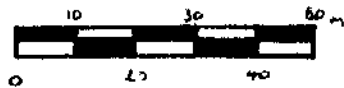


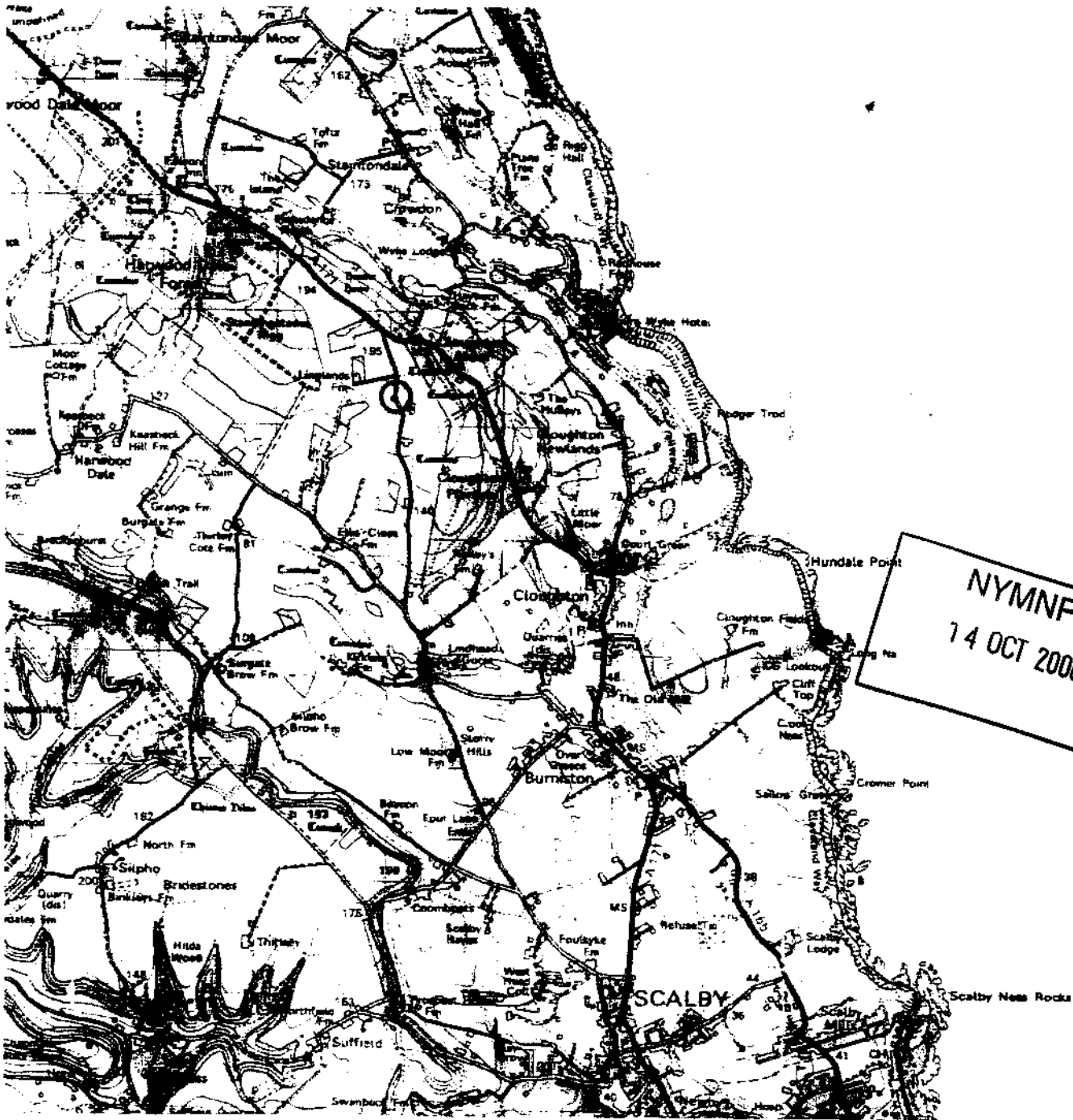
Linglands Cottage, Gowlands Lane, Cloughton -Block plan

