planning permission is granted for the change of use we are concerned it would be difficult to resist a further agricultural building to offset the loss of agricultural floor space and additional development on the site would erode rural characteristics of the locality.
- Generate additional traffic movements.
- There is already an existing issue in the surrounding fields and woods with dog owners not picking up their dogs' mess. It seems that this problem may be added too if many more dogs are being walked multiple times a day.
- The enclosed grass paddocks to the rear are not represented on the plans.
- Will increase the stress on the already stretched public water and drainage system.
- The application does not mention trade waste.
- The increase in traffic that would result from the proposed development is woefully underestimated.
- Hours of opening not specified.
- There is no justification given in the application for a change from agricultural to commercial use.
- The Applicant has gone no further on the advice of Natural England.
- The details concerning dog welfare in the proposal are inadequate.
- No mention is made as to drainage and how this water and waste is to be disposed of
- Noise/traffic outside of the site, such as Netherfield Way, Netherfield Court and the gypsum site, will cause the dogs to bark.
- What fencing and security will be provided, this is not shown on the application.

6.4.3 During the application, acoustic assessments were submitted and additional plans showing details of the exercise paddocks and the discharge of the treatment plant. Following these 32 additional comments of objection were received. The reasons for objection are summarised as follows:

- The noise caused by 25 dogs can only be seen as highly unnecessary pollution to the peace and quiet of the area.
- Larger pens perhaps for more than one dog.
- Pens close to houses and gardens.
- Potential further noise from water treatment installation.
- Increased noise and disturbance it will introduce in a quiet residential area that lies within the AONB.
- Serious limitations to sound the mitigation strategies.

- Subjectivity in evaluating the impact of dog barking.
- High proportion of outdoor barks will be noticeable.
- High number of potential barks.
- Drop of/collection barks not behind fencing.
- Total exercise time could actually be $25 \times 4 \times 20 / 5 = 400$ minutes (6hrs, 40 min).
- Kennels are critically dependent on the integrity of this sound proofing – no consideration of the likelihood of a breach of this sound-proofing – for example through open doors, or ventilation systems.
- At full capacity, there would be potentially noisy activity for $2 + 1.5 + 3.3 = 6.8$ hours a day (i.e. morning and afternoon drop-off and collection, and $25 \times 2 \times 20 / 5 = 200$ minutes of exercise in the paddocks).
- Dog barks from the kennels will trigger barking from local dogs in domestic settings.
- The paddocks are now closer to 'The Coach House'.
- Number of mitigations that are deemed necessary by Environmental Health make it clear that the proposed development is not appropriate for this location.
- AONB guidelines and the Rother District Council Core Strategy seek to protect rural locations from commercial development.
- DaSA does not identify this site for commercial development.
- Battle Neighbourhood Plan 2019-28 did not include commercial development here.
- Local services such as water are at times fragile. The extra demand will not help.
- The kennels need for daily outside exercise for each dog will have a huge impact on residential properties.
- Mitigations difficult to monitor.
- Concern about traffic on the single-track drive, on local roads and at junctions. Including the turn onto Netherfield Road, which is regularly used by local people walking to the school and shop.
- There have been continuous building works carried out to the agricultural building for which the change of business is being sort.
- Sound will escape from the open tops of the paddocks.
- If the dogs are exercised in the surrounding local area (including fields and woods), this would undoubtedly add to an already existing problem of dog fouling.
- Increased carbon footprint due to nature of development increasing traffic flow to area.
- The additional comings and goings of dogs, people and cars which are likely to stimulate noisy quacking from nearby ducks.

7.0 APPRAISAL

7.1 The main issues for consideration are:

- The principle of establishing a new business on the site.
- The impact on the character and appearance of the locality, including the landscape and scenic beauty of the AONB.
- The impact of the development on the living conditions of nearby residential properties.

