

## **ENFORCEMENT REPORT**

UNAUTHORISED USE OF A RESIDENTIAL PROPERTY AS A BASE  
FOR A DOG BOARDING/DOG CRECHE BUSINESS.  
5 CLIFFE FARM DRIVE, SHEFFIELD

### **1. PURPOSE OF THE REPORT**

The purpose of this report is to inform committee Members of a breach of planning control and to make a recommendation for any further action required

### **2. LOCATION**

- 2.1 The site is a detached house on a small residential cul-de-sac in the Greystones area of Sheffield. Bingham Park lies immediately to the rear of the property.
- 2.2 The site falls within a Housing Area under the provisions of the adopted Unitary Development Plan

### **3. BACKGROUND**

- 3.1 Planning Enforcement received complaints from a number of sources, in April 2012 with regard to the use of 5 Cliffe Farm Drive as the base for a dog boarding business. These complaints also mentioned that the owner of the property was operating a dog crèche and dog walking business from the property (see section 5.0 - Representations).
- 3.2 It was clear on receipt of these concerns that the animal warden service needed to be involved and as such regular joint site visits have been made throughout this investigation.
- 3.2 The premises were visited by a planning officer and enforcement officer to see what activity was actually taking place at the premises. The owner was advised at this initial meeting that the use of residential premises for this kind of business would be unacceptable and that any application should it be made would not be supported.
- 3.3 It was shortly after this initial meeting that the owner of the business advised officers that he was looking for alternative premises and that he would try and move the business away from his home.

- 3.3 In October 2012 the owner applied to change the use of a disused industrial building on Little London Road in the south area of Sheffield. This application was to convert the building into a dog day care centre where people can have their dogs looked after during the working day. Alongside this there is also a boarding element which would allow for dogs to be kennelled for overnight stays.
- 3.4 After lengthy discussions and a number of amendments the application was granted permission conditionally on the 7<sup>th</sup> December 2012 (Ref:12/03252/CHU). Work commenced on site quite quickly after this, however the owner has encountered some difficulties in obtaining the appropriate license for the premises.
- 3.5 Further complaints were received about the number of dogs at the premises in Cliffe Farm Drive and a Temporary Stop Notice was served in January 2013 in an attempt to limit the number of dogs at the premises to 3. This is the number that officers consider not to be unduly excessive for a normal family household to own, and at a level that could be undertaken without the need for planning permission.
- 3.6 The Temporary Stop Notice was served on 4<sup>th</sup> January 2013 and lasted for 28 days. When the premises were visited during this time, excessive numbers of dogs were not witnessed and no reports were received. It is therefore considered that at this stage the notice was being complied with. In addition to Planning Enforcement action the number of dogs the owner was permitted to house through his licence issued by Licensing was reduced to 3 dogs, from the 6 that had previously been the case.
- 3.7 More recently however reports have been received that more than 3 dogs were being looked after at the premises and when a joint visit with the Animal Warden took place it was found that there were at least 6 dogs in the property. There was no response from officer's attempts to gain access to the property, in order to verify this for certain.

#### 4. ASSESSMENT

- 4.1 The site in question is located within a Housing Area under the provisions of the Adopted Unitary Development Plan. As such any changes of use at the address are required to meet the relevant requirement of Policy H14, which states that non-housing uses shall not lead to such as noise, smell, excessive traffic levels or other nuisances to people living nearby.
- 4.2 The use of the house for the boarding of more than 3 dogs at any one time leads to the generation of some of the above impacts, thereby leading to harmful impacts upon the amenities of neighbouring occupiers. As described the premises are located along an existing cul-de-sac. This means that all dog-owners dropping off/collecting their pets by car would leave their vehicle near to Num.5 and either turn around at that point, in neighbouring drives or at the turning head a

little further along. It is inevitable that many of the owners would do this within the peak hours to co-ordinate with their own work arrangements. It is considered that on a repeated basis this would be likely to have detrimental impacts on the amenities of neighbouring occupiers, due to the noise and disturbance impacts involved.

- 4.3 In addition, the dogs themselves would inevitably bark and create noise. When the dogs are within the house the immediate neighbours would be the most susceptible to these impacts. However, when the dogs are allowed in the rear garden space this noise would be likely to affect other neighbours as well. Whilst many residents experience the sound of dogs barking in neighbouring properties, the level of noise, disturbance and general nuisance that results from in the order of 6 dogs at any one time is unreasonable, and is considered unacceptable for a residential location.
- 4.4 Overall, the unauthorised activity is considered to have a detrimental impact upon the amenities of neighbouring occupiers and to fail to comply with the relevant requirements of UDP policy H14.

## 5. REPRESENTATIONS

- 5.1 Complaints were received from local residents on Cliffe Farm Drive, and on Greystones Road concerned with a business being run from residential premises and its impact on neighbours, particularly with regard to noise and disturbance, from up to 18 dogs being housed or cared for at any one time, through both day and night. They also raise safety concerns as on a number of occasions dogs have escaped from the property and entered neighbouring gardens.
- 5.2 Further comments within the complaints refer to the distress and tension this causes for residents, and the reduction in property values and/or increase in the number of neighbouring properties for sale that has occurred as a result.

## 6. ENFORCEMENT OPTIONS

- 6.1 Section 172 of the Town and Country Planning Act provides for the service of an Enforcement Notice. In this case such a notice would require the cessation of the use of the residential premises as the base for a dog boarding/dog crèche business for more than 3 dogs at any one time. The notice would take effect 28 days after being served, and would give a period for compliance thereafter.
- 6.2 Section 183 of the Town and Country Planning Act 1990, enables the service of a Stop Notice with the service of an Enforcement Notice. A Stop Notice, (SN), prohibits the carrying out of a relevant activity on the enforcement notice land. Stop Notices are used for the more serious breaches of planning control with significantly harmful effects that justifies an immediate cessation of the relevant activity.

- 6.3 In this case, the early stages of enforcement activity including the service of a Temporary Stop Notice have resulted in a marked reduction in the number of dogs being housed at the property, such that typically the number is in the order of 6 or 7 dogs. Whilst this is at a level which is considered unacceptable in the longer term, it is a considerable improvement over the previous situation and is not considered to be at a level that would currently justify a Stop Notice. In addition the owner is making a genuine attempt to resolve the situation, whilst maintaining his business, and has obtained planning permission for alternative premises in Little London Road that is in the process of being implemented, subject to Licensing matters being resolved.
- 6.4 In this context therefore it is considered that an Enforcement Notice is the most appropriate form of action to take, and would provide some assurance to local residents that the use will be constrained to a reasonable level (max 3 dogs) in the longer term, whilst allowing the business owner an opportunity to resolve outstanding license issues at the alternative premises before complying with the notice.

## 7 EQUAL OPPORTUNITIES

- 7.1 There are no equal opportunity implications arising from the recommendations in this report.

## 8 FINANCIAL IMPLICATIONS

- 8.1 There are no financial implications arising from the recommendations in this report.

## 9 RECOMMENDATION

- 9.1 That the Director of Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal proceedings to secure the cessation of the use of 5 Cliffe Farm Drive as a base for a Dog Boarding/Dog crèche business for more than 3 dogs at any one time.
- 9.2 The Head of Planning is designated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

The Site  
5 Cliffe Farm Drive



David Caulfield  
Head of Planning

7 February 2013

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