Scale 1:1250

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Simon Ward BSc, Dip TP, MRTPI, MRICS, MEWI
 . 3 Coldyhill Lane, Scarborough, YO12 6SF



Linglands Cottage, Gowlands Lane, Cloughton
Site Location plan

Scale 1:50,000

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NYM 2008 / 0761 / FL
Grnd ref SE99009, 96242
North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

NYMNPA
14 OCT 2008
08/761
PTI

Telephone: 01439 770657
Email: dc@northyorkmoors-npa.gov.uk
Website: www.moors.uk.net

Application for removal or variation of a condition following grant of planning permission. Town and Country Planning Act 1990. Planning (Listed Buildings and Conservation Areas) Act 1990

Publication of planning applications on council web sites
Please note that with the exception of applicant contact details and Certificates of Ownership, the information provided on this application form and in supporting documents may be published on the council's website.
If any other information that is provided as part of the application which falls within the definition of personal data under the Data Protection Act and is not to be published on the council's website, please contact the council's planning department.

1. Applicant Name, Address and Contact Details

Title: First name: Surname:

Company name:

Street address:

Town/City:
County:
Country:

Postcode:

Telephone number:

Country Code	National Number	Extension Number
<input type="text"/>	<input type="text"/>	<input type="text"/>

Mobile number:

<input type="text"/>	<input type="text"/>	<input type="text"/>
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Fax number:

<input type="text"/>	<input type="text"/>	<input type="text"/>
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Email address:

Are you an agent acting on behalf of the applicant? Yes No

2. Agent Name, Address and Contact Details

Title: First Name: Surname:

Company name:

Street address:

Town/City:
County:
Country:

Postcode:

Telephone number:

Country Code	National Number	Extension Number
<input type="text"/>	<input type="text"/>	<input type="text"/>

Mobile number:

<input type="text"/>	<input type="text"/>	<input type="text"/>
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Fax number:

<input type="text"/>	<input type="text"/>	<input type="text"/>
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Email address:

3. Site Address Details

Full postal address of the site (including full postcode where available)

Description:

House: 0 Suffix:

House name:

Street address:

Town/City:

County:

Postcode:

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Description of location or a grid reference (must be completed if postcode is not known):

Easting:

Northing:

4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? Yes No

5. Description of Proposal

Please provide a description of the approved development as shown on the decision letter:

Application reference number: Date of decision:

Please state the condition number(s) to which this application relates:

Condition number(s):

Has the development already started? Yes No If Yes, please state when the development was started:

Has the development been completed? Yes No If Yes, please state when the development was completed:

6. Condition(s) - Removal

Please state why you wish the condition(s) to be removed or changed:

If you wish the existing condition to be changed, please state how you wish the condition to be varied:

7. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? Yes No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

The agent The applicant Other person

8. Certificates (Agricultural Holdings Certificate)

Agricultural Holding Certificate
Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7

Agricultural Land Declaration - You Must Select Either A or B

(A) None of the land to which the application relates is, or is part of an agricultural holding.

(B) I have/The applicant has given the requisite notice to every person other than myself/the applicant who, on the day 21 days before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below:

8. Certificates (Agricultural Holdings Certificate - continued)

Title: First Name: Surname:
Person role: Declaration date: Declaration Made

9. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information.

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Date

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Planning Statement**Linglands Cottage, Gowlands Lane, Cloughton, Scarborough****1. History**

- 1.1 Linglands Cottage comprises of a detached cottage with a series of outbuildings and associated land. The outbuildings are used as boarding kennels. In May 2000 planning consent (reference NYM4/024/0072N/PA) was granted for the creation of 7 kennels. These were duly constructed. Subsequently, in 2007 a further planning consent (reference NYM/2007/0765/CU) allowed for the conversion of 2 former stable blocks to provide a further 12 kennels. Condition 3 of the 2007 planning consent, however, restricted the number of dogs to be housed in both the new and existing kennels to 12. The reason for the restriction is to comply with policy PG3 of the North York Moors National Park plan, which aims to protect amenity and the special character of the National Park.
- 1.2 The existing 19 kennels include 3 doubles (normally kept for single occupancy by very large dogs), 6 other kennels that are not doubles, but are large enough to cater for 2 small dogs or a single large dog, and 10 other kennels that are single dog units. If all kennels were full this would bring the capacity to a maximum of 25 and a minimum of 19.