7.2 Principle

- 7.2.1 Policy RA2 (iii) of the Core Strategy requires new development in the countryside to be strictly limited to that which supports local agriculture, economic or tourism needs and maintains or improves rural character. Policy EC4 (i) of the Core Strategy promotes business activities through the re-use and adaptation of suitable buildings in the countryside for employment in accordance with the Rural Area policies.
- 7.2.2 Paragraph 83 of the National Planning Policy Framework states that planning decisions should enable a) 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 84 goes on to say that for sites to meet local business and community needs in rural areas, they may have to be found adjacent or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it is 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.
- 7.2.3 The proposed business would be run by the Applicant who lives close to the existing barn. New local employment opportunities would also be created, thus supporting the economy, at the same time as providing a dog day care facility for locals who work and overnight boarding for longer stays. The policies set out above relating to the rural economy support the principle of the business development proposed in this countryside location, including the re-use and adaptation of suitable buildings in accordance with the Rural Area policies. These issues will be discussed in more detail below.

7.3 Character and appearance

- 7.3.1 Policy OSS4 (iii) of the Core Strategy requires development to respect on not detract from the character and appearance of the locality. Policy EN1 (i) requires the distinctive identified landscape character, ecological features and settlement pattern of the AONB to be protected, and wherever possible, enhanced. This is supported by Policy DEN2 of the DaSA which states that development should be small scale and in keeping with the landscape and settlement pattern.
- 7.3.2 The existing barn is within a holding approximately 20ha in size and located to the north of a cluster of converted agricultural buildings, with the barn in close proximity to an existing building of a smaller size used as stables.
- 7.3.3 The holding benefits from tall mature hedge and tree screening on most of the boundaries and there are trees present within the site. The barn is surrounded by woodland to the north and west, with agricultural fields to the east and residential properties present to the south. Netherfield Road and Netherfield Way are also to the south of the site with a number of residential properties along them. The surroundings are rural in character and typical of the AONB landscape.
- 7.3.4 The site is well screened from the road and reasonably well screened from the surrounding countryside. The siting of the proposed dog exercise paddocks would be to the rear of barn and close to other development

including the stable building to the south. There are no external changes proposed to the barn which is of a simple agricultural style design.

- 7.3.5 Given the location of the exercise paddocks at the rear of the barn and the lower ground level where they are sited, they would not be prominent in the wider landscape. The fencing would be quite well screened by the barn and existing vegetation and would relate reasonably well to other development nearby.
- 7.3.6 No details or mention of the requirement for external lighting has been submitted with the application. Dark night skies are a valued characteristic of the district's countryside and contribute in particular to the special landscape qualities and natural beauty of the High Weald AONB. To preserve the night sky a condition could be imposed to ensure that no floodlighting or other external means of illumination is installed without a further planning permission, in order to protect the character and appearance of the locality in the countryside and the dark night sky. Any lighting would need to adhere to lighting levels recommended by the Institute of Lighting Professionals for AONBs (E1) and should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.
- 7.3.7 Policies EN5 of the Core Strategy and DEN4(i) of the DaSA require developments to support or enhance the conservation of biodiversity, which is supported by paragraph 175 of the National Planning Policy Framework, which aims to ensure habitat and biodiversity principles are followed.
- 7.3.8 Amended plans were submitted to reposition the proposed exercise paddocks so that they are to be sited outside the 15m buffer zone from the ancient woodland (Counsellor's Wood) as defined by Natural England's current standing advice. The proposed exercise paddocks consist of fenced areas that would utilise the existing grassed areas and will not require surfacing or other construction other than installing the fencing, with the remaining trees and scrub not covered by the ancient semi natural designation unaffected by the fencing works.
- 7.3.9 As such the proposed works are unlikely to have an adverse effect on the trees closest to the proposal area or to the adjoining ancient woodland and are unlikely to have any significant impact on biodiversity given that the exercise paddocks would utilise the existing grassed areas and would not require surfacing or construction other than installing the fencing.
- 7.3.10 On balance, the proposed development is relatively modest in scale and would be seen in the context of an existing agricultural building and benefits from some vegetation screening. The development would not read as an encroachment into open countryside and would not be overly prominent in the wider landscape. For the reasons explained the proposed development would not adversely impact on the landscape and scenic beauty of the AONB.

7.4 Living conditions

- 7.4.1 Policy OSS4 (ii) of the Core Strategy requires all development to not unreasonably harm the amenities of adjoining properties. Policy DEN7 of the DaSA only permits development where it is demonstrated that there will be

no significant adverse impacts on health and local amenities as a result of noise (amongst other considerations).

- 7.4.2 Concerns over noise have been raised by local residents, with a focus on barking dogs. There appears to be an existing noise issue from barking dogs in the local area. The Applicant explained that there would always be a member of staff on site to supervise the dogs and thus there would be no prolonged periods of barking as any issues would be dealt with promptly.
- 7.4.3 With regard to noise mitigation measures the Applicant provided the following information:
- 7.4.4 *The barn has been built and insulated with sound proofing in mind. The walls are fully insulated, we have done this in accordance with the submitted drawing. The roof has also been fully insulated with 60mm celotex sandwiched between two metal panels. The front of the barn will have opening barn doors, it will also have a secondary internal screen panel which will have obscured double glazed glass with opening doors. The obscured glass will prevent dogs from seeing out fully to reduce excitement and barking. This will not be the main access door, we will use the side door as the main entrance for dogs.*
- 7.4.5 *Each kennel unit will be fully enclosed and insulated within the barn, the front of the kennel will have a glass door with obscured glass again to prevent dogs from seeing out. Dogs will not be outside all day and will be completely shut inside at night.*
- 7.4.6 *In accordance with licensing, dogs will be required to be out of their kennel four times a day for a minimum of 20 minutes, this is due to them not having outside access in the form of a kennel run, a decision we made to reduce noise impact on the surrounding area. Outside time will be split into two methods, walks individually around our land and off lead time in our secure paddocks to the rear of the barn. If the kennels are at full capacity it will take approximately an hour 2-3 times a day to exercise 16 kennels in the paddocks, meaning dogs will be actively outside for no more than three hours a day in the paddocks along with a one-to-one walk with a staff member.*
- 7.4.7 *Whenever the dogs are out of their kennels they will be supervised by fully trained staff, of which qualifications are held. As and when a dog appears to show excessive barking or noise levels they will be exercised one to one away from other dogs to reduce the environmental factors that cause them to become excited.*
- 7.4.8 *The exercise paddocks will be located to the rear of the building with a hedge on the east side to create a noise barrier. The paddocks will be formed of 900mm high close board fencing with wire mesh fencing above to prevent dogs seeing one another. The perimeter of the paddocks will be formed of 1800mm high close boarded fences with additional jump proof angle brackets to an overall height of 2400mm. This will stop the dogs from seeing across the field. Woodland surrounds the rear of this area.*
- 7.4.9 *We aim to create an environment similar to what dogs are used to at home, to ensure dogs are happy and contented in the environment which will reduce barking and noise in general. From personal experience working with dogs*

the past seven years in a kennel environment dogs bark for a reason. With both my qualifications and my future colleagues we are well equipped to deal with any behavioural problems that may arise and deal with them swiftly to prevent unnecessary noise disruption.