2. The Proposal

- 2.1 The proposal is to alter condition 3 to enable the number of dogs housed in the kennels to be increased from 12 to 20.

3. Justification

- 3.1 At the current time demand for boarding kennels is consistently at a higher level than the number indicated by the planning consent. 50% of the dogs catered for are small. The kennels also cater for homeless dogs where the need for such accommodation is increasing.
- 3.2 The number of permitted kennels on site is well above the number of dogs allowed to be housed under the condition. The imposition of the condition could be seen as being 'unreasonable', as described in Circular 11/95, para 35. The property already had planning consent for 7 kennels. It is reasonable to assume that these kennels would cater for at least 7 dogs. No restriction on the number of dogs housed in these kennels was set out in that consent. The 2007 permission granted a further 12 kennels, but the effect of condition 3 was to indicate that only a further 5 dogs, at the most, could occupy the 12 kennels. It is our contention therefore that the condition, as currently worded, effectively nullifies the benefit of the permission, and as such, could be deemed ultra vires.
- 3.3 Each kennel comprises of an enclosed kennel with a covered exercise area immediately outside. The original 7 kennels are built of stone and block walls under a timber framed shallow pitched roof with felt under a pantile cover. The exercise area is formed from concrete block or metal mesh fence walls under a timber framed Perspex sheet roof. The new kennels are of timber framed construction with a felted timber frame roof. The walls, door

and roof of the kennel section have insulation installed by the kennel manufacturers behind the galvanised steel lining. The exercise area has open mesh wire walls and doors. The area is covered by the roof structure which has 225 mm of quilt insulation compressed into a space of 75 mm.

- 3.4 The aspect of the original kennel block and of the northern stable block are to the south. Only the western stable block has an aspect towards the nearest residential unit, Rockwood Farm, some 180 metres away to the east. The main aspect of Rockwood Farm, however, is north and south thus the elevations facing kennels are secondary and only contains 4 relatively small windows.
- 3.5 Pre-application discussions have taken place with Mr S Pogson of Environmental Health with regard to the maximum number of dogs that the kennels could cater for under the licensing regime. He indicated a figure of between 18 to 20 dogs. Pre-application discussions have also been held with Mr G Middleton of the Environmental Health with regard to potential noise problems. According to their records there have been no records of complaint of noise from the subject property.
- 3.6 It is argued that the use of boarding kennels in the National Park is already established with the existing planning consents. On this basis, the use of the land for boarding kennels is not detrimental to the overall character of the National Park. The proposed variation of condition will not require any new kennels to be created. It will not result in any external alterations to the current buildings and site, nor the layout of the site. The proposed variation will also bring the restrictions imposed by the condition in line with the anticipated benefits of the planning permission. If the application is successful the applicant intends to carry out an internal refurbishment of the original kennel block, including installation of sound insulation in the roof and the provision of soundproof doors to the kennel section.
- 3.7 Whilst the increase of numbers of dogs being housed in the kennels will result in more traffic visits to and from the premises, the nature of the business is that this will not involve a significant increase in traffic levels. The existing site has more than adequate parking and turning area on site to accommodate the extra traffic movements without requiring any alteration to the access or existing hard standing.
- 4. Other**
- 4.1 In accordance with the recommendations of the validation requirements of planning and other applications submitted under the Town and Country Planning Acts as prepared by the partnership of North Yorkshire Planning Authorities, no other associated information requirements are necessary for this type of application.

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14 OCT 2008