- 7.4.10 The additional information from the Applicant has been helpful to understand how the business will operate. However, given the objections, it was considered necessary for an assessment of potential noise from the development to be carried out.
- 7.4.11 Acoustic assessments for the application site and surrounding area were submitted during the application. The final report concludes that noise from the dogs inside the kennel would have no noticeable impact on the nearest noise sensitive receptors. When the dogs are in the paddocks, while the sound pressure levels are predicted to be below background sound levels, their presence will likely have a degree of impact on the external amenity spaces of the surrounding residential buildings. Given that the sound pressure levels are predicted to be below background sound levels, the noise-mitigation measures for the paddock areas are considered sufficient to further limit any potential impact to an acceptable level.
- 7.4.12 The Council's Environmental Health Service has reviewed the acoustic assessment and has commented that their concerns have been adequately addressed with the relocation of the paddocks and the recommendation of proportionate noise-mitigation for both the kennel and paddocks. They recommend conditions are imposed relating to the number of dogs in the kennels and external areas, as well as Kennel noise-mitigation and Paddock noise-mitigation.
- 7.4.13 In summary, the proposed use as a dog kennels with outside exercise paddocks would be constantly supervised by staff. Staff would be able to deal with any barking incidents swiftly. The submitted acoustic assessment advises that any noise from inside the kennel would have no noticeable impact while the sound pressure levels are predicted to be below background sound levels when the dogs are in the paddocks. The Council's Environmental Health department agree with the findings of the report and raise no objection to the proposal, subject to conditions. For the reasons explained, the proposed development should not adversely impact on the amenities of nearby neighbouring residential properties by reason of noise. It is also considered that the proposal would not adversely affect the living conditions of occupiers of nearby residential properties for any other reasons.

7.5 Other matters

- 7.5.1 Concerns have been raised regarding the increase in traffic that would result from the proposal. The Kennels would be served by an existing access and track that currently serves a number a residential properties and the Woodlands Farm holding. The existing access onto Netherfield Road has sufficient visibility to allow for the safe entry and exit of vehicles, with the additional vehicle movements likely to be generated by the proposal not considered to result in an intensification that would be detrimental to highway safety.

- 7.5.2 The Applicant has advised that there is no longer the requirement of a hay store due to a local farmer cutting and bailing a large proportion of the land taking the hay off site. Given this there is no need for any additional buildings nor the intention to add any in the future.
- 7.5.3 The maintenance of the private access track and electric gates would be the responsibility of the owners.
- 7.5.4 The potential loss in value of a property is not a material planning consideration.
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8.0 PLANNING BALANCE AND CONCLUSION

- 8.1 In summary, the proposed business would bring economic benefits to the local rural economy, with the creation of new employment opportunities. The development would be modest in scale and would not adversely impact on the landscape and scenic beauty of the AONB. It has also been satisfactorily demonstrated that the living conditions of nearby neighbouring residential properties would not be adversely affected, with specific consideration given to the potential for disturbance from barking dogs. Finally, the development would not adversely impact on highway safety.
- 8.2 For the reasons explained, the proposed development would comply with policies contained within the Core Strategy and DaSA, together with the various provisions set out in the National Planning Policy Framework and PPG. The application can therefore be supported subject to conditions.
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RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Location Block Plan; Drawing No. 6440 / LBP / F dated Jan 21
Proposed Site Plan; Drawing No. 6440 / 21 / 2 / A dated Feb 21
Proposed Kennels; Drawing No. 6440 / 1 / B dated Aug 20
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as described within the application, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To maintain the characteristics and the visual amenities of the surrounding area in accordance with Policies OSS4 (iii) of the Rother Local Plan Core Strategy (2014).

4. No floodlighting or other external means of illumination of the kennels or external exercise areas hereby permitted shall be provided, installed or operated at the site without a further planning permission.
Reason: To prevent light pollution in the interests of the amenities of adjoining residents and to protect the dark sky environment within the High Weald Area of Outstanding Natural Beauty in accordance with Policy OSS4 (ii) (iii), RA3 (v) and EN1 (i) (vii) of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 and DEN7 of the Rother Development and Site Allocations Local Plan.
5. No dogs shall be accepted/collected outside the hours of 08:00 to 10:00 and 17:00 to 18:30 hours.
Reason: To protect the amenities of the occupiers of nearby residential properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DEN7 of the Rother Development and Site Allocations Local Plan.
6. The dog kennel shall accommodate no more than of 25 dogs at any one time.
Reason: To protect the amenities of the occupiers of nearby residential properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DEN7 of the Rother Development and Site Allocations Local Plan.
7. There shall be no more than one dog in each of the 16 kennels unless dogs are from the same household.
Reason: To protect the amenities of the occupiers of nearby residential properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DEN7 of the Rother Development and Site Allocations Local Plan.
8. A maximum of five dogs shall be permitted in external areas for exercise at any one time.
Reason: To protect the amenities of the occupiers of nearby residential properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DEN7 of the Rother Development and Site Allocations Local Plan.
9. Prior to the kennels hereby approved being brought into use they shall achieve an equivalent or better attenuation standard than detailed in the below table, details of which shall be submitted to and approved in writing by the Local Planning Authority. To achieve this standard the works listed below should also be undertaken and where such standards cannot be achieved additional details of noise mitigation shall be submitted. The kennel noise-mitigation shall thereafter be maintained in accordance with the approved details for the life of the approved development and shall not be altered without the prior written approval of the Local Planning Authority.

Frequency	63	125	250	500	1kHz	2kHz	4kHz
walls	30	38	56	69	69	68	77
roof	11	11	25	39	39	41	46
Glazing	16	20	21	29	40	40	40

- The kennel roof will be constructed of two corrugated metal panels with 60mm of Celotex in between.

- The main barn door will also be internally double glazed to further reduce sound.
 - The kennel wall will be constructed as detailed on drawing no. 6440 / 1 / B. Reason: To protect the amenities of the occupiers of nearby residential properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DEN7 of the Rother Development and Site Allocations Local Plan.
10. While the dogs are in the paddocks an accredited staff member trained in methods of engaging with the animals in order to reduce barking will be present at all times.
Reason: To protect the amenities of the occupiers of nearby residential properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DEN7 of the Rother Development and Site Allocations Local Plan.
11. Before the proposed paddocks are brought into use, partitions will be installed internally as detailed on Drawing No. 6440 / 21 / 2 / A to prevent the dogs from seeing each other to reduce barking.
Reason: To protect the amenities of the occupiers of nearby residential properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DEN7 of the Rother Development and Site Allocations Local Plan.
12. Prior to the paddocks hereby approved being brought into use details of paddock noise mitigation shall be submitted to and approved in writing by the Local Planning Authority. Details shall include paddock fencing constructed to be at least to be 2.4m high and meets the following criteria for at specific one-third octave bands. The paddock noise-mitigation shall thereafter be maintained in accordance with the approved details for the life of the approved development and shall not be altered without the prior written approval of the Local Planning Authority.

1/3rd Octave Band (Hz)	Minimum Sound Absorption Coefficient	Minimum Sound Reduction Index
100	0.5	18
125	0.5	18
160	0.7	18
200	0.8	22
250	0.8	22
315	0.9	22
400	0.9	24
500	0.9	27

Thickness and density of panels and cover strips used in timber barriers in order to achieve the standards and criteria specified above, it is likely that the timber elements of the proposed barrier will need to be constructed as follows:

Spruce

Abutting panels not less than 30mm thick, with joints sealed by cover strips not less than 30mm thick, and the strip extending not less than 25 % over adjacent panels.

Tongued and grooved panels to be not less than 35mm.

Douglas Fir

Abutting panels not less than 22mm thick, with joints sealed by cover strips not less than 22mm thick, and the strip extending not less than 25 % over adjacent. Reason: to protect the amenities of the occupiers of nearby residential properties in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DEN7 of the Rother Development and Site Allocations Local Plan.

NOTES:

1. The Applicant should note the granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Service.
2. The Applicant is reminded of the need to submit a further planning application for any floodlighting or any other external lights shall that may be required to serve the kennels and external exercise areas.